

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)

DOCUMENTS

PRINTED BY ORDER OF

THE LEGISLATURE

OF THE

STATE OF MAINE,

DURING THE SESSION

A. D. 1891.



AUGUSTA:
BURLEIGH & FLYNT, PRINTERS TO THE STATE.
1892.

Sixty-Fifth Legislature.

SENATE.

No. 212.

STATE OF MAINE.

IN THE YEAR OF OUR LORD ONE THOUSAND EIGHT HUNDRED
AND NINETY-ONE.

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:*

SECTION 1. Simon B. Gates, Nathan A. Averill, James
2 Rice, Wilbur F. Lovejoy, E. C. Ryder, their successors
3 and assigns are hereby incorporated by the name of the
4 Winn Water and Power Company, for the purpose of
5 conveying to and supplying the inhabitants of the town of
6 Winn with water for all domestic, sanitary and municipal
7 purposes including the extinguishment of fires and for the
8 purpose of creating, selling and leasing power for manu-
9 facturing purposes, with all the rights and privileges and
10 subject to all the liabilities and obligations of similar cor-
11 porations under the general laws of this State.

SECT. 2. Said company is authorized to erect and maintain a dam within said town of Winn on the Penobscot river between a point opposite the tannery of Henry Poor & Sons and the railroad bridge near the village of Mattawankeag 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.

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.

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.

SECT. 5. Said company shall have power to cross any water course, private or public sewer or to change the direction thereof where necessary for the purposes of its

4 incorporation but in such manner as not to obstruct or
5 impair the use thereof, and said company shall be liable
6 for any injury caused thereby. Whenever said company
7 shall lay down any fixture in any highway, way or street,
8 or make any alterations or repairs upon its works in any
9 highway, way or street it shall cause the same to be done
10 with as little obstruction to public travel as may be
11 practicable, and shall at its own expense, without unne-
12 cessary delay cause the earth then removed by it, to be
13 replaced in proper condition.

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

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

SECT. 8. Said company shall be held liable to pay all
2 damages that shall be sustained by any persons by the
3 taking of any lands, water, rights of way or other property
4 or by excavating through any land for the purpose of sur-
5 veying for, locating, laying or building dams, canals,
6 reservoirs, pipes, hydrants or other structures, by taking
7 and holding any lands necessary for flowage and for any

8 other injuries resulting from said acts ; and if any person
9 sustaining damage as aforesaid shall not agree with said
10 company upon the sum to be paid therefor, either party,
11 on petition to the county commissioners of Penobscot
12 county, within twelve months after said plans are filed,
13 may have said damage assessed by them, and subsequent
14 proceeding and right of appeal thereon shall be had in the
15 same manner and under the same conditions, restrictions
16 and limitations as are by law prescribed in the case of
17 damages by the laying out of highways. Failure to apply
18 for damages within said twelve months, shall be held to
19 be a waiver of the same.

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

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

SECT. 11. For the purpose of carrying out the forego-
2 ing provisions or either of them said company is authorized
3 to issue its bonds in such form and amount and on such

4 time and rates not exceeding its capital stock and secure
5 the same by mortgage of its property and franchises.

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

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



STATE OF MAINE.

IN SENATE, March 18, 1891.

Reported by Mr. RYDER, from the Committee on the Judiciary, and
laid on table to be printed under joint rules.

KENDALL M. DUNBAR, *Secretary.*