

MAINE STATE LEGISLATURE

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Seventieth Legislature.

SENATE.

No. 50

STATE OF MAINE.

IN THE YEAR OF OUR LORD ONE THOUSAND NINE
HUNDRED AND ONE.

AN ACT to incorporate the Mattanawcook Manufacturing
Company.

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

Section 1. Thomas B. Draper, George E. Keith, John W.
2 Flint, Francis G. Flint, R. H. Porter, Nathaniel M. Jones
3 and John G. Fleming, their associates, successors and assigns,
4 are hereby incorporated under the name of Mattanawcook
5 Manufacturing Company, for the purpose of doing a general
6 manufacturing, illuminating, heating and power business in
7 the towns of Lincoln and Chester, in Penobscot county; also
8 for the purpose of creating, leasing and selling electricity
9 and other power for manufacturing and other purposes,
10 within said towns; also for the purpose of supplying the
11 inhabitants of said towns, or of any city or village corpora-

tion within said towns, with water, lights and heat for all domestic, sanitary and municipal purposes, including the extinguishment of fires; and also for the purpose of transmitting to points outside of said towns electricity generated within said towns, to be leased or sold for manufacturing, illuminating, heating and power purposes, with the rights and privileges, and subject to the liabilities and obligations of similar corporations. And said company is authorized and empowered to purchase, or otherwise obtain, and to sell or lease real estate, to manufacture, buy or otherwise obtain, and to sell or lease personal property necessary for the prosecution of the purposes of the company, and generally to do all things necessary for, and incident to, such purposes, including the carrying on of a mercantile business in connection with any of the purposes of the company; also to take, hold and own, by purchase or otherwise, the stock, bonds or other obligations of other similar corporations and of disposing of the same in any lawful manner.

Sect. 2. Said company is authorized and empowered to locate, construct and maintain dams on the Penobscot river in said towns of Lincoln and Chester, between the mouth of the Mattanawcook stream, so-called, and a line drawn across said river which shall be a continuation of the line between said town of Lincoln and the town of Winn; provided that suitable sluices are constructed and maintained by said company in said dams at its own expense for passage of logs and other lumber running down said river. Said company is further authorized and empowered to cut, construct and maintain canals and other waterways from said dams to any point in said towns for the purpose of developing the water-power on said river; and, for the purpose of constructing said dams, canals and other waterways, it may take, occupy and enclose any lands adjoining the same on either side of

16 said river which may be necessary for building or repairing
17 the same and for other necessary purposes, and may blow
18 and remove rocks in the river, and dig up and remove land
19 in said river when necessary.

Sect. 3. Said company is further authorized and empow-
2 ered to construct and maintain in, under, along, across and
3 upon any highway, ways, streets and bridges, other than rail-
4 road bridges, that now or may hereafter exist, pipes,
5 hydrants, poles, wires and other structures necessary for the
6 purposes of its incorporation, and to replace and repair the
7 same when necessary; to enter upon and excavate any high-
8 way, or other ways, within said towns in such manner as
9 least to obstruct the same; and within said towns to enter,
10 pass over and excavate any land; to take and hold, by pur-
11 chase or otherwise, rights of way or of water, and in general
12 to do any acts necessary, convenient or proper for carrying
13 out any of the provisions of this act. Nothing in this act,
14 however, shall be construed as giving said company the right
15 or power to flow the right of way of any railroad company,
16 or to take any part of the right of way of any railroad com-
17 pany under the power of eminent domain given in this act.
18 Said company may cross the right of way of any railroad
19 company with wires, pipes, aqueducts or other structures
20 mentioned in this act, and, in case of failure to agree with any
21 railroad company as to place, manner and conditions of cross-
22 ing its right of way with such wires, pipes, aqueducts or
23 other structures, the place, manner and conditions of such
24 crossings shall be determined by the railroad commissioners,
25 and all work within the limits of any railroad company's
26 location shall be done under the supervision, and to the satis-
27 faction, of the officers and agents of such railroad company,
28 but at the expense of said Mattanawcook Manufacturing
29 Company.

Sect. 4. Said company is further authorized and empowered within said towns to cross any watercourse, private or public sewer, and to change the direction thereof, when necessary, but in such manner as not to obstruct or impair the use thereof, and said company shall be liable for any injury caused thereby. Whenever said company shall lay down or erect a structure in any highway, way or street, or make alterations or repairs upon its works in any highway, way or street, it shall cause the same to be done at its own expense, with as little obstruction to public travel as may be practicable.

Sect. 5. Said company is further authorized and empowered to locate, erect and maintain in the Penobscot river between the head of Sabonabus Falls, in said town of Lincoln, and a line drawn across the Penobscot river two hundred rods above Snow island, so-called, piers and booms for the purpose of collecting, holding, separating and sorting logs, pulp wood and other lumber coming down said river; provided, however, that at least two sorting gaps are constructed, maintained and used for the passage of logs, pulp wood and other lumber through said booms. Said piers and booms to be so located, constructed and maintained that logs and lumber running down said river, belonging to other parties and not destined for use and manufacture at the mills of said company, shall not be unreasonably impeded or delayed, and such logs and lumber of other parties when stopped for sorting, shall be turned by as soon as they can be practically sorted and separated from logs and lumber destined for use and manufacture at the mills of said company, and any stray logs, pulp wood or other lumber not destined for use and manufacture at the mills of said company, if found in the storage booms of said company, shall be turned out by said company upon demand of the owner

23 or owners thereof in writing at the charge and expense of
24 said company; and said company, by the aid of such piers
25 and booms, shall have the power to separate and sort out
26 from the logs, pulp wood and other lumber running down
27 said river, all logs, pulp wood and other lumber destined and
28 intended for use and manufacture at the mills of said com-
29 pany; provided, however, if upon the approach of the rear
30 of any drive of logs to the booms of said company, herein
31 authorized to be constructed and maintained, it shall appear
32 to the person in charge of such drive that said company has
33 not sufficient men to sort and turn by the logs arriving at said
34 booms, so that such drive may be unreasonably impeded or
35 delayed, such person, upon notice in writing to said company,
36 left at its office, shall have the right to put men of his own
37 selection upon said booms to expedite the sorting and turning
38 by of the logs in such drive, who shall be paid by the Matta-
39 nawcook Manufacturing Company, and the additional cost, if
40 any, of making such drive through said booms in conse-
41 quence of such erections and piers, shall be paid by said
42 manufacturing company, but nothing herein contained shall
43 make said company liable for any delay caused by said piers
44 and booms. And said company is also hereby authorized
45 and empowered to hold within the piers and booms men-
46 tioned in this act, and located, erected and maintained as
47 aforesaid, all logs, pulp wood and other lumber running
48 down said river which are destined and intended for use and
49 manufacture at the mills of said company.

Sect. 6. Said company may enter upon, take and hold such
2 lands as may be necessary for the location, erection and main-
3 tenance of the dams, piers and booms mentioned in this act
4 and connecting the same with the shores of said river, and
5 may, by its agents with teams, or otherwise, pass and repass
6 over said shores, and to and from the same over the lands

7 of other persons for the purposes aforesaid, and for the
8 operation and management of such dams, piers and booms.
9 Said company shall be held liable to pay all damages that
10 shall be sustained by any person or persons by the taking of
11 any land, water, rights of way, and other property, or by
12 excavating through any land for the purpose of surveying
13 for, locating, laying, building or erecting dams, canals, reser-
14 voirs, pipes, hydrants, poles, piers, booms and other struc-
15 tures, by taking and holding any lands necessary for flowage,
16 and for other injuries resulting from said acts. And, if any
17 person sustaining damages as aforesaid, cannot agree with
18 said company upon the sum to be paid therefor, either party,
19 upon petition to the county commissioners of Penobscot
20 county, within twelve months after plans are filed as herein-
21 after provided, may have said damages assessed by them,
22 and subsequent proceedings and right of appeal thereon shall
23 be had in the same manner and under the same conditions,
24 restrictions and limitations as are by law prescribed in the
25 case of damages by the laying out of highways; failure to
26 apply for damages within said twelve months shall be held to
27 be a waiver of the same.

Sect. 7. Said company shall file in the registry of deeds
2 office, in the county of Penobscot, plans of the location of
3 lands and water rights taken under the provisions of this act,
4 and no entry shall be made on lands owned by other persons,
5 except to make surveys, until the expiration of ten days from
6 said filing, and with said plan said company may file a state-
7 ment of damages it is willing to pay for any property so
8 taken, and, if the amount finally awarded does not exceed
9 that sum, the company shall recover costs against such per-
10 son, otherwise such person shall recover costs against the
11 company.

Sect. 8. Said company is further authorized and empowered to make contracts with other corporations, and with the inhabitants of any city, town or village corporation which now or hereafter may exist, for the purpose of supplying water, light, heat or power as contemplated by this act, and any other corporation, and the inhabitants of any city, town or village corporation are hereby authorized to enter into contracts with said company for the supplying of water, light, heat or power for a term of years.

Sect. 9. The capital stock of said company shall not exceed five hundred thousand dollars, divided into shares of one hundred dollars each. And for the purpose of carrying out any of the provisions for which said company is incorporated, it is hereby authorized and empowered to issue its bonds in such form and amount, and on such time and rates as it may deem expedient, not exceeding the amount of its capital stock actually subscribed for, and secure the same by mortgage of its property and franchises.

Sect. 10. Any two corporators named in this act may call the first meeting of this corporation, by mailing a written notice, signed by them, postage paid, to each of the other corporators, seven days at least before the day of the meeting, naming the time, place and purpose of such meeting.

Sect. 11. This act shall take effect when approved.

STATE OF MAINE.

IN SENATE, February 8, 1901.

Reported by Mr. MURCHIE from Committee on Interior Waters, and
laid on table to be printed under joint rules.

KENDALL M. DUNBAR, *Secretary*.