

# MAINE STATE LEGISLATURE

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# Sixty-Seventh Legislature.

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SENATE.

No. 137.

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## STATE OF MAINE.

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

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AN ACT to incorporate the Winn Water and Power Company.

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*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, E. C. Ryder, Andrew J. Lee, T. A. Ranney, B. F.  
3 Wyman, V. S. Merrill, J. P. Mallett, P. B. Davis, J. W.  
4 Burke, J. W. Coombs, Henry Whitney, G. Henry Haynes,  
5 J. W. Spencer, J. H. Jordan, N. M. Jones, F. A. Green-  
6 wood, H. S. Grant, P. J. Mulherin, C. J. Carll, Henry  
7 Jarvis, J. E. Estes, J. D. Stanwood, I. B. Wood, J. R.  
8 Cromwell, C. W. Mullen, A. B. Brown, Daniel Rice,  
9 D. C. Haynes, H. N. Merrill, G. F. Stratton, E. H. Meg-  
10 quire, C. H. Burke, C. C. Burke, Joseph Clukey, F. W.  
11 Scott, J. B. Mullen, John G. Fleming, E. A. Reed, W. F.

12 Lovejoy, F. J. Fiske, B. E. Dennis, W. H. Gordon,  
13 H. H. De Beck, J. E. Clark, F. C. Estes, G. A. Brad-  
14 man, M. F. Scott, F. J. Rich, W. H. Libby, their asso-  
15 ciates, successors and assigns, are hereby incorporated by  
16 the name of the Winn Water and Power Company, for  
17 the purpose of conveying to and supplying the inhabitants  
18 of the town of Winn with water for all domestic, sanitary  
19 and municipal purposes, including the extinguishment of  
20 fires, and for the purpose of creating, selling and leasing  
21 power for manufacturing purposes, with all the rights and  
22 privileges and subject to all the liabilities and obligations  
23 of similar corporations under the general laws of this state.

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

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

SECT. 4. Said company is further authorized to lay,  
2 construct and maintain in, under, through, along and  
3 across the highways, ways, streets, railroads and bridges

4 in said town and to take up, replace and repair all such  
5 pipes, hydrants and structures as may be necessary for  
6 the purposes of its incorporation; to enter upon and  
7 excavate any highway or other way in such manner as  
8 least to obstruct the same; to enter, pass over and exca-  
9 vate any land; to take and hold by purchase or otherwise  
10 any real estate, rights of way or of water and in general  
11 to do any acts necessary, convenient or proper for carry-  
12 ing out any of the purposes of this act.

SECT. 5. Said company shall have power to cross any  
2 water course, private or public sewer, or to change the  
3 direction thereof when necessary for the purposes of its  
4 incorporation, but in such manner as not to obstruct  
5 or impair the use thereof, and said company shall be lia-  
6 ble for any injury caused thereby. Whenever said com-  
7 pany shall lay down any fixture in any highway, way or  
8 street, or make any alterations or repairs upon its works  
9 in any highway, way or street, in shall cause the same to  
10 be done with as little obstruction to public travel as may  
11 be practicable, and shall at its own expense, without  
12 unnecessary delay, cause the earth then removed by it, to  
13 be 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  
2 deeds, in the county of Penobscot, plans of the location  
3 of all land and water rights taken under the provisions of  
4 this act, and no entry shall be made on any lands, except  
5 to make surveys, until the expiration of ten days from  
6 said filing; and with such plan the said company may

7 file a statement of the damages it is willing to pay to any  
8 person for any property so taken, and if the amount  
9 finally awarded does not exceed that sum, the company  
10 shall recover costs against such person, otherwise such  
11 person shall recover 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  
4 property or by excavating through any land for the pur-  
5 pose of surveying for, locating, laying or building dams,  
6 canals, reservoirs, pipes, hydrants or other structures, by  
7 taking and holding any lands necessary for flowage and  
8 for any other injuries resulting from said acts; and if any  
9 person sustaining damage as aforesaid, shall not agree  
10 with said company upon the sum to be paid therefor,  
11 either party, on petition to the county commissioners of  
12 Penobscot county, within twelve months after said plans  
13 are filed, may have said damage assessed by them, and  
14 subsequent proceeding and right of appeal thereon shall  
15 be had in the same manner and under the said conditions,  
16 restrictions and limitations as are by law prescribed in the  
17 case of damages by the laying out of highways. Failure  
18 to apply for damages within said twelve months, shall be  
19 held to 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  
11 the dams aforesaid.

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

SECT. 11. For the purpose of carrying out the fore-  
2 going provisions or either of them, said company is author-  
3 ized to issue its bonds in such form and amount and on  
4 such time and rates, not exceeding the amount of its capi-  
5 tal stock subscribed for, and secure the same by mortgage  
6 of its property and franchises.

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

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



STATE OF MAINE.

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IN SENATE, February 21, 1895.

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

KENDALL M. DUNBAR, *Secretary.*