

# MAINE STATE LEGISLATURE

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# ACTS AND RESOLVES

OF THE

## SIXTY-FIFTH LEGISLATURE

OF THE

STATE OF MAINE.

1891.

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PRIVATE AND SPECIAL LAWS

OF THE

STATE OF MAINE.

1891.

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## Chapter 303.

An Act to incorporate the Winn Water and Power Company.

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

SECT. 1. Simon B. Gates, Nathan A. Averill, James Rice, E. C. Ryder, their successors and assigns, are hereby incorporated by the name of the Winn Water and Power Company, for the purpose of conveying to and supplying the inhabitants of the town of Winn with water for all domestic, sanitary and municipal purposes, including the extinguishment of fires, and for the purpose of creating, selling and leasing power for manufacturing purposes, with all the rights and privileges and subject to all the liabilities and obligations of similar corporations under the general laws of this state.

Corporators.

—corporate name.

—purposes.

SECT. 2. Said company is authorized to erect and maintain a dam across the Penobscot river between a point opposite the tannery of Henry Poor and Sons, in said town of Winn, and the railroad bridge near the village of Mattawamkeag on the Canadian Pacific Railway ; provided, that suitable sluices shall be constructed and maintained by said company in said dam for the passage of rafts, logs and lumber.

Authorized to erect dam across Penobscot river.

—proviso.

SECT. 3. Said company is further authorized to cut and maintain canals from said dam and for the purpose of constructing said dam and canals, may take, occupy and inclose any lands adjoining the same which may be necessary for building or repairing the same and other necessary purposes on each side thereof, and may blow up and remove any rocks in said river and dig up any land in said river when necessary.

May cut canals and take land.

SECT. 4. Said company is further authorized to lay, construct and maintain in, under, through, along and across the highways, ways, streets, railroads and bridges in said town and to take up, replace and repair all such pipes, hydrants and structures as may be necessary for the purposes of its incorporation ; to enter upon and excavate any highway or other way in such manner as least to obstruct the same ; to enter, pass over and excavate any land ; to take and hold by purchase or otherwise any real estate, rights of way or of water and in general to do any acts necessary, convenient or proper for carrying out any of the purposes of this act.

May lay pipes along highway, etc.

## CHAP. 303

May cross any private or public sewer.

—shall not obstruct public travel.

May lay pipes in and under Penobscot river.

Shall file plans of location, etc., in registry of deeds' office for Penobscot county.

Liable for all damages.

—how ascertained.

SECT. 5. Said company shall have power to cross any water course, private or public sewer or to change the direction thereof when necessary for the purposes of its incorporation, 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 any fixture in any highway, way or street, or make any alterations or repairs upon its works in any highway, way or street, it shall cause the same to be done with as little obstruction to public travel as may be practicable, and shall at its own expense, without unnecessary delay cause the earth then removed by it, to be replaced in proper condition.

SECT. 6. Said company is authorized to lay and maintain its pipes, under, in and over the Penobscot river, and to build and maintain all necessary structures therefor.

SECT. 7. Said company shall file in the registry of deeds, in the county of Penobscot, plans of the location of all land and water rights taken under the provisions of this act, and no entry shall be made on any lands, except to make surveys, until the expiration of ten days from said filing; and with such plan the said company may file a statement of the damages it is willing to pay to any person for any property so taken, and if the amount finally awarded does not exceed that sum, the company shall recover costs against such person, otherwise such person shall recover costs against the company.

SECT. 8. Said company shall be held liable to pay all damages that shall be sustained by any persons by the taking of any lands, water, rights of way or other property or by excavating through any land for the purpose of surveying for, locating, laying or building dams, canals, reservoirs, pipes, hydrants or other structures, by taking and holding any lands necessary for flowage and for any other injuries resulting from said acts; and if any person sustaining damage as aforesaid shall not agree with said company upon the sum to be paid therefor, either party, on petition to the county commissioners of Penobscot county, within twelve months after said plans are filed, may have said damage assessed by them, and subsequent proceeding and right of appeal thereon shall be had in the same manner and under the said conditions, restrictions and limitations as are by law prescribed in the case of damages by the laying out of high-

ways. Failure to apply for damages within said twelve months, shall be held to be a waiver of the same.

SECT. 9. Said company is authorized to make contracts with other corporations and the inhabitants of said town, for a supply of water or for any of the purposes for which the company is organized. The town of Winn is authorized to enter into contract with said company for a supply of water for fire and other purposes, for a term of years and for such exemption from public burden as may be agreed upon, which when agreed upon, shall be legal and binding upon all parties thereto. The said company is authorized to sell or lease any power not used by it on the dams aforesaid.

May make contracts for water supply.

Town of Winn, may contract for water, and exempt from taxation.

SECT. 10. The capital stock of said company shall not exceed one hundred thousand dollars, divided into shares of one hundred dollars each. Said company may hold real and personal estate necessary and convenient for its purposes aforesaid.

Capital stock.

SECT. 11. For the purpose of carrying out the foregoing provisions or either of them, said company is authorized to issue its bonds in such form and amount and on such time and rates, not exceeding its capital stock, and secure the same by mortgage of its property and franchises.

May issue bonds and mortgage property.

SECT. 12. The first meeting of said corporation shall be called at said Winn, on a notice in writing signed by any two of the incorporators named in section one. Such notice shall be served in hand or by mail postage prepaid, at least seven days before the day appointed therefor. At such meeting any corporator may be represented and act by proxy.

First meeting, how called.

SECT. 13. This act shall take effect when approved.

Approved March 25, 1891.

### Chapter 304.

An Act to amend chapter two hundred and fifty of the Private and Special Laws of the year eighteen hundred and eighty, entitled "An Act relating to drains and sewers in the town of Deering."

Chapter two hundred and fifty of the private and special laws of eighteen hundred and eighty, is hereby amended by striking out all of said chapter after section two in said chapter, and inserting thereof the following :