

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,
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PRIVATE AND SPECIAL LAWS

OF THE

STATE OF MAINE.

1901.

CHAP. 325

—may issue
bonds and
mortgage
property.

First meet-
ing, how
called.

time as the stockholders may determine, to any sum not exceeding one hundred thousand dollars, and said company is hereby authorized to issue bonds, in such amount not exceeding the amount of its capital stock subscribed for, and upon such rates and time as it may determine, and secure the same by a mortgage of its franchises and property.

Section 6. The first meeting may be called by either incorporator, giving five days' written notice, by mail, to his associates, stating the time and place thereof, or by publication of said notice, at least once in a newspaper published in Franklin county, said publication to be at least five days before said meeting.

Section 7. This act shall take effect when approved.

Approved March 8, 1901.

Chapter 325.

An Act to incorporate the Union River Water Storage Company.

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

Corporators.

—corporate
name.

—authorized
to store
water.

—may erect
dams, etc.

May hold
real estate
and shares in
other similar
corporations.

Section 1. The firm of Whitcomb, Haynes and Company of Ellsworth; Eugene Hale, Andrew P. Wiswell, Arno W. King, and Jere T. Giles, jointly; the Ellsworth Water Company, a corporation; Charles J. Treworgy, Henry M. Hall, E. H. Greely, A. C. Hagerthy and H. W. Cushman, jointly; and their heirs, successors or assigns, are hereby created a body corporate under the name of the Union River Water Storage Company, for the purpose of making such improvements in Union river and its tributary waters as will enable them to store or hold water for the purpose of increasing and rendering more constant the power or energy of said Union river, and for that purpose, may acquire or erect and maintain dams or other structures at the outlets of any of the lakes or ponds, or upon any of the streams tributary to said Union river, except the east branch thereof, so called, and may flow any of said lakes and streams to such height as may be necessary for the purposes of this corporation, and in their said corporate name, 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.

Section 2. Said corporation is hereby authorized to purchase and hold any estate, real and personal, including the right to purchase and hold shares in the capital stock of any other corpora-

CHAP. 325

tion owning rights or privileges in or to the waters or powers of said Union river and its tributaries, and to make and adopt by-laws not repugnant to the constitution and laws of the state of Maine, but all dams and other structures authorized herein shall be so constructed as to facilitate and not to impede or interfere the proper driving or floating of logs and wood.

—by-laws.

Section 3. The capital stock of said corporation shall be ten thousand dollars, divided into shares of ten dollars each, and each share shall entitle its holder to one vote at all stockholders' meetings.

Capital stock.

Section 4. Previous to the first meeting of said corporation, twelve shares of its capital stock shall be subscribed and paid for in full, as follows: one share by E. H. Greely, H. W. Cushman and A. C. Hagerthy, jointly, as owners of the eastern power or privilege on the lowest or first waterfall of said Union river; one share by said Greely, Cushman and Hagerthy, jointly, as owners of the western power or privilege on said first waterfall; one share by the said Hale, Wiswell, King and Giles, jointly, as owners of the eastern power or privilege on the next upper or second waterfall; one share by the said Hale, Wiswell, King and Giles, jointly, as owners of the western power or privilege on said second waterfall; one share by Henry M. Hall as owner of the eastern power on the third waterfall; one share by said Henry M. Hall as owner of the western power on said third waterfall; one share by the Ellsworth Water Company as owner of the eastern power on the fourth waterfall; one share by said Ellsworth Water Company as owner of the western power on said fourth waterfall; one share by said Whitcomb, Haynes and Company as owner of the eastern power on the fifth waterfall; one share by said Charles J. Treworgy as owner of the western power on said fifth waterfall; one share by Whitcomb, Haynes and Company as owner of the eastern power on the sixth waterfall, and one share by said Whitcomb, Haynes and Company as owner of the western power on the sixth waterfall; and no shares of said capital stock shall be at any time sold to or owned by persons or corporations not owners of at least one of said powers or privileges enumerated or described above.

Twelve shares shall be subscribed before first meeting.

—who may hold stock.

Section 5. After said first meeting, stock may be issued as subscribed and paid for to owners of said powers or privileges, but only in such amounts as has been previously voted to be raised for the purpose of expenditure under this charter by a majority vote of the board of directors at a regular or special meeting, and whenever the amount so voted to be raised, shall have reached the sum of two thousand dollars during any one calendar year, any further sums voted to be raised and sub-

Directors may regulate the issue of the stock.

CHAP. 325

scribed for during that same year shall require and receive an unanimous vote of the board of directors.

Owners of waterpowers have equal right to stock.

Section 6. Owners of the described waterpowers and privileges shall at all times have the right to subscribe equally for stock to be issued, and any transfer of ownership of any of the waterpowers or privileges described and enumerated shall carry with it the transfer of the capital stock in this corporation then standing in the name of the owner or owners of said waterpower or privilege so transferred, but should the owners of any of the described waterpowers or privileges refuse or neglect, for ten days after such meeting and vote of directors, to subscribe for his or their proportional part, as set forth in section four of this act, then the other stockholders subscribing therefor within such time shall be entitled to the same, equally according to the number of single waterpowers owned by those so subscribing therefor, provided that the owner or owners of any waterpower or privilege who at any time shall be delinquent in stockholdings and sums subscribed for the same, shall have the right to purchase back and be entitled to receive from the other stockholders holding the same, the stock not subscribed and paid for by them proportionally, upon tender of the proper amount of money to make their holdings equal with the others.

—if owners neglect to subscribe, other stockholders entitled to same proportionately.

Directors may regulate the flow of water.

Section 7. Said corporation is authorized through and by its directors to regulate the volume and flow of water released from any of its storage reservoirs, and the times for releasing the same, and may by its by-laws provide for the charge and collection of rates or payments of money by users for power purposes of any of its artificially stored and released water, if any users there be whose stockholdings are less in amount than their proportional part of the whole stock issued, according to the apportionment of interests set forth in section four of this act, and said charges may be recovered by said corporation before any justice of the supreme judicial court under proceedings in equity for the purpose brought against the owner or owners of the power or privilege so delinquent in stockholdings, but said charge or rates shall be made only for artificially stored and released water actually used for power purposes, and not fully contributed to in stockholdings by said user or power owner, and shall in no case be at a rate greater than one dollar per additional horse power so furnished per month of two hundred and sixty hours, or at that rate for less time. Provided, however, that the volume and flow of water from the storage reservoirs of the company shall be so regulated as to furnish as nearly as possible, an equal, continuous flow of water in the Union river for the whole twenty-four hours of each and every day, except that the direc-

—provide for rates to be paid by users.

—flow of water shall be equal and continuous.

tors shall have the power to increase or decrease such equal daily flow to such extent and at such times and for such periods as may be assented to by all the waterpower owners herein named and their successors in such ownerships.

Section 8. Said corporation is hereby empowered to take and hold as for public uses, such lands and property as may be necessary for the purposes of said corporation as herein provided, and such material as may be needed for erecting and maintaining its retaining dams and structures, and in case said corporation cannot agree with the owner or owners as to the amount of property to be taken, or the price to be paid therefor, the same shall be determined by the county commissioners of Hancock county, upon application of any party interested to said 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 additional thereto, 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 and additional thereto; said corporation is hereby empowered also to flow such lands as may be necessary to carry out the purposes of this act, and said corporation shall be liable for all damages by said flowing, to be ascertained and determined in the manner prescribed in chapter ninety-two of the revised statutes.

Section 9. Any corporation, any copartnership and any individuals as joint owners named as incorporator in this act is or are hereby empowered to take and hold stock in this corporation, and at any meeting of this corporation or on other occasions, may be represented, vote and act, respectively, by such person or committee as its directors may delegate.

Section 10. 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 lakes and reservoirs held under this charter, and the rights of the members between themselves.

Section 11. If any person shall wantonly or maliciously injure any of the dams or structures 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 also to pay triple damages to said corporation, to be recovered in an action before any court of competent jurisdiction.

May take land and other property.

—damages, how determined in case of disagreement.

—appeals may be taken.

—may flow land.

How stock may be held and voted on.

Court has power to regulate use of water.

Penalty for injuring dams.