

MAINE STATE LEGISLATURE

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NEW DRAFT.

Sixty-Sixth Legislature.

HOUSE.

No. 298.

STATE OF MAINE.

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

AN ACT to incorporate the Kennebec Water Power Com-
pany.

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

SECTION. 1. The Lockwood Company, a corporation
2 existing at Waterville in the County of Kennebec; the
3 Edward's Manufacturing Company, a corporation existing
4 at Augusta, in said county, the Skowhegan Water Power
5 Company, a corporation existing at Skowhegan in the
6 County of Somerset; the Hollingsworth & Whitney
7 Company, a corporation having a place of business at
8 Winslow in said County of Kennebec; the Manufacturing
9 Investment Company, a corporation having a place of

10 business at Madison, in the County of Somerset; the
11 Moosehead Pulp and Paper Company, a corporation
12 existing at Embden, in the County of Somerset; the
13 the Fairfield Junction Mills and Water Power Company,
14 a corporation existing at Fairfield, in said County of
15 Somerset; the firm of Lawrence Newhall & Company,
16 of said Fairfield, their associates, successors and assigns,
17 are hereby created and constituted a body politic and
18 corporate by the name of the Kennebec Water Power
19 Company, for the purpose of making such improvements
20 in the Kennebec river, and its tributary waters herein
21 named, as will enable them to store water, for the pur-
22 pose of increasing the volume of water in said Kennebec
23 river, in times of drought, either in summer or winter;
24 and for that purpose may flow the following named ponds
25 and streams in the watershed of the Kennebec river, in
26 the County of Somerset :

Moxe pond, Pierce pond, East and Middle Carrying
28 Place ponds, the Black Stream ponds, Pleasant pond and
29 Baker pond in Carratunk; Hayden lake in Madison; and
30 Embden, Hancock and Fahi ponds in Embden; by build-
31 ing dams, flowing said ponds and streams and deepening
32 the water channels connected therewith; and by which
33 name they may sue and be sued, plead and be impleaded,
34 and shall enjoy all proper remedies at law and in equity
35 to secure and protect them in the exercise and use of
36 their rights and privileges and in the performance of
37 their duties.

Said corporation is hereby authorized to purchase and
39 hold any estate, real and personal, to an amount not
40 exceeding four hundred thousand dollars, (\$400,000.);

41 and to make and adopt by-laws not repugnant to the laws
42 and constitution of the State of Maine; and all dams or
43 other structures authorized herein shall be so constructed
44 with the proper roll-ways, sluice-ways, gates, or other
45 contrivances as to facilitate and not impede or interfere
46 with the floating or driving of logs, and nothing herein
47 shall interfere with the chartered rights of the Emerson
48 Sluice Company, nor with the free use of the waters of
49 Pierce, Baker and Moxey ponds, so far as needed for
50 driving logs or lumber in said ponds and in Pierce and
51 Moxey streams as heretofore used.

SECT. 2. The capital stock of said corporation shall be
2 four hundred thousand dollars, divided into shares of
3 one hundred dollars each, and each share shall entitle its
4 holder to one vote at all meetings. Said capital stock
5 shall be divided into ten equal parts, and each water
6 power or privilege represented by the corporators above
7 named shall have assigned to it one of such parts and
8 shall have the right to take the part assigned to it or any
9 part thereof at any time. But in case the total amount
10 then expended by the corporation has exceeded the total
11 capital stock then issued, such incoming shareholder shall
12 pay in addition to the par value of his stock subscribed
13 for, such just proportion, if any, of the excess thus ex-
14 pended as the court shall determine under section six of
15 this act. The two unassigned parts shall be held unissued
16 until some water power or privilege not now represented
17 by the corporators herein named shall ask for them,
18 when they shall have the right to take on equal terms
19 with the others.

SECT. 3. Said corporation shall have the power to erect
2 and maintain dams in the waters aforesaid, with suitable

3 gates and sluice-ways for the passage of logs and lumber,
4 with the right to clear and deepen the channels of said
5 waters and remove obstructions therefrom.

SECT. 4. Said corporation is hereby empowered to take,
2 and hold as for public use, such dams and lands as may
3 be necessary for the purposes of said corporation as
4 herein provided, and such material as may be needed for
5 erecting and maintaining said dams; and in case said
6 corporation cannot agree with the owner or owners as to
7 the amount of land and material to be taken or the price
8 to be paid therefor, the amount of land and material to be
9 taken and the price to be paid therefor, shall be deter-
10 mined by the county commissioners of the county where
11 such dams, lands and material needed are located, upon
12 the application of any party interested to such county
13 commissioners, in the same manner as damages are
14 assessed for the location, alteration and discontinuance of
15 highways, as provided in chapter 18 of the Revised Stat-
16 utes of 1883 and acts amendatory thereof, and the same
17 rights of appeal from the decision of said county commis-
18 sioners shall exist, and may be prosecuted in the same
19 manner, as provided in said chapter 18 and acts amenda-
20 tory thereof.

Said corporation is hereby empowered to flow such lands
22 as may be necessary to carry out the purposes of this act;
23 and said corporation shall be liable for all damage by
24 flowing caused by said dams; to be ascertained and
25 determined in the manner prescribed in Chapter 92 of the
26 Revised Statutes.

SECT. 5. Each of the corporations named as incor-
2 porators in this act is hereby empowered to take and hold
3 stock in this corporation.

And said Kennebec Water Power Company is hereby
5 empowered to hold stock and be a member of any cor-
6 poration whose purposes involve the use of waters of said
7 river, or which is organized for the purpose of manufac-
8 turing, or controlling the flow of said waters, or other-
9 wise connected therewith.

At any meeting of said corporation, or on other occasions,
11 such stock holding corporation may be represented, vote
12 and act respectively by such person or persons, or com-
13 mittee, as its directors may delegate.

SECT. 6. The supreme judicial court has equitable
2 jurisdiction over this corporation, its successors and
3 assigns, and all parties interested, to regulate the use of
4 the water stored in the ponds and reservoirs held under
5 this charter and the rights of the members between them-
6 selves.

SECT. 7. If any person shall wantonly or maliciously
2 injure any of the said erections which may be constructed
3 by said corporation, he shall, on conviction thereof, be
4 punished by a fine not exceeding five hundred dollars, or
5 by imprisonment not exceeding one year, and shall be liable
6 to pay triple damages to said corporation; to be recovered
7 in an action before any court of competent jurisdiction.

SECT. 8. This act shall take effect when approved.

STATE OF MAINE

HOUSE OF REPRESENTATIVES, }
March 9, 1893.

Reported by Mr. MARSTON of Skowhegan, from Committee on Interior Waters, and ordered to be printed under joint rules.

W. S. COTTON, *Clerk.*