

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

OF THE

SIXTY-SECOND LEGISLATURE

OF THE

STATE OF MAINE.

1885.

Published by the Secretary of State, agreeably to Resolves of June 28, 1820,
February 18, 1840, and March 16, 1842.

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1885.

PRIVATE AND SPECIAL LAWS
OF THE
STATE OF MAINE.

1885.

SECT. 5. The capital stock of said company shall not exceed two hundred and fifty thousand dollars, and the amount shall be fixed by a vote of the company. The company may purchase, hold, sell and convey real estate and personal property for the purposes contemplated in this charter.

Capital stock.

SECT. 6. Either of the persons named in the first section of this act may call the first meeting of the corporation, by serving each of the others with a written notice, seven days at least before the time of said meeting.

First meeting,
how called.

SECT. 7. This act shall take effect when approved.

Approved February 26, 1885.

Chapter 454.

An Act to amend chapter two hundred and seventy-nine of the Special Laws of eighteen hundred and eighty-three, entitled "An Act to amend and make valid the organization 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 :

SECT. 1. That section nine of chapter two hundred and seventy-nine of the special laws of eighteen hundred and eighty-three, approved February twenty-eight, in the year of our Lord, one thousand eight hundred and eighty-three, be and the same is hereby amended by inserting after the word "taking," in the second line of said section, the words 'otherwise than by purchase,' so that as amended, said section shall read as follows :

Sec. 9, ch. 279,
special laws of
1883, amended.

'SECT. 9. All damages sustained by any persons in their property by taking otherwise than by purchase, any land for pipes, aqueducts, locks or other structures, shall be determined and assessed in the manner provided by section three of this act.'

Damages,
how assessed.

SECT. 2. That section twelve of said act be and is hereby amended by inserting after the word "public" in the ninth line of said section, the words 'as fully as said river in its natural condition would accommodate such running of logs and rafts,' and by inserting after the word "lumber" in the thirty-third line of said section, the words 'whenever the passage of logs and lumber would be practicable in said branch in its natural condition,' and by inserting after the

Sec. 12, amended

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word "person" in the forty-ninth line of said section, the words 'by reason of said dam at the Oldtown falls across Penobscot river or,' so that as amended, said section shall read as follows :

Authorized to erect dam at Oldtown falls.

—proviso.

Authorized to construct dam across Stillwater branch.

Damages, how assessed.

Dam not to prevent natural flow of water.

Sluiceway provided for.

'SECT. 12. Said corporation is hereby authorized and empowered to erect and maintain a dam at the Oldtown falls across Penobscot river, between Oldtown and Milford, sufficient to level up said falls to the highest point of Johnson's rock in said falls ; *provided*, that a sluice shall be constructed and maintained through said dam and falls at some place between Oldtown and Milford of sufficient capacity and size to accommodate the running of logs and rafts over said falls by the public, as fully as said river in its natural condition would accommodate such running of logs and rafts ; said sluice is to be constructed and maintained to the satisfaction of a committee to be appointed by any justice of the supreme judicial court of this state, who shall make report to said court, and said court may accept or reject or modify said report after notice, and upon hearing of parties interested, and said court shall, upon petition of any party interested, upon reasonable notice and hearing, at any time, determine what changes shall be made in said sluice or dam and have the right to determine all questions of costs, and power is hereby specially conferred upon said court for this purpose. And said corporation shall also have the right to construct and maintain a dam across the Stillwater branch of Penobscot river, and take and occupy land therefor, damages therefor to be assessed as provided in section three of this act, between the head of the island, below Pushaw bridge, and the southerly end of Orono island, of a sufficient height 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 any manner or degree to interfere with or prevent the natural flow of water down said Stillwater branch of Penobscot river ; *provided*, said corporation shall construct and maintain a suitable sluiceway in said dam on said Stillwater branch for the passage of logs and lumber, whenever the passage of logs and lumber would be practicable in said branch in its natural condition ; *also provided*, that said

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corporation shall, before constructing said dams, ascertain, under the supervision and direction of some competent hydraulic engineer, to be appointed by the supreme judicial court for Penobscot county, the exact amount of water passing down said Stillwater branch from the main Penobscot river, at different stages of water during summer drouth, while both Oldtown falls and said Stillwater branch are in their natural flow and condition, and if the dam and sluice so constructed do not accomplish the purpose of this act, then any justice of said court, at any time, from time to time, on the application of either party, and a hearing of the parties interested, shall regulate the height of said dam, and the location and dimensions of said sluice, and his decision shall be final, with power to award and apportion the costs and expenses of said hearing in such manner as he may determine; and *provided, further*, that all damages sustained by any person by reason of said dam at the Oldtown falls across Penobscot river, or by reason of said dam on said Stillwater branch, or by reason of the use or the detention of the water, in any manner not authorized by said act and the common law, may be determined by the courts in appropriate proceedings at law or in equity, in accordance with law; and in an action for said damages, the question of the practical sufficiency and necessity of said water, in its natural condition, to float logs, rafts and lumber over said falls, or through said sluices and below the same, shall be left to the jury to determine under appropriate instructions by the presiding judge.'

Amount of water passing down Stillwater branch, how ascertained.

Justice of S. J. Court to regulate height of dam, etc.

—may determine questions of damages.

SECT. 3. That section thirteen of said act be and is hereby amended by striking out, in the eighth line of said section, the words "may be necessary" and inserting in place thereof, the words 'shall be practically sufficient' and by inserting after the word "same," in the ninth line of said section the words 'and may be necessary for such purposes,' so that as amended, said section shall read as follows:

Sec. 13 amended.

'SECT. 13. The proceedings in the organization of said corporation are hereby confirmed and made valid. The said corporation shall not draw water through its canal or canals, mills or dams so that the natural flow of the water of the Penobscot river over Oldtown falls, and below or through

Organization made valid.

Natural flow of water in Penobscot river, not to be interrupted.

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Purity of water
not to be inter-
fered with.

any sluice erected and maintained under this act, shall be interrupted, when said natural flow of water over said falls, shall be practically sufficient to float logs, rafts and lumber over said falls, or through said sluice and below the same and may be necessary for such purposes; *provided, always*, that said corporation its successors and assigns, shall never use its rights and powers for manufacturing purposes or otherwise, which shall tend in any manner to affect the rights and powers of the city of Bangor to pure water for domestic and sanitary purposes, under chapter two hundred and fifty-nine of the laws of eighteen hundred and seventy-six, entitled "An Act to amend an act, approved February twenty-two, eighteen hundred and seventy-five, for supplying the city of Bangor with water."

Approved February 27, 1885.

Chapter 455.

An Act to revise and amend the charter of the city of Gardiner.

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

Sec. 3, ch. 231,
private laws of
1849, amended.

SECT. 1. Section three, chapter two hundred and eighty-one of the private and special laws of eighteen hundred and forty-nine, is hereby amended in the third section thereof by striking out all of said section after the word "agency," in the twenty-third line, and adding after said word "agency" the following: '*provided, however*, the mayor may be elected by the city council as one of the assessors and as an overseer of the poor, and be allowed a reasonable compensation therefor; but the aldermen and common councilmen shall receive no compensation for their services as such. Excepting as provided above, neither the mayor nor any member of the city council shall, during the term for which he may be elected, be chosen to the office of assessor, city marshal, chief engineer of the fire department, collector of taxes, overseer of the poor, street commissioner, superintending school committee, or treasurer,' so that said section, when amended, shall read as follows: