

# MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

OF THE

SIXTY-SIXTH LEGISLATURE

OF THE

STATE OF MAINE.

1893.

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PRIVATE AND SPECIAL LAWS  
OF THE  
STATE OF MAINE.

1893.

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**Chapter 585.**

An Act to incorporate the Kennebec Water Power Company.

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

SECT. 1. The Lockwood Company, a corporation existing at Waterville in the county of Kennebec; the Edwards Manufacturing Company, a corporation existing at Augusta, in said county; the Skowhegan Water Power Company, a corporation existing at Skowhegan in the county of Somerset; the Hollingsworth and Whitney Company, a corporation having a place of business at Winslow in said county of Kennebec; the Manufacturing Investment Company, a corporation having a place of business at Madison in the county of Somerset; the Moosehead Pulp and Paper Company, a corporation existing at Embden in the county of Somerset; the Fairfield Junction Mills and Water Power Company, a corporation existing at Fairfield in said county of Somerset; the firm of Lawrence, Newhall and Company, of said Fairfield, their associates, successors and assigns, are hereby created and constituted a body politic and corporate by the name of the Kennebec Water Power Company, for the purpose of making such improvements in the Kennebec river, and its tributary waters herein named, as will enable them to store water, for the purpose of increasing the volume of water in said Kennebec river, in times of drought, either in summer or winter; and for that purpose may flow the following named ponds and streams in the water shed of the Kennebec river, in the county of Somerset: Moxie pond, Pierce pond, East and Middle Carrying Place ponds, the Black Stream ponds, Pleasant pond and Baker pond in Carratunk; and Embden, Hancock and Fahi ponds in Embden; by building dams, flowing said ponds and streams and deepening the water channels connected therewith; and by which name they may sue and be sued, plead and be impleaded, and shall enjoy all proper remedies at law and in equity to secure and protect them in the exercise and use of their rights and privileges and in the performance of their duties. Said corporation is hereby authorized to purchase and hold any estate, real and personal, to an amount not exceeding four hundred thousand dollars; and to make and adopt by-laws not repugnant to the laws and constitution of the state of Maine: and

Corporators.

—corporate name.

—purpose.

—may hold real estate, not exceeding \$400,000.

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—shall not interfere with driving of logs, nor chartered rights of others.

all dams or other structures authorized herein shall be so constructed with the proper roll ways, sluice ways, gates, or other contrivances as to facilitate and not impede or interfere with the floating or driving of logs, and nothing herein shall interfere with the chartered rights of the Emerson Sluice Company, nor with the free use of the waters of Pierce, Baker and Moxie ponds, so far as needed for driving logs or lumber in said ponds and in Pierce and Moxie streams as heretofore used.

Capital stock.

—rights of corporators.

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

May erect dams and deepen channels.

SECT. 3. Said corporation shall have the power to erect and maintain dams in the waters aforesaid, with suitable gates and sluice ways for the passage of logs and lumber, with the right to clear and deepen the channels of said waters and remove obstructions therefrom.

May take land and materials.

SECT. 4. Said corporation is hereby empowered to take, and hold as for public use, such dams and lands as may be necessary for the purposes of said corporation as herein provided, and such material as may be needed for erecting and maintaining said dams; and in case said corporation cannot agree with the owner or owners as to the amount of land and material to be taken or the price to be paid therefor, shall be determined by the county commissioners of the county where such dams, lands and material needed are located, upon

—damages, how ascertained.

the application of any party interested to such county commissioners, in the same manner as damages are assessed for the location, alteration and discontinuance of highways, as provided in chapter eighteen of the revised statutes of eighteen hundred and eighty-three and acts amendatory thereof, and the same rights of appeal from the decision of said county commissioners shall exist, and may be prosecuted in the same manner, as provided in said chapter eighteen and acts amendatory thereof. Such corporation is hereby empowered to flow such lands as may be necessary to carry out the purposes of this act; and said corporation shall be liable for all damage by flowing caused by said dams; to be ascertained and determined in the manner prescribed in chapter ninety-two of the revised statutes.

—may flow  
lands.

—liable for  
damages.

SECT. 5. Each of the corporations named as incorporators in this act is hereby empowered to take and hold stock in this corporation. And said Kennebec Water Power Company is hereby empowered to hold stock and be a member of any corporation whose purposes involve the use of waters of said river, or which is organized for the purpose of manufacturing, or controlling the flow of said waters, or otherwise connected therewith. At any meeting of said corporation, or on other occasions, such stock holding corporation may be represented, vote and act respectively by such person or persons, or committee, as its directors may delegate.

Corporations  
may hold stock.

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

Jurisdiction of  
supreme judicial  
court.

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

Penalty, for  
injuring works.

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