

MAINE STATE LEGISLATURE

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FORTY-NINTH LEGISLATURE.

HOUSE.

No. 71.

STATE OF MAINE.

IN THE YEAR OF OUR LORD ONE THOUSAND EIGHT HUNDRED AND SEVENTY.

AN ACT additional to chapter forty-eight of the revised statutes, concerning manufactures.

Be it enacted by the Senate and House of Representatives in Legislature assembled, as follows :

SECTION 1. When any person or corporation owns
2 the water power of any river or stream and the land
3 on one bank and not on the other, and wishes to build
4 a dam to raise a head of water to operate machinery
5 for manufacturing purposes, and cannot agree with the
6 owner of the other bank, so much of said bank as is
7 necessary for abutting said dam may be taken as for
8 public uses; and when any person or corporation owns
9 a water power, and in order to make it available for
10 manufacturing purposes, it is necessary to cut canals
11 and sluices through the land of others, so much of

12 such land as is necessary for that purpose, may be
13 taken as for public uses; but meeting houses, dwelling
14 houses, or public or private burying grounds shall not
15 be taken for abutting dams or cutting canals or sluices
16 without the consent of the owner.

SECT. 2. If the parties do not agree as to the neces-
2 sity or extent of the land to be taken for the purposes
3 aforesaid, the party desiring to take the same may
4 make written application to the county commissioners,
5 describing the estate, and naming the persons inter-
6 ested; the commissioners shall thereupon appoint a
7 time for the hearing near the premises, require notice
8 to be given to the persons interested as they direct,
9 fourteen days at least before said time; and shall then
10 view the premises, hear the parties and determine
11 how much, if any, of such real estate is necessary for
12 such purposes. If they find that any of it is so neces-
13 sary, they shall furnish such party with a certificate
14 containing a definite description thereof; and when it
15 is filed with the clerk of the court in the county where
16 the land lies, it shall be deemed and treated as taken.

SECT. 3. The taking of lands, as provided in the
2 preceding sections, shall be subject to the proceedings,
3 restrictions and remedies for the estimation, payment
4 and recovery of damages therefor provided in case of
5 lands taken for railroads.

STATE OF MAINE.

IN HOUSE OF REPRESENTATIVES, }
February 24, 1870. }

Reported from the Committee on Manufactures, by Mr. COUSINS
of Kennebunkport, and printed under the rules.

S. J. CHADBOURNE, *Clerk.*