

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

OF THE

FIFTIETH LEGISLATURE,

OF THE

STATE OF MAINE.

1871.

Published by the Secretary of State, agreeably to Resolves of June 28, 1820,
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1871.

PRIVATE AND SPECIAL LAWS

OF THE

STATE OF MAINE.

1871.

Chapter 664.

CHAP. 664.

An act to incorporate the Parker's Bay Ice Company.

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

SECT. 1. That Alden Morse, John G. Morse, James H. Robinson and James D. Robinson, their associates, successors and assigns, be and hereby are incorporated a body corporate by the name of the Parker's Bay Ice Company, with authority to build and maintain a dam to exclude the tide waters entirely from Parker's bay, in Phipsburg, at or near the locality of the present dam, for the purpose of creating an ice pond, with authority to build suitable wharves, piers and other erections that may facilitate the getting and shipping of ice, with authority to deepen the channel to Kennebec river, for vessels of large draft. And said company may hold real and personal estate to the value of one hundred thousand dollars, for the prosecution of its business. Said company shall not flow the fresh water so as to inundate any highway or marsh land, while the pond is used for an ice pond.

Corporators.

Name.

May build and maintain dam.

Suitable wharves, piers, &c.

Deepen the channel of Kennebec river.

May hold real and personal estate.

Flowage, regulation of.

SECT. 2. The doings of the town of Phipsburg, at its town meeting held on the sixth day of August, in the year of our Lord one thousand eight hundred and seventy, relating to said dam and ice business, are hereby made valid and effectual.

Doings of town of Phipsburg, relating to dams, &c., made valid.

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

Approved February 22, 1871.

Chapter 665.

An act to incorporate the Oldtown Water-Power and Manufacturing Company.

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

SECT. 1. Charles V. Lord and Alfred Veazie, and their associates and successors, are hereby made a corporation by the name of the Oldtown Water-Power and Manufacturing Company, for the purpose of cutting a canal from some point flowed by the Penobscot river in the low state of water thereof, north of the Bangor, Oldtown and Milford Railroad bridge, thence southerly along the easterly part of Marsh island, in Oldtown, across lots eighteen and seventeen, Holland's plan, and so much of lot sixteen as may be found necessary, to the Penobscot river, on the east end of lot sixteen, and to create a water power to use or sell or lease to other persons or corporations, to use for manufacturing and mechanical purposes ; and for the purpose of constructing the said canal, may take, occupy and enclose any of the lands adjoining such canal

Corporators.

Name.

Purpose.

May take and enclose lands adjoining canal

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necessary for building and repairing same, &c.

Powers and privileges.

May hold real estate to amount of \$500,000.

Capital stock not to exceed \$1,000,000.

Shares.

Authorized to level up Oldtown falls.

Proviso.

Annual payment to be made by corporation towards maintaining sluice, &c.

Mill owners released from certain obligations.

May construct dam across Stillwater branch.

Height of same regulated.

which may be necessary for building or repairing the same, and other necessary purposes on each side of said canal, and may blow up and remove any rocks in said river, and dig any of the land near to said river through which it may be necessary to pass said canal; and said company shall have all the powers and privileges and be subject to all the duties and liabilities and restrictions set forth in the forty-sixth chapter of the revised statutes.

SECT. 2. Said corporation may hold real estate, not exceeding, exclusive of the expenditure for the canal, five hundred thousand dollars, and the whole capital stock of said corporation shall not exceed one million dollars, and said stock shall be divided into shares not exceeding one hundred dollars each.

SECT. 3. The said corporation is hereby authorized and empowered to level up the Oldtown falls on Penobscot river, between Oldtown and Milford, to the highest point or platform in said falls, as the same now are; *provided*, that a sluice shall be constructed and maintained through said dam to the satisfaction of the county commissioners of Penobscot county, at the most convenient part thereof, and at the level of the present sluice on the east side of the river, of sufficient capacity and size to accommodate the running of logs and rafts over said falls by the public; which sluice shall be in lieu of the one existing as aforesaid, and shall be constructed at the equal expense of the owners of the privileges on both sides of the river and maintained by the parties owning the privilege on the east side of the river. This corporation paying to said parties on the east side, the sum of seventy-five dollars annually, as a contribution toward the expenses of maintaining said sluice, and keeping the same in repair, and when said sluice is completed as required by the terms of this act, it shall be taken and deemed to be a preservation of the navigation of said river for the passage of logs, rafts and other lumber; and mill owners on each side of said river at Oldtown and Milford, are hereby released from any obligation to maintain any other sluice or passage for such logs, rafts or lumber, through any dam now or hereafter erected. And said corporation shall also have the right to construct and maintain a dam across the Stillwater branch of Penobscot river, at the head of the island below Pushaw bridge, of a height sufficient to hold the reserve of water caused by the leveling up of the falls authorized in this act, and to prevent said reserve or excess from flowing down said Stillwater branch, but said dam shall not be constructed any higher than sufficient to hold said reserve nor in manner or degree to interfere with or prevent the natural flow of water down said Stillwater branch of Penobscot river, meaning that if a dam be built on Oldtown falls four feet high the dam on the Stillwater branch shall be six feet high or in that proportion; and if the dams as so constructed do

not accomplish the purposes of this act, then the county commissioners of Penobscot county, on the application of either party, and a hearing of the parties interested, shall regulate the height of the dams; *provided*, that nothing contained in this act shall authorize this corporation to draw water from the main river through the canal hereby authorized to such an extent as to hinder or delay the driving or sluicing of logs or lumber by the Oldtown falls; *and provided also*, that said corporation shall construct a rollway on said dam at Pushaw, thirty feet long and one foot deep, located at any point determined by Daniel Lunt of Bangor. Nothing contained in this act shall be construed as giving authority to this corporation to interfere with or deprive the owners of the property and privilege on the east side of the river of the equal right to the use and natural flow of the water.

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County commissioners to regulate dams in certain cases.
Proviso.

Corporation not to interfere with owners of property on east side of river.

SECT. 4. If there shall be occasion in the prosecution of the powers and purposes aforesaid to make a canal across any public highway or way, or if highway or ways shall hereafter be laid out across said canal, it shall be the duty of said corporation to make sufficient bridges across said canal and to keep them in good repair.

Canal across public highway or way.

SECT. 5. Any person who shall be damaged in his property by said corporation in cutting or making a canal through his lands, or by flowing the same, or in any other way in carrying into effect the powers hereby granted, unless said corporation shall within thirty days after request in writing pay or tender to said person reasonable satisfaction therefor, shall have the same remedies as are provided by law in case of damages by railroad corporations in the fifty-first chapter of the revised statutes.

Damages, adjustment of.

SECT. 6. Said corporation is hereby authorized and empowered to take and use any way or highway in said town of Oldtown for the purpose of constructing and maintaining such canal, provided that the inhabitants of said town shall so vote at any legal town meeting.

Authorized to take and use any highway for construction of canal if town so votes.

SECT. 7. The first meeting of this corporation may be called by Charles V. Lord or Alfred Veazie, by written notice served upon the other twenty-four hours before the time appointed for the meeting.

First meeting, how called.

SECT. 8. This act shall take effect when approved.