

HOUSE No. 1606

Bill accompanying the petition of George Ward Cook for authority to form a corporation with the power to purchase water power and mill privileges at or near Mitchell's falls on the Merrimac river, received from the Secretary of the Commonwealth. Mercantile Affairs. January 19.

The Commonwealth of Massachusetts.

In the Year One Thousand Nine Hundred and Twelve.

AN ACT

To incorporate the Mitchell's Falls Canal and Power Company.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. George Ward Cook, Charles B. Sargent,
2 Jr., Alonzo W. Cram and W. S. Jewett, their associates
3 and successors are hereby made a corporation by the name
4 of the Mitchell's Falls Canal and Power Company for the
5 purpose of constructing a dam, or dams, across the Mer-
6 rimac river at, or about, Mitchell's Falls, and construct-
7 ing one or more locks and canals in connection with said
8 dam or dams, to remove all obstructions to navigation,
9 to create power for the generation of electricity, propel-
10 ling machinery and other like purposes, and to operate
11 said canals and locks with other necessary appliances for
12 transportation of merchandise, and to build any and all
13 structures that may be necessary to carry on the business
14 of said corporation.

1 SECTION 2. Said corporation shall have full power and
2 authority to take, hold, improve, lease, sell or other-
3 wise dispose of such privileges, watercourses, dams,
4 power, canals, rights, easements, pertaining or belonging
5 thereto, and such estate, real, personal or mixed as may
6 be acquired and contemplated under this act, and shall
7 have all the powers and privileges, and be subject to all
8 the duties, restrictions, and liabilities set forth in the
9 general laws which now are, or may be in force relating
10 to manufacturing corporations.

1 SECTION 3. The whole capital stock of said corpora-
2 tion shall not exceed five hundred thousand dollars, and
3 said stock shall be divided into shares of one hundred
4 dollars each. At all the meetings of said corporation,
5 voting shall be conducted according to the mode pre-
6 scribed by the general statutes.

1 SECTION 4. The said corporation shall make and
2 maintain in the dam so built by them across the river Merri-
3 mac a suitable fishway, to be kept open at such seasons
4 as are necessary, for the passage of fish, providing the
5 same be required by law.

1 SECTION 5. For the purpose of reimbursing said cor-
2 poration in part for the cost of keeping said locks and
3 canals in repair and attending to the same, to charge on
4 all descriptions of merchandise, boats and rafts the same
5 toll as is allowed by law.

1 SECTION 6. Said dam shall not be built to flow the
2 water in said river higher than the foot of the Essex
3 company's dam at Lawrence in the ordinary run of water,
4 and a commission of three competent persons to be ap-

5 pointed, one by the said corporation and one by the
6 Essex company and a third by the two thus appointed,
7 shall, upon the application of either party, fix and deter-
8 mine by permanent monuments the height of the dam of
9 the said corporation and of the flashboards to be used
10 thereon, whose award and determination shall be final
11 upon all parties forever; and if either party shall refuse,
12 after a request in writing by the other, for the space of
13 thirty days to name such a commissioner, or in the case of
14 a vacancy in such commission for any cause, either party
15 may apply to the governor of the commonwealth, who
16 is hereby empowered to fill such vacancy; and the height
17 of the permanent dam shall be fixed and determined
18 within one year after such application.

1 SECTION 7. Said corporation is hereby authorized
2 to construct and maintain a steam plant, with the neces-
3 sary boilers and engines and other appliances to supple-
4 ment its water power, also to build and maintain wharves
5 and tracks for landing and moving its coal and mer-
6 chandise.

1 SECTION 8. Any person who shall be damaged in his
2 property by said corporation in cutting or making canals
3 through his land, or by flowing the same, or in any other
4 way in carrying into effect the powers hereby granted,
5 unless said corporation shall, within sixty days after the
6 request in writing, pay or tender to said person a reason-
7 able satisfaction therefor, shall have the same remedies
8 provided by law for persons damaged by railroad cor-
9 porations.

1 SECTION 9. This act shall take effect from and after
2 its passage.

