

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

OF THE

SEVENTIETH LEGISLATURE

OF THE

STATE OF MAINE

1901.

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

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PRIVATE AND SPECIAL LAWS

OF THE

STATE OF MAINE.

1901.

actually have begun to supply said city of Brewer with gas for either lighting, heating or power purposes within five years from the time when this act shall take effect.

Section 8. All the rights, privileges, immunities and benefits of the said company heretofore granted said company by its charter in the city of Bangor and all the rules, regulations, restrictions and provisions of said company contained in its charter and applicable to it in said city of Bangor not inconsistent with this act, are hereby extended to and applied, to said company in the said city of Brewer.

Rights of
company
extended
to city of
Brewer.

Section 9. This act shall take effect when approved.

Approved February 20, 1901.

Chapter 278.

An Act relating to a Winter Speed Course or Way above the Kennebec Dam at Augusta.

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

Section 1. Charles F. Ward of Augusta is hereby authorized to mark out and appropriate, yearly, a winter speed course or way for horses and their drivers on the Kennebec river at Augusta for a distance not exceeding one mile northerly from the dam, and to charge a reasonable sum to each person who may desire to use the same. Said course shall be so located as not to abridge or impede a reasonable opportunity for public travel without the limits thereof.

Chas. F. Ward
authorized
to mark out a
winter speed
way on
Kennebec
river.

Section 2. This act shall take effect when approved.

Approved February 20, 1901.

Chapter 279.

An Act to incorporate the Matagamon Manufacturing Company.

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

Section 1. George W. Smith, Frederic A. Greenwood, Nason Ingalls, Nathaniel M. Jones, Charles W. Mullen and their associates, successors and assigns, are hereby incorporated under the name of Matagamon Manufacturing Company, for the purpose of doing a general manufacturing, illuminating, heating and power business in the towns of Mattawankeag and Wood-

Corporation.

—corporate
name.

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—purposes,
rights and
powers.

ville, in Penobscot county; also for the purpose of creating, leasing and selling electricity and other power for manufacturing and other purposes, within said towns, also for the purpose of supplying the inhabitants of said towns, or of any city or village corporation 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; and 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.

—empowered
to hold real
estate.

—may hold
stock and
bonds of
other cor-
porations.

Authorized to
maintain
dams on
Penobscot
river.

Section 2. Said company is authorized and empowered to locate, construct and maintain dams on the Penobscot river in said towns of Mattawamkeag and Woodville; provided that suitable sluices are constructed and maintained by said company in said dams at its own expense for the 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 said river which may be necessary for building or repairing the same and for other necessary purposes, and may blow and remove rocks in the river, and dig up and remove land in said river when necessary.

—may con-
struct canals

—may take
lands.

May lay pipes
etc., along
any highway,
etc.

Section 3. Said company is further authorized and empowered to construct and maintain in, under, along, across and upon any highway, ways, streets and bridges, other than railroad bridges, that now or may hereafter exist, pipes, hydrants, poles, wires and other structures necessary for the purposes of its incorporation, and to replace and repair the same when necessary; to enter upon and excavate any highway, or other ways, within said towns in such manner as least to obstruct the same; and within said towns to enter, pass over and excavate any land;

to take and hold, by purchase or otherwise, rights of way or of water, and in general to do any acts necessary, convenient or proper for carrying out any of the provisions in this act. Nothing in this act, however, shall be construed as giving said company the right or power to flow the right of way of any railroad company, or to take any part of the right of way of any railroad company under the power of eminent domain given in this act. Said company may cross the right of way of any railroad company with wires, pipes, aqueducts or other structures mentioned in this act, and in case of failure to agree with any railroad company as to place, manner and conditions of crossing its right of way with such wires, pipes, aqueducts or other structures, the place, manner and conditions of such crossings shall be determined by the railroad commissioners, and all work within the limits of any railroad company's location shall be done under the supervision, and to the satisfaction, of the officers and agents of such railroad company, but at the expense of said Matagamon Manufacturing Company.

—shall not flow the right of way of any railroad.

—may cross any railroad.

—manner of crossing, how determined.

Section 4. Said company is further authorized and empowered within said towns to cross any watercourse, private or public sewer, and to change the directions 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.

May cross any sewer.

—shall not obstruct travel.

Section 5. Said company is further authorized and empowered to locate, erect and maintain in the Penobscot river between the foot of Matteseunk falls and a line drawn across the Penobscot river at the mouth of Salmon stream, a tributary of said river, entering the same in the town of Medway, 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, pulpwood 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

May erect piers and booms.

—sorting gaps shall be maintained.

—passage of lumber shall not be impeded.

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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 or owners thereof in writing, at the charge and expense of said company; and said company, by the aid of such piers and booms, shall have the power to separate and sort out from the logs, pulp wood and other lumber running down said river, all logs, pulp wood and other lumber destined and intended for use and manufacture at the mills of said company; provided, however, if upon the approach of the rear of any drive of logs to the booms of said company, herein authorized to be constructed and maintained, it shall appear to the person in charge of such drive that said company has not sufficient men to sort and turn by the logs arriving at said booms, so that such drive may be unreasonably impeded or delayed, such person, upon notice in writing to said company, left at its office, shall have the right to put men of his own selection upon said booms to expedite the sorting and turning by of the logs in such drive, who shall be paid by the Matagamon Manufacturing Company, and the additional cost, if any, of making such drive through said booms in consequence of such erections and piers, shall be paid by said manufacturing company, but nothing herein contained shall make said company liable for any delay caused by said piers and booms. And said company is also hereby authorized and empowered to hold within the piers and booms mentioned in this act, and located, erected and maintained as aforesaid, all logs, pulp wood and other lumber running down said river which are destined and intended for use and manufacture at the mills of said company.

—driving of
lumber, how
regulated.

—additional
cost for
driving shall
be paid by
company.

May take
land and
have the right
to pass over
the shores.

—liable for all
damages.

Section 6. Said company may enter upon, take and hold such lands as may be necessary for the location, erection and maintenance of the dams, piers and booms mentioned in this act and connecting the same with the shores of said river, and may, by its agents with teams, or otherwise, pass and repass over said shores, and to and from the same over the lands of other persons for the purposes aforesaid, and for the operation and management of such dams, piers and booms. Said company shall be held liable to pay all damages that shall be sustained by any person or persons by the taking of any land, water, rights of way, and other property, or by excavating through any land for the purpose of surveying for, locating, laying, building or erecting dams, canals, reservoirs, pipes, hydrants, poles, piers, booms and other structures, by taking and holding any lands necessary for flowage, and for other injuries resulting from said acts. And

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if any person sustaining damages as aforesaid, cannot agree with said company upon the sum to be paid therefor, either party, upon petition to the county commissioners of Penobscot county, within twelve months after plans are filed as hereinafter provided, may have said damages assessed by them, and subsequent proceedings and right of appeal thereon shall be had in the same manner and under the same conditions, restrictions and limitations as are by law prescribed in the case of damages by the laying out of highways; failure to apply for damages within said twelve months shall be held to be a waiver of the same.

—damages, how ascertained in case of disagreement.

—failure to apply for damages held to be a waiver.

Section 7. Said company shall file in the registry of deeds office, in the county of Penobscot, plans of the location of lands and water rights taken under the provisions of this act, and no entry shall be made on lands owned by other persons, except to make surveys, until the expiration of ten days from said filing, and with said plan said company may file a statement of damages it is willing to pay 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.

Shall file in registry of deeds plans of location.

—may file statement of damages it is willing to pay.

Section 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.

May make contracts to supply water light, heat and power.

Section 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.

Capital stock.

—may issue bonds and mortgage property.

Section 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.

First meeting, how called.

Section 11. This act shall take effect when approved.