

MAINE STATE LEGISLATURE

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SIXTIETH LEGISLATURE.

SENATE.

No. 98.

STATE OF MAINE.

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

AN ACT to amend section nine of chapter ninety-two
of the revised statutes, relating to damage for flow-
age.

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

SECTION 1. Section nine of chapter ninety-two
2 of the revised statutes is hereby amended by adding
3 at the end thereof the following words:
4 And said commissioners shall also ascertain, deter-
5 mine and report what sum in gross would be a just
6 and reasonable compensation for all the damages,
7 if any, occasioned by the use of such dam, and for
8 the right of maintaining and using the same for-
9 ever, estimated according to the height of the dam
10 and flash boards as then existing; and if within
11 ten days after said report is presented to the court,
12 the owners of said dam or mills shall elect
13 to pay the damages in gross, the court, where

14 the judgment is entered, shall fix the time in
15 which said damages shall be paid, and if not
16 paid within that time the owners of the dam or
17 mills shall lose all benefit of their election, and the
18 annual damages shall stand as the judgment of
19 the court, and except as herein provided, all pro-
20 ceedings shall be in conformity with the other
21 provisions of said chapter.

SECT. 2. If the damages in gross are paid
2 within the time fixed, the judgment shall be a
3 bar to any further complaint so long as the dam
4 and flash-boards remain at the same height, but if
5 thereafterwards either is raised, a new complaint
6 may be made by the owner of the lands flowed for
7 any additional damages caused thereby, and the
8 proceedings in said new complaint shall be as
9 hereinbefore prescribed.

SECT. 3. In any case where annual damages
2 have been determined by a judgment of the court,
3 the owners of the dam or mills may apply to the
4 court by a new complaint to have the damages
5 assessed in gross, and commissioners may be
6 appointed as in other cases, and ascertain, deter-
7 mine and report the damages in gross, and like
8 proceedings shall then be had as are provided in
9 sections one and two of this act.

STATE OF MAINE.

In SENATE, March 11, 1881.

Reported by Mr. MORTLAND, from the Committee on the
Judiciary, laid on the table to be printed under the Joint Rules.

C. W. TILDEN, *Secretary*.