

MAINE STATE LEGISLATURE

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SIXTY-FIRST LEGISLATURE.

HOUSE.

No. 79.

STATE OF MAINE.

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

AN ACT to amend and make valid the charter of the
Bodwell Water Power Company and for other
purposes.

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

SECTION 1. Said corporation is hereby authorized
2 to increase its capital stock not to exceed in the
3 whole the sum of one million dollars, to be divided
4 into shares of one hundred dollars each.

SECT. 2. Said corporation is hereby authorized
2 to cut a canal from some point flowed by the
3 Penobscot river, in the low state of water thereof,
4 north of the location of the Bangor, Oldtown and
5 Milford railroad bridge, thence southerly along the
6 easterly part of Marsh island in Oldtown to the

7 southerly line of said town, thence to Penobscot
8 river; also a canal from some point flowed by
9 the Penobscot river, in the low state of water
10 thereof, at or near Johnson's island, thence south-
11 erly along the east bank of Penobscot river in
12 Milford to the southerly line of said town, thence
13 to Penobscot river; and by said canals to create a
14 water power to use or sell or lease to other persons
15 or corporations to use for manufacturing purposes,
16 and for the purposes of constructing said canals
17 may take, occupy and enclose any of the lands
18 adjoining such canals which may be necessary for
19 building or repairing the same and other necessary
20 purposes on each side thereof, and may blow up
21 and remove any rocks in said river, and dig any
22 of the land near to said river through which it
23 may be necessary to pass said canals.

SECT. 3. Any person who shall be damaged in
2 his property by said corporation in cutting or
3 making said canals through his lands, or by flowing
4 the same, or in any other way in carrying into
5 effect the powers hereby granted, unless said
6 corporation shall within thirty days after request
7 in writing pay or tender to said person reasonable
8 satisfaction therefor, shall have the same reme-

9 dies as are provided by law in case of damages by
10 railroad corporations in the fifty-first chapter of
11 the revised statutes.

SECT. 4. Said corporation is hereby authorized
2 and empowered to take and use any way or high-
3 way in said Oldtown and Milford for the purpose
4 of constructing and maintaining said canals, *pro-*
5 *vided*, that the inhabitants of said towns shall so
6 vote at any legal town meeting.

SECT. 5. If there shall be occasion in the prose-
2 cution of the powers and purposes aforesaid to
3 make a canal across any public highway or way,
4 or if highways or ways shall hereafter be laid out
5 across said canals, it shall be the duty of said
6 corporation to make sufficient bridges across said
7 canals and to keep them in good repair.

SECT. 6. Said corporation is authorized and
2 empowered to take water from Penobscot river
3 sufficient for domestic, sanitary and municipal
4 purposes in said Oldtown and Milford, including
5 a sufficient quantity for extinguishing fires and
6 the supply of hotels, livery stables and laundries
7 within said towns.

SECT. 7. Said corporation is authorized for the
2 purpose aforesaid to take and convey through said

3 towns and to all parts thereof the water of Penob-
4 scot river, by an aqueduct or pipe sunk to any depth
5 desirable for the purpose; and may also take and
6 hold by purchase or otherwise any land necessary
7 for laying and maintaining pipes, aqueducts, locks,
8 gates, dams, hydrants and reservoirs for taking,
9 conducting, holding, discharging and distributing
10 water; also to dig up and excavate any highway
11 and fill the same under the direction of the munic-
12 ipal officers of the town wherein such highway
13 may be located.

SECT. 8. Whoever shall in any way wilfully
2 pollute the water of said river within the limits of
3 the towns of Oldtown or Milford, whether frozen
4 or not, after said corporation shall have commenced
5 taking the same, and whoever shall wilfully injure
6 any of the works of said corporation shall be
7 punished by imprisonment not over two years, or
8 by fine not exceeding one thousand dollars, and
9 shall be liable for an action for damages.

SECT. 9. All damages sustained by any persons
2 in their property by taking any land for pipes,
3 aqueducts, locks or other structures shall be deter-
4 mined and assessed in the manner provided in
5 section three of this act.

SECT. 10. Said corporation is authorized and
2 empowered to manufacture in said Oldtown and
3 Milford, steam for heating, sufficient for domestic
4 purposes in said towns, including a sufficient quan-
5 tity for the supply of hotels, shops, stores, factor-
6 ies, stables, laundries, public buildings, within said
7 towns, and may purchase and hold real and per-
8 sonal estate necessary for the purposes of carrying
9 out the provisions of this section, and may tax
10 parties such reasonable sums for steam supplied
11 by it as it may deem proper.

SECT. 11. Said corporation is hereby authorized
2 to lay down and through the public streets and
3 highways of said towns, and to take up, replace
4 and repair all such pipes and fixtures as may be
5 necessary for the objects herein set forth, the con-
6 sent of the municipal officers of said town in which
7 the same are so laid having been first obtained,
8 and under such regulations as they may prescribe,
9 and shall be liable to pay all damages that shall be
10 sustained by any person or corporation in their
11 property by the taking of any land or by excavat-
12 ing through any land for the purpose of laying
13 down and repairing its pipes and fixtures; and if
14 any person or corporation sustaining damages as

15 aforesaid shall not agree with this company in the
16 adjustment thereof, such damages shall be deter-
17 mined and assessed in the manner provided in
18 section three of this act.

SECT. 12. Said corporation is hereby authorized
2 and empowered to level up the falls on Penobscot
3 river, between Oldtown and Milford, to the highest
4 point of Johnson's rock in said falls, *provided*, that
5 a sluice shall be constructed and maintained through
6 said falls, at some place between Oldtown and Mil-
7 ford to the satisfaction of the county commissioners
8 of Penobscot county, and of sufficient capacity and
9 size to accommodate the running of logs and rafts
10 over said falls by the public, which sluice shall be
11 in lieu of the one existing at the east end of said
12 falls, and when said sluice is completed as required
13 by the terms of this act, it shall be taken and
14 deemed to be a preservation of the navigation of
15 said river for the passage of logs, rafts and other
16 lumber, and thereupon said corporation shall be
17 released from any obligation to maintain any other
18 sluice or passage for such logs, rafts or lumber
19 through any dam now or hereafter erected. And
20 said corporation shall also have the right to con-
21 struct and maintain a dam across the Stillwater

22 branch of Penobscot river, between the head of
23 the island below Pushaw bridge and the southerly
24 end of Orono island, of a sufficient height to hold
25 the reserve of water caused by the levelling up of
26 the falls authorized in this act, and to prevent said
27 reserve or excess from flowing down said Still-
28 water branch, but said dam shall not be constructed
29 any higher than sufficient to hold said reserve, nor
30 in any manner or degree to interfere with or pre-
31 vent the natural flow of water down said Stillwater
32 branch of Penobscot river, *provided*, said corpor-
33 ation shall construct a sluice-way in said dam on
34 said Stillwater branch for the passage of logs and
35 lumber; *also provided*, that said corporation shall
36 before constructing said dam ascertain under the
37 supervision and direction of some eminent hydraul-
38 ic engineer, to be appointed by the supreme judic-
39 ial court for Penobscot county, the exact amount
40 of water passing down said Stillwater branch from
41 the main Penobscot river at different stages of
42 water during summer drouth, while both Oldtown
43 falls and said Stillwater branch are in their natural
44 flow and condition, and if the dam and sluice so
45 constructed do not accomplish the purpose of this
46 act, then any justice of said court, on the applica-

47 tion of either party, and a hearing of the parties
 48 interested, shall regulate the height of said dam
 49 and the location and dimensions of said sluice, and
 50 his decision shall be final, with power to award and
 51 apportion the costs and expenses of said hearing
 52 in such a manner as he may determine; *also pro-*
 53 *vided*, that nothing contained in this section shall
 54 authorize said corporation to draw water from the
 55 main river through the canals or mills hereby au-
 56 thorized, to such an extent as to hinder or delay
 57 the driving or sluicing of logs or lumber at all
 58 reasonable times by the Oldtown falls, and, *pro-*
 59 *vided further*, that all damages sustained by any
 60 person by reason of said dam on said Stillwater
 61 branch, may be determined by said justice of said
 62 court upon reasonable notice and hearing of the
 63 parties in such summary manner as he may provide
 64 and with or without costs at his discretion.

SECT. 13. The proceedings in the organization
 2 of said corporation are hereby confirmed and made
 3 valid.

SECT. 14. For the purpose of carrying out the
 2 foregoing provisions or either of them, said cor-
 3 poration is hereby authorized to issue its bonds in
 4 such form and on such time and manner as it may

(9)

5 determine and secure the same by mortgage of its
6 property and franchise.

SECT. 15. This act shall take effect when ap-
2 proved.

STATE OF MAINE.

IN HOUSE OF REPRESENTATIVES, }
February 9, 1883. }

Reported by Mr. NYE, from Committee on Interior Waters,
and ordered printed.

ORAMANDAL SMITH, *Clerk.*