

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

ACTS AND RESOLVES

OF THE

FORTY-SEVENTH LEGISLATURE

OF THE

STATE OF MAINE.

1868.

Published by the Secretary of State, agreeably to Resolves of June 28, 1820,
February 26, 1840, and March 16, 1842.

AUGUSTA:
OWEN & NASH, PRINTERS TO THE STATE.
1868.

PRIVATE AND SPECIAL LAWS

OF THE

STATE OF MAINE.

1868.

CHAP. 584. consolidation shall take place to assume the debts and liabilities of the several districts and to provide for them in the same manner as if the debts were contracted by the city; *provided*, that whenever the inhabitants of school districts numbered four and five, resident in the town of Thomaston, shall demand, the city of Rockland shall pay to them pro rata their interest in the school property in said districts, the value and the pro rata share of each to be ascertained within sixty days after such consolidation by commissioners agreed upon by the city council of Rockland and said inhabitants.

May assume and provide for liabilities, &c.
Proviso.

SECT. 3. This act shall take effect when approved.

Approved February 26, 1868.

Chapter 584.

An act additional to chapter one hundred and twenty-eight of the public laws of eighteen hundred and sixty-seven, and relating to the compensation of the judge and register of probate in Cumberland county.

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

Compensation of judge for extra services to be \$350, and of register \$1,150 per annum.

SECT. 1. The compensation of the judge and register of probate allowed under section nineteen, chapter one hundred and twenty-eight, laws of eighteen hundred and sixty-seven, is hereby changed; and the judge of probate shall, after April first, in the year of our Lord eighteen hundred and sixty-eight, receive compensation for extra services at the rate of three hundred and fifty dollars, and the register of probate at the rate of eleven hundred and fifty dollars annually; *provided*, that nothing in this act shall be construed to extend the time for which these offices are by chapter one hundred and twenty-eight, laws of eighteen hundred and sixty-seven, to receive extra compensation.

SECT. 2. This act shall take effect when approved.

Approved February 27, 1868.

Chapter 585.

An act to incorporate the Pushaw Dam Company.

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

Corporators.

SECT. 1. Joseph S. Smith, O. W. Whitten, Joshua Buck, Richard S. Porter and Samuel Stinson of Oldtown, James Webster, A. B. Sutton, A. G. Ring, N. C. Chapman, W. M. Rollins, Eben

Webster, Charles Buffum, J. W. Atwell, P. D. Webster, J. S. Hamilton, J. W. Mayo and Samuel White of Orono, W. T. Pearsons, George W. Pickering and S. B. Gilman of Bangor, their associates, successors and assigns, are hereby created a body politic and corporate, under the name of the Pushaw Dam Company, with all the power and privileges, and subject to all the duties and liabilities now prescribed by law in relation to corporations.

Name, powers, &c.

SECT. 2. Said corporation are authorized to erect and maintain a dam across Pushaw stream in Oldtown and Alton, or either of said towns, below the mouth of Dead stream and above Porter's mills, so called, and raise and hold the water above said dam for the use of the mills below on said stream, and on the Stillwater branch of the Penobscot river, and may remove any rocks, stones, earth or other obstructions in said Pushaw stream above said Porter's mills; and to this end they may purchase and hold, or take and hold any real estate necessary for their erections, works or excavations; but nothing herein shall authorize said corporations to flow the wheels of any mill now in operation above Porter's mills aforesaid. In case said corporation take any real estate as aforesaid, they shall proceed in manner and form as railroads are now authorized to proceed in taking land, and persons from whom such land is taken shall have all the rights and remedies now given to persons from whom land is taken for railroads.

Location and purpose.

Obstructions, &c.

Restriction as to flowage.

Land damages.

SECT. 3. Any person injured in his lands or property by water flowed or raised by said corporation shall have against said corporation all the rights and remedies prescribed in chapter ninety-two of the revised statutes, or any act now or hereafter passed additional to or amending said chapter; and if said corporation neglect to pay any final judgment rendered against them for damages under this section thirty days after demand therefor, in addition to the remedies authorized in said chapter or acts aforesaid, said dam shall be taken and deemed to be a nuisance, and may be proceeded against by any party injured accordingly.

Remedies in law for flowage, &c., and how enforced.

SECT. 4. Said corporation shall keep and maintain suitable locks, sluices and waistways for the passage of all boats, rafts or lumber now capable of navigating said stream above said Porter's mills, and the same shall be allowed at all times to pass said dam free of charge or toll.

Locks, sluices, &c.

SECT. 5. Said corporation shall at all times furnish the mills on Pushaw stream as much water as they now receive, if the same is held back by their dam; and in case of any controversy between any mill owner on Pushaw stream and said corporation, as to the quantity of water said mill owner is entitled to receive in any given stage of water in Pushaw pond, on complaint, in writing, by either party, to the county commissioners of Penobscot county, said commissioners shall notify all parties interested in such manner

Conditions as to water to be furnished mills on Pushaw stream.

Powers of county commissioners in regard to same.

CHAP. 585.

as they may order, of the time and place of hearing, and may hear the parties, and thereupon may award, fix and determine in the premises what said corporation shall do, if anything, and fix the terms and conditions, size of gates and quantity of water, said corporation shall furnish at any given state of water above said dam ; and they may alter or change their award and determination from time to time as they see fit ; and the cost and expense of such hearing shall be paid by the party said commissioners shall order. It being the intent of this section that the present water power on said stream shall not be diminished, but may be extended and enlarged, so far as the use of the water held in the reservoir hereby authorized, and drawn for the benefit of all the mills aforesaid, will extend and enlarge the power aforesaid.

Water power to be enlarged and extended.

Capital, &c.

SECT. 6. The capital stock of said corporation shall not exceed twenty thousand dollars, and may be divided into such number of shares as said corporation at their first meeting may determine. No share shall be less than one hundred dollars. Said corporation may determine the proportion of stock the owner of any mill from Dead stream aforesaid to the Basin mills in Orono may take, and such owner shall have the right to take such stock, if he elects so to do, upon payment thereof to the treasurer of said corporation.

Stock, how distributed, and conditions of same.

Works, plans, &c., to be examined by county commissioners.

SECT. 7. Within eight months after the passage of this act, said corporation shall apply to the county commissioners of the county of Penobscot to make a preliminary examination of the works they propose to erect, and all damages that any person is liable to suffer in consequence of said works ; and they shall submit to said commissioners plans properly drawn of said proposed works, and said commissioners, at the cost and expense of said corporation, shall view and examine said streams, Pushaw pond and its shores, and the plan of said proposed works, and thereupon shall submit to said corporation an estimate of the probable cost of said works and the amount of such damage ; and no works or erections hereby authorized shall be made until the stockholders of said corporation shall have paid into the treasury of said corporation, or secured to the satisfaction of said commissioners, for the use and benefit of all persons interested, the full amount of said estimate.

Commissioners to estimate cost of construction and damages.

Amount estimated to be paid in before commencing construction.

Assessments, for what purpose to be made.

SECT. 8. After the dam authorized by this act has been erected, said corporation may from time to time assess the owner or occupant of any water mill using the water passing through or over the same, and situated on said stream or Stillwater branch, their just proportion of the cost and expense of erecting, maintaining and managing the same, with their proportion of all damages paid for flowing. The treasurer of said corporation shall give notice of said assessment by publishing the same in some newspaper printed at Bangor, which notice shall be published at least three

Notice of assessments to be published.

weeks, and any person aggrieved by said assessment, within sixty days from the last publication may file with the county commissioners of the county of Penobscot an application for an abatement of the whole or any part of said assessment, stating therein the reasons for such abatement; and said commissioners shall thereupon proceed to hear the parties and determine any and all questions raised by such application, and they may abate any or all of such assessment, or approve the same or any part thereof, and their award, order or determination shall conclude the parties, and they may award cost of their expenses of hearing against either party as they deem just and equitable. If said assessment, or any part thereof, is approved by said commissioners, the amount thus approved may be recovered of the person so assessed by said corporation, in an action for money paid, laid out and expended; and in case no application is made by a person assessed as aforesaid, said corporation may recover such assessment of the person assessed by an action as aforesaid after demand therefor.

CHAP. 586.

Abatements and proceedings thereon.

Recovery of assessments, how effected.

SECT. 9. The authority hereby granted to build and erect said dam shall continue for the term of three years from and after the passage of this act, and if the same is not then completed this act shall be void; and nothing herein contained shall be construed as preventing the legislature from amending or repealing this act.

Charter void unless works are completed in three years.

Approved February 27, 1868.

Chapter 586.

An act to increase the capital stock of the Portland, Saco and Portsmouth Railroad Company.

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

SECT. 1. The Portland, Saco and Portsmouth Railroad Company is hereby authorized to increase its capital stock, to the extent of five hundred thousand dollars, so that the whole capital stock of said company shall be two millions dollars, instead of the amount now established.

Capital increased to \$2,000,000.

SECT. 2. The additional stock hereby created shall be divided into shares of one hundred dollars each, which shall be the established par value of the same; and in case the same are not taken by the stockholders in proportion to the amount of stock held by them severally, the said shares or stock may be disposed of by the directors, at not less than par value, as they may deem best for the interest of the corporation.

Stock, how divided, and shares, how disposed of.