

MAINE STATE LEGISLATURE

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NEW DRAFT.

Seventy-first Legislature.

HOUSE.

No. 286

STATE OF MAINE.

IN THE YEAR OF OUR LORD ONE THOUSAND NINE
HUNDRED AND THREE.

AN ACT to incorporate the St. John River Dam Company.

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

Section I. Albert A. Burleigh of Houlton, Charles A. Mil-
2 liken of Augusta, James W. Parker of Portland, George A.
3 Murchie of Calais, Maine, Redfield Proctor of Proctor,
4 Vermont, Abner W. Hayford of Boston, Mass., Allan E.
5 Hammond and Peter C. Keegan of Van Buren, Maine, John
6 Costigan of Ottawa, Ont., James Robinson of Millerton,
7 N. B., Thomas J. Cochran and John M. Stevens of Edmund-
8 ston, N. B., Thomas Crockett of River-du-loup, P. Q., and
9 Thomas Clair of St. Francis, N. B., their associates, suc-
cessors and assigns, are hereby constituted a body corporate

11 and politic under the name of the St. John River Dam Com-
12 pany, hereafter called the "company" which term shall here-
13 inafter, as to all rights, powers, duties and obligations herein
14 conferred or which may be conferred by the legislature of
15 New Brunswick or the parliament of Canada, include the
16 consolidated or amalgamated corporation contemplated by
17 this act.

Sect. 2. The persons named in section one of this act shall
2 be the first or provisional directors of the company, a majority
3 of whom shall constitute a quorum, and they shall have all
4 the powers which are ordinarily possessed and exercised by
5 directors in other similar corporations, and shall hold office
6 until such time as said corporation shall be fully organized
7 and shall have the power to choose a president, treasurer and
8 a clerk to hold office until others are chosen in their stead and
9 may make all by-laws required for the transaction of the busi-
10 ness and management of the affairs of the corporation, not
11 inconsistent with the laws of the State, including the mode of
12 calling the first meeting for permanent organization of this
13 or of any corporation formed by the consolidation or amal-
14 gamation of this corporation with any other corporation or
15 corporations authorized under this act.

Sect. 3. The capital stock of the company shall be two
2 hundred thousand dollars, which by vote of the stockholders
3 may be increased to an amount not exceeding one million
4 dollars, divided into shares of one hundred dollars each, and
5 may be assessed by the directors from time to time as they
6 deem necessary, but no assessment subsequent to the allot-
7 ment of shares shall exceed ten per cent, nor be made at less
8 intervals than two months. Said company is also hereby
9 authorized to issue bonds to an amount not exceeding three
10 hundred thousand dollars, in denominations of one hundred,
11 five hundred and one thousand dollars, secured by mortgage

12 upon the property of said company, and its franchises, for the
13 building of the dam and other works provided for in this act,
14 and the payment of damages for land taken and land flowed
15 by virtue of the authority conferred by this act.

Sect. 4. The head office of the company shall be in Van
2 Buren, in the county of Aroostook, at which all meetings of
3 the stockholders shall be held; but the directors may meet
4 elsewhere, as provided by the by-laws of the company, and
5 such meetings may be held in the province of New Bruns-
6 wick. The company is hereby authorized to accept such
7 franchises, powers and privileges as may be conferred upon it
8 by the legislature of New Brunswick or the parliament of
9 Canada, and to perform such acts within New Brunswick or
10 Canada as may be required or permitted by said legislature
11 or parliament, and this company may consolidate or amal-
12 gamate and build, maintain and carry on its works and the
13 franchises hereby granted jointly with the works built under
14 and the franchises granted by said legislature or parliament
15 or all or either of them as one single enterprise, and any
16 organization of such corporation in the ordinary manner
17 whether in accordance with the laws of the State, province
18 or dominion shall be deemed valid and legal in the courts of
19 the State; and any mortgage of its property, real or personal,
20 and franchises given to any individual or individuals, corpo-
21 ration or corporations or to any trustee to secure an issue of
22 notes or bonds which shall be executed in accordance with the
23 laws of the State, province or dominion, shall be deemed
24 valid, effectual and binding to all intents and purposes within
25 the State, provided the same has been duly recorded in the
26 northern registry of deeds for Aroostook county, and this act
27 shall be read and construed as if the several rights and fran-
28 chises granted by this State and the provincial legislature
29 and the dominion parliament, or either or any of them had
30 been included in and granted as a whole by this act.

Sect. 5. In this act, unless the context otherwise requires,
2 the expression "logs" shall mean logs, timber and wood of any
3 kind, the expression "local logs" shall mean logs, timber and
4 wood of any kind in respect to the holding, collecting, secur-
5 ing, separating, sorting out, rafting or driving of which above
6 the boundary line between Maine and New Brunswick near
7 Grand Falls, the owner or owners thereof have requested
8 the company to take charge.

Sect. 6. The company may construct, equip, maintain and
2 operate a dam, with the right of flowage, in the St. John
3 river, at or near the Winding Ledges in the town of Fort
4 Kent, in the county of Aroostook and State of Maine, from
5 any point along the bank or shore of said river to the bound-
6 ary line in said river between the United States and Canada,
7 to, and may connect said dam with a dam to be built from
8 the opposite shore of said river in the parish of St. Francis,
9 in the province of New Brunswick, provided and whenever
10 authority to build such dam from the said shore in the pro-
11 vince of New Brunswick, and to make such connection has
12 been or may be obtained by this or some other company in
13 the Dominion of Canada, and may build, maintain and oper-
14 ate all such other dams, wing dams, sluices, conduits, booms,
15 side booms, sheer booms, piers, wharfs, slips, buildings and
16 other works above said dam to a point opposite the mouth
17 of the St. Francis river, and below said dam to the boundary
18 line between Maine and New Brunswick near Grand Falls,
19 in the county of Victoria and province aforesaid, in the river
20 St. John or any of its tributaries within the State, necessary
21 for the purposes of the company.

(2) Said dam shall be constructed in such a manner as
23 will permit of the safe passage and transmission of all logs,
24 and shall be maintained free of charge, for the use of all
25 persons (except to the owner or owners of local logs) who

26 may desire to pass or transmit their logs, and the company
27 shall be liable to pay damages to any owners of property
28 injured by any overflowing of the waters of said river Saint
29 John, caused by said dam.

(3) The company shall be liable to pay to any persons
31 injured (except to the owners of local logs) compensation
32 for any loss, damage, expense, detention, obstruction or any
33 unnecessary delay, caused by the said dams, wing dams, con-
34 duits, booms, sheer booms, side booms, piers, wharfs, slips,
35 buildings or other works of the company, or by the erection
36 and maintenance of said dams and other works, in the driving
37 and floating down the river Saint John of any logs (except
38 local logs).

(4) The company shall, without delay, build and main-
40 tain in the said dams such fish-ways and of such design as
41 may be prescribed by law.

Sect. 7. The company, by means of and through the works
2 aforesaid, may hold, collect, secure, separate, sort out, raft
3 and drive over the said dam all logs including local logs, that
4 may come into or be driven within the company's booms
5 above the said dam; and may, in addition to its own logs,
6 contract to hold, collect, secure, separate, sort out, raft and
7 drive to their destination, all local logs coming over said dam
8 or into the Saint John river out of any river or stream or in
9 any other manner whatsoever, below said dam and above the
10 boundary line near Grand Falls, that may be intended for
11 any and all sawmills or pulp mills or other manufactories
12 that are now or may be hereafter built and operated along
13 the river St. John below said dam and above the boundary
14 line near Grand Falls, provided, however, all logs, except
15 local logs, which shall come into or be driven within the
16 company's booms, shall, without any unnecessary delay, be
17 separated by the company from the company's logs and from

18 local logs and be driven out of the said booms into the river
19 at the expense of the company.

(2) The Madawaska Log Driving Company may place
21 one or more men, if necessary, at the said booms and at the
22 expense of the company hereby incorporated, to see that all
23 logs in the manner herein provided, except the company's
24 logs and local logs are all and properly passed by and if not
25 passed by to the satisfaction of the said Log Driving Com-
26 pany, may itself take charge of and pass by all logs except
27 local logs and the logs of the company, hereby incorporated.

Sect. 8. Subject to any provisions of any act of the Legis-
2 lature of the province of New Brunswick, the company shall
3 not take or hold within its booms any prize or unmarked
4 logs, and any person interested may go upon the property of
5 the company at any reasonable time and in a reasonable man-
6 ner and search for such prize or unmarked logs, but the
7 company shall have its proper proportion of the proceeds of
8 the sale thereof, provided, however, the company may, by
9 and with the consent in writing of all the owners of logs
10 operating on the St. John river or any tributary thereof
11 above said dam, which consent must be served upon the
12 company at least two months before the driving season opens,
13 hold said prize or unmarked logs in their booms to be dis-
14 posed of as hereinafter provided; and provided, also, the
15 holding of said prize or unmarked logs in the company's
16 booms shall be optional with the company, unless a bond
17 satisfactory to the company shall have been given to the com-
18 pany to indemnify it against any damages that may arise by
19 reason of the holding in its booms of said prize or unmarked
20 logs.

Sect. 9. Such piers, booms and other works authorized to
2 be placed in the river St. John by the company shall be so
3 constructed and maintained by the company as to not unnec-

4 essarily obstruct, hinder or delay the free and uninterrupted
5 passage down the said river to and below the said dam all
6 logs, except local logs and logs of the company.

Sect. 10. It shall be the duty of the company and it is
2 hereby required to hold, collect, secure, separate and sort out
3 within its booms above its dam, and whenever requested so
4 to do, drive over the dam, all local logs which shall come into
5 or be driven within the company's booms at any time between
6 the opening of the spring and the river being entirely free
7 from ice and the first day of November in each and every
8 year during the continuance of this act, providing the owner
9 or owners of said local logs shall have furnished the com-
10 pany with the mark or marks of said local logs a reasonable
11 time before the opening of the spring and at least fifteen days
12 before said local logs come within the company's booms and
13 after so furnishing said marks all logs bearing any of said
14 marks shall be considered local logs so soon as they come
15 within the said booms and shall be under the full control,
16 and be liable to boomage and other charges of the company.

Sect. 11. The company shall be entitled to and may charge
2 a reasonable compensation for holding, collecting, securing,
3 separating, sorting out, booming and for other work done in
4 connection with said local logs, within its booms above said
5 dams, and may by by-laws from time to time fix uniform tolls
6 and charges therefor on the different kinds of logs, which
7 said by-laws shall be subject to the approval of the governor
8 and council, and the company may also fix by contract with
9 the owner or owners of said local logs, the charges to be
10 made by the company for all local logs contracted for by and
11 with the company to be driven or rafted and driven to their
12 destination above the Grand Falls and below said dam; and
13 the company shall have a lien on said local logs whether man-
14 ufactured or not, in respect to which boomage and other

15 charges (including those for driving or rafting and driving)
16 of the company have not been paid for a period of two months
17 after said logs have reached their destination; and if, said
18 logs have not gone out of the possession of the company, the
19 company may retain said local logs or a sufficient part thereof
20 to pay the same and all other expenses afterwards incurred
21 in connection therewith, until the same are paid; and if the
22 owner or owners of said local logs shall not, within ten days
23 after said local logs have been surveyed by the company, pay
24 the same, the company shall be entitled to a reasonable com-
25 pensation for keeping said local logs which shall be deemed
26 to be at the risk of the owner or owners thereof, and the
27 company is hereby authorized, if default in the payment of
28 all said charges against said local logs continue another ten
29 days, to sell the same or so much thereof as shall be sufficient
30 to pay all of said charges and expenses at public auction on
31 giving ten days notice of the time and place of sale to be
32 published in the newspaper published in Aroostook county
33 at the place nearest to Fort Kent or by sending a notice of
34 the time and place of sale by registered letter to the person
35 or persons who furnished the mark or marks on the said local
36 logs, at least ten days before such sale, and after deducting
37 from the proceeds of such sale, all charges and also the
38 expenses of keeping said local logs and the expenses of such
39 sale as well as all other incidental expenses, shall render the
40 surplus, if any, to the owner or owners of said local logs.

Sect. 12. All local logs shall be measured by a competent
2 surveyor duly sworn, who shall be employed and paid by the
3 company, whose survey shall be conclusive upon the parties,
4 unless the owner or owners of such local logs shall give
5 notice to the company within three days after the said local
6 logs have been surveyed, of his or their dissent to such sur-
7 vey, then and in such case the differences shall be settled and

8 determined in the manner prescribed by section fifteen of
9 this act.

Sect. 13. Under and by virtue of the authority that may
2 be conferred upon the company by section eight of this act
3 and subject to the provisions contained in said section, the
4 company may from time to time as the directors may deem
5 expedient, between the hours of ten o'clock in the forenoon
6 and two o'clock in the afternoon, sell by public auction at a
7 public place in Fort Kent aforesaid, first giving fifteen days
8 notice by advertisement in the newspaper published in Aroos-
9 took county nearest to Fort Kent, all such prize or unmarked
10 logs, except such as may be in joints or shackle booms, as
11 may be found within the booms of the company during the
12 season, and shall, at the time of such sale, exhibit and post
13 up for the information of purchasers a survey bill of all such
14 prize or unmarked logs in the said booms and so offered for
15 sale as aforesaid, and after deducting the costs and charges
16 of selling same, together with the boom fees, which are
17 hereby authorized to be charged according to the scale fixed
18 for local logs, shall, at the winding up of the year's operation,
19 distribute the net proceeds of such sales among the several
20 persons having marked logs in the said booms, or who may
21 have had marked logs therein previous to the time of such
22 sale during the season and on which boomage charges have
23 been paid to the company, in fair and just proportion accord-
24 ing to the quantity of marked logs such person or persons
25 may have coming through said booms; provided nothing
26 herein contained shall give to the company the right to sell
27 any logs which at the time of such sale shall be in the custody
28 of the law, or shall be adjudged the property of any person
29 claiming same.

Sect. 14. The company shall not be liable for the loss of
2 any local logs which may pass out of or by the said booms, or

3 escape therefrom, unless such loss is occasioned by the neg-
4 lect or default of the company, or the neglect or default of its
5 agents or servants ; provided, always, that the company shall
6 be bound to use and follow due diligence to collect together
7 and pick up and secure and raft all such local logs which may
8 pass out of or escape from or run below the said booms,
9 before the same go over the Grand Falls, the expense of such
10 following, picking up, securing, rafting and delivering to be
11 a charge on the said local logs and be paid by the owner or
12 owners thereof, when such escape is not the result of the neg-
13 ligence or default of the company or its officers.

Sect. 15. All questions of difference or dispute of any kind
2 relating to the quantity of local logs, or to the mode of rafting
3 or other work done in connection with the said local logs, shall
4 be submitted to the award or arbitrament and determination
5 of three persons indifferently chosen between the parties ; the
6 award or determination of them or of any two of them, shall
7 be final and conclusive between the parties, which referees or
8 any two of them shall also determine and award by whom
9 and how the expenses of such reference shall be paid ; pro-
10 vided, always that such reference may be made to one person,
11 if the parties can agree upon such one, who shall be vested
12 with the like powers herein assigned to the three referees.

Sect. 16. The company may, by means of and through the
2 works aforesaid, carry on the business of lumberers and
3 manufacturers of lumber and lumber products in all its
4 branches, including the manufacture of pulp and paper and
5 other business incident thereto and connected therewith, and
6 may erect and operate lumber mills and pulp and paper mills
7 on or near the river St. John or any of its tributaries above
8 the boundary line near Grand Falls, and may, for all and any
9 of said purposes, purchase, hold, lease or otherwise acquire
10 lands, limits and rights to cut logs, and other property, real
11 or personal, movable or immovable, and may get and manu-

12 facture logs and may improve, extend, manage, develop,
13 lease, exchange, sell or deal in any other way in lumber and
14 lumber products of all kinds, including pulp and paper.

Sect. 17. The company may purchase or otherwise acquire
2 any business within the objects of the company, and any
3 lands, property, privileges, water powers, rights, contracts
4 and liabilities appertaining thereto and may let or sublet any
5 property of the company and may sell or otherwise dispose
6 of the business, property or undertaking of the company, or
7 any part thereof, for such consideration as the company
8 thinks fit, and in particular for shares, debentures or securi-
9 ties of any other company.

Sect. 18. The company may construct, maintain and oper-
2 ate for its own use or otherwise tramways to be worked by
3 electricity or otherwise, from the said dams to the boundary
4 line near Grand Falls and for such purposes may erect poles
5 and do all other things necessary therefor.

Sect. 19. The company, by means of and through the
2 works aforesaid, may supply persons with water, hydraulic,
3 electric or other power for use or for any purpose by means
4 of wires, cables, machinery or other appliances, including said
5 dams and appliances connected therewith, at such rates and
6 upon such conditions as are agreed upon between the com-
7 pany and such persons; and may construct, maintain and
8 operate works for the production, sale and distribution of
9 electric and pneumatic power, light, heat and driving logs
10 and lumber.

(2) The company may also erect poles and do all other
12 things necessary for the transmission of power as fully and
13 effectually as the circumstances of the case may require, sub-
14 ject, however, to the following provisions, that is to say,—

(a) The company shall not interfere with the public right
16 of travel or in any way obstruct the entrance to any door or
17 gateway or free access to any building,—

(b) The company shall not permit any wires to be less than
19 twenty-two feet above such highway or other public place,—

(c) All poles shall be so nearly as possible straight and
21 perpendicular and shall in cities and towns be painted, if so
22 required by any by-laws of the municipality or other author-
23 ity having jurisdiction over the same,—

(d) The company shall not be entitled to damages on
25 account of its poles or wires being cut by the direction of the
26 officer in charge of a fire brigade at any fire, if, in the opinion
27 of such officer, it is advisable that such poles or wires be cut,—

(e) The company shall not cut down or mutilate any shade,
29 fruit or ornamental tree without the approval of the munici-
30 pal officers of the municipality in which it is situate, and then
31 only so far as it may be necessary,—

(f) The opening up of streets for the erection of poles or
33 for carrying wires under ground, shall be subject to the direc-
34 tion and approval of the municipal officers and shall be done
35 in such manner as the said municipal officers direct, and they
36 may also designate the places where such poles shall be
37 erected and such street, square or other public place shall,
38 without any unnecessary delay, be restored, so far as possible,
39 to its former condition, by and at the expense of the com-
40 pany,—

(g) Nothing herein contained shall be deemed to authorize
42 the company to enter upon any private property for the pur-
43 pose of erecting, maintaining or repairing any of its works,
44 without the previous assent of the owner or occupant of the
45 property for the time being,—

(h) If, for the purpose of removing buildings, or in the
47 exercise of the public right of travel, it is necessary that the
48 said wires or poles be temporarily removed by cutting or
49 otherwise, the company shall at its own expense, upon rea-
50 sonable notice in writing from any person requiring it,
51 remove such poles and in default of the company so doing,

52 such person may remove such wires and poles at the expense
53 of the company. The said notice may be given either at any
54 office of the company or to any agent or officer of the com-
55 pany in the municipality wherein are the wires or poles
56 required to be moved, or in case of a municipality wherein
57 there is no such agent or officer, then, either at the head office
58 or to any agent or officer of the company in the nearest or
59 adjoining municipality to that in which such wires or poles
60 are,—

(i) The company shall be responsible for all damage which
62 it causes to ornamental, shade or fruit trees and otherwise
63 for all unnecessary damages which it may cause in carrying
64 out or maintaining any of its works,—

(j) Subject to the foregoing provisions, the company, for
66 the purposes of constructing and maintaining its works, with
67 the consent of the municipal officers or other authority hav-
68 ing jurisdiction over the same, enter on any highway, square
69 or other public place and so often as the company thinks
70 proper, may, with like consent, break up and open any high-
71 way or other public place.

Sect. 20. Lands actually required for the construction,
2 maintenance and operation of the company's mills, dams,
3 wing dams, sluices, conduits, booms, side booms, sheer booms,
4 piers, wharves, slips, buildings, roads, tramways, and other
5 works of the company, and all lands which may be flowed
6 by a dam not exceeding twelve feet in height, may be pur-
7 chased by the company or taken and held as for public uses,
8 and said company shall file in the registry of deeds for the
9 Northern District of Aroostook county, plans of all lands so
10 taken in said county, and no entry for the purposes of taking
11 lands shall be made on any lands owned by other persons
12 except to make surveys, until the expiration of ten days from
13 the time of said filing and with such plan the company may
14 file a statement of the damages it is willing to pay to any

15 person for the property so taken, and if the amount finally
16 awarded does not exceed that sum, the company shall recover
17 costs against such person, otherwise such person shall recover
18 costs against the company. Said company shall be liable to
19 pay all damages for the land so taken, and if any person sus-
20 taining damages as aforesaid shall not agree with the com-
21 pany upon the sum to be paid therefor, either party on peti-
22 tion to the county commissioners of the county of Aroostook,
23 within twelve months after such plans are filed, may have
24 the damages for the taking of said lands assessed, and the
25 subsequent proceedings and right of appeal thereupon shall
26 be had in the same manner and under the same conditions,
27 restrictions and limitations as are by law prescribed in the
28 case of damages by the laying out of highways, failure to
29 apply for such damages within the twelve months shall be
30 held to be a waiver of the same.

Sect. 21. The company may purchase, lease and acquire
2 timber and other lands including the property of the incor-
3 porators or any of them, and the whole or any part of the
4 good will, stock in trade, assets and property, real and per-
5 sonal, movable or immovable, of the incorporators or other
6 persons in connection with said business, subject to the obli-
7 gations, if any, affecting the same, and may pay therefor
8 wholly in cash or wholly or partly in fully paid up or partly
9 paid up shares of the company or wholly or partly in deben-
10 tures of the company or otherwise and may mortgage, sell
11 or otherwise dispose thereof.

Sect. 22. The company may make, endorse, accept or
2 otherwise execute cheques, promissory notes, bills of
3 exchange, warehouse receipts, bills of lading and other nego-
4 tiable instruments; provided, however, that nothing in this
5 section contained shall be construed to authorize the com-
6 pany to issue any note or bill payable to bearer or intended
7 to be circulated as money or bill of a bank.

Sect. 23. The directors, under the authority of a resolution
2 of the shareholders passed at any special meeting called for
3 the purpose, or at any annual meeting at which shareholders
4 representing at least two-thirds in value of the issued capital
5 stock of the company are present or represented by proxy,
6 may from time to time, at their discretion, borrow moneys
7 for the purposes of the company, and secure the repayment
8 thereof in such manner and upon such terms and conditions
9 as they see fit, and for this purpose may mortgage, pledge,
10 hypothecate or charge the assets and property of the com-
11 pany; provided the aggregate amount so borrowed shall not,
12 at any time be greater than seventy-five per cent of the actual
13 paid up stock of the company; but this limitation shall not
14 apply to commercial paper discounted by the company.

Sect. 24. Said corporation shall keep at its office at or near
2 said dam, a book in which shall be registered the marks of
3 each and every operator cutting logs and lumber on the
4 waters of the St. John river above the dam of said corpora-
5 tion, which book shall be open to inspection at all seasonable
6 hours to any and all persons interested in lumbering opera-
7 tions, either as operators or employees of operators, or of
8 any log-driving association. It shall also be the duty of the
9 clerk of said corporation to obtain from the clerk of the
10 Fredericton Boom Company, a copy of the record of all marks
11 registered in the books of said corporation, and of parties
12 operating on the St. John waters above said dam.

Sect. 25. Said corporation shall provide a suitable passage
2 for or means of transporting boats and water-craft of all
3 kinds by the dam in question, for all persons having occasion
4 to use the same, or in lieu thereof shall convey said boats or
5 water-craft by said dam free of expense to the owner or per-
6 son or persons using or in possession of same.

Sect. 26. The construction of said works shall be commenced within three years and completed within six years from the passage of this act, otherwise the powers hereby granted shall cease and be null and void as respects so much of said works as then remain uncompleted.

STATE OF MAINE.

IN HOUSE OF REPRESENTATIVES,

AUGUSTA, March 6, 1903.

Reported by Mr. SWEENEY of Fort Kent, from Committee on Interior Waters, and ordered printed under joint rules.

W. S. COTTON, *Clerk*