

MAINE STATE LEGISLATURE

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Sixty-Ninth Legislature.

HOUSE.

No. 292.

STATE OF MAINE.

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

AN ACT to incorporate the St. Croix Water Power Company.

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

Section 1. George H. Eaton, Frank Todd, J. G. Murchie,
2 Waldo W. Mercier, H. W. Belyea, Charles G. Owen, H. W.
3 Eaton, J. D. Andrews, J. M. McDonald, James McAllister,
4 John G. Moore and George A. Curran, their associates, suc-
5 cessors and assigns, are hereby created and constituted a
6 body politic and corporate by the name of the St. Croix
7 Water Power Company for the purpose of making such
8 improvements in the St. Croix river and the lakes, ponds,
9 streams and rivers in the watershed of the St. Croix river
10 as will enable said corporation to store water for the purpose
11 of increasing the volume of water in said St. Croix river in
12 times of drought, either in summer or winter, by owning or

13 building dams, flowing said rivers, lakes, ponds and streams,
14 and deepening the water channels connected therewith; and
15 by which name, said corporation may sue and be sued, plead
16 and be impleaded, adopt and use a corporate seal, and enjoy
17 all proper remedies at law or in equity to secure and pro-
18 tect it in the exercise and use of its rights and privileges and
19 in the performance of its duties, and, in general, shall possess
20 all the powers and be subject to all the duties and obligations
21 conferred and imposed by law on similar corporations except
22 as otherwise provided herein. Said corporation may also
23 develop, sell and use water and electric power, with all the
24 rights and powers necessary and incidental thereto as herein
25 granted and limited.

Sect. 2. Said corporation is authorized to hold such
2 amount of real and personal estate as may be necessary for
3 the purposes of its incorporation.

Sect. 3. All dams or other structures authorized herein,
2 shall be so constructed with the proper rollways, sluiceways,
3 gates or other contrivances as to facilitate and not impede
4 or interfere with the floating or driving of logs; and nothing
5 herein shall abridge, impair or interfere with the chartered
6 rights of the St. Croix Log Driving Company, nor with the
7 free use of said waters so far as needed for driving logs or
8 lumber.

Sect. 4. Said corporation shall have the power to purchase,
2 own and erect dams in the waters aforesaid, with suitable
3 gates, sluiceways, rollways or other contrivances for the pas-
4 sage of logs and lumber, with the right to clear and deepen
5 the channels of said waters and to remove obstructions
6 therefrom.

Sect. 5. Said corporation is hereby empowered to trans-
2 mit electric power from its said dams, for lease or sale to such
3 points as may be feasible in such manner as may be expe-

4 dient, and, subject to the general laws of the State regulating
5 the erection of posts and lines for the purposes of electricity,
6 it may erect and maintain all posts, wires and fixtures neces-
7 sary therefor.

Sect. 6. Said corporation, for the purposes of this act, is
2 authorized to take, as for public uses, such land, interests in
3 real estate, water, water rights, water powers or privileges,
4 or dams, in said watershed, except as herein limited, as may
5 be necessary for its corporate purposes, and such material as
6 may be necessary for erecting and maintaining its dams.
7 And, for such purposes, said corporation may flow any lands,
8 wherever and whenever necessary to accomplish said pur-
9 poses.

Sect. 7. Said corporation shall file in the registry of deeds
2 in the county wherein the property affected is located, plans
3 and descriptions of the location of all land, interests in real
4 estate, water, water rights, water powers and privileges, flow-
5 age or dams taken under the provisions of this act, and no
6 entry shall be made upon any lands, except to make surveys,
7 until the expiration of twenty days from such filing, and with
8 such plan the corporation may file a statement of the dam-
9 ages it is willing to pay to any person for any property rights
10 so taken, and if the amount finally awarded does not exceed
11 that sum, the company shall recover costs against such per-
12 son, otherwise such person shall recover costs against such
13 company. Failure to apply for damages within two years
14 after such filing of plans of location shall be held to be a
15 waiver of the same. All such damages shall be a first lien
16 on the property and franchises of said corporation until paid
17 in full with costs.

Sect. 8. Said corporation shall be liable to pay all dam-
2 ages that may be sustained by any person by the taking of
3 any dams, lands, water, water rights, water power or privi-

4 lege, or materials, or by flowage, and also for all damages
5 for any other injuries resulting from any of the acts herein
6 authorized, including damages of any kind to any water
7 power or privilege, howsoever caused, and if any person sus-
8 taining damages as aforesaid shall not agree with said corpo-
9 ration upon the sum to be paid therefor, either party may
10 cause such damages to be ascertained in the same manner and
11 under the same conditions, restrictions and limitations as
12 are by law prescribed, from time to time, in case of dam-
13 ages by the laying out of highways with the same right of
14 appeal; provided, however, that any person suffering annual
15 damage by reason of flowage, may at his option have his
16 damage ascertained and allowed in the same manner and
17 under the same conditions, restrictions and limitations as are
18 by law prescribed in chapter ninety-two of the Revised
19 Statutes, and acts amendatory thereto heretofore or hereafter
20 enacted.

Sect. 9. Any corporation doing business on said St. Croix
2 river may take and hold stock in said corporation and said
3 St. Croix Water Power Company may hold stock in any
4 corporation whose purposes involve the use of said waters.
5 In such cases stocks so held may be represented as the direc-
6 tors of the stock-holding corporation may provide, and mem-
7 bers of the stock-holding corporation shall be eligible to
8 office in the corporation in which stock is so held.

Sect. 10. The supreme judicial court has equitable juris-
2 diction over said corporation, its successors and assigns, to
3 regulate the use of the water stored under this act. Nothing
4 in this act shall be construed to prevent or restrain any per-
5 son, firm or corporation from the use of the water of any
6 of said rivers, streams, lakes or ponds as the same have been
7 or might have been used in a state of nature, and said corpo-
8 ration shall not by any of its dams or other improvements

9 keep back or withhold the natural run of said waters from
10 flowing down said rivers, streams, lakes or ponds so as to
11 prevent any of the mills or manufactories thereon from
12 being supplied with said natural run. Said corporation may
13 fix such rates for the use of water by it stored under this
14 act and supplied to such mills and manufactories, as it may
15 in the first instance deem expedient, and any person, firm or
16 corporation, feeling aggrieved by such rates, may appeal to
17 any justice of the supreme judicial court, in equity, in term
18 time or in vacation, who, after notice and hearing, shall
19 finally determine the same and the schedule of rates so
20 established by such justice shall be binding upon such corpo-
21 ration until changed upon new petition therefor. Such jus-
22 tice so sitting shall receive his fees therefor, as if a referee
23 under a rule of court, and all questions of costs shall be
24 determined as in equity.

Sect. 11. If any person shall wantonly or maliciously in-
2 jure any of the erections which may be constructed by said
3 corporation, he shall, on conviction thereof, be punished by
4 a fine not exceeding five hundred dollars, or by imprisonment
5 not exceeding one year, and shall be liable to pay double dam-
6 ages to said corporation to be recovered before any court of
7 competent jurisdiction.

Sect. 12. The capital stock of said corporation shall not
2 exceed fifty thousand dollars, divided into shares of one hun-
3 dred dollars each. Said stock may be increased from time
4 to time to two hundred thousand dollars, and with each in-
5 crease the corporation shall pay to the secretary of State the
6 fees required by the general law.

Sect. 13. Said corporation may issue its bonds, for all law-
2 ful purposes, upon such rates and time and in such amount,
3 as it may deem expedient, and secure the same by appro-
4 priate mortgage, or mortgages, upon its franchises and prop-
5 erty, then or thereafter to be acquired.

Sect. 14. The said corporation is hereby authorized to
2 accept such franchises, powers and privileges as may be con-
3 ferred upon it by the legislature of the Province of New
4 Brunswick, or the Parliament of the Dominion of Canada,
5 and to perform such acts and have such powers within said
6 Province or said Dominion as may be required or permitted
7 by said legislature or said parliament, and, in that event, the
8 said corporation may consolidate and work the franchises
9 hereby granted with those granted by said legislature or said
10 parliament as one single enterprise, and this act shall be read
11 and construed as if the several rights and franchises granted
12 by this State and the Province of New Brunswick, or the
13 Dominion of Canada, had been included in and granted as a
14 whole by this act.

Sect. 15. Nothing in this act shall be construed as giving
2 said corporation the right or power to flow in any way, the
3 right of way or lands of any railroad company used for rail-
4 road purposes or to take in any way any part of such right of
5 way or such lands under the power of eminent domain given
6 in this act. All property below the upper bridge between
7 Calais and Milltown and all dams on any of said waters used
8 for manufacturing purposes, together with all lands or build-
9 ings so used in connection with such dams, shall likewise be
10 excepted from said power of eminent domain.

Sect. 16. The first meeting of said corporation may be
2 called by any one of the above named corporators by giving
3 notice of the time and place of such meeting, at least seven
4 days before said time, delivered in hand or mailed, postage
5 prepaid. At such meeting, officers may be chosen, by-laws
6 adopted, and such other corporation business transacted as
7 may be deemed requisite and proper.

Sect. 17. This act shall take effect when approved.

STATE OF MAINE.

HOUSE OF REPRESENTATIVES,

Augusta, March 8, 1899.

Reported by Mr. KING of Caribou, from Committee on Interior
Waters. and ordered printed under joint rules.

W. S. COTTON, *Clerk.*