

# MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

OF THE

SIXTY-NINTH LEGISLATURE

OF THE

STATE OF MAINE

1899.

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Published by the Secretary of State, agreeably to Resolves of June 28, 1820,  
February 18, 1840, and March 16, 1842.

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AUGUSTA  
KENNEBEC JOURNAL PRINT  
1899.

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PRIVATE AND SPECIAL LAWS

OF THE

STATE OF MAINE.

1899.

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complaint against the owners or keepers thereof. Such officers shall receive from the town of Perry one dollar for each dog so killed.

Section 6. When any person, resident of the state, shall sustain any damage to his sheep, lambs or other domestic animals, by reason of their being killed or injured by dogs owned or kept by members of said tribe of Indians at Pleasant point, he shall give information thereof to the selectmen of the town of Perry within twenty-four hours after he has knowledge of the same, and thereupon said selectmen shall estimate the amount of such damage, and all damage done by dogs to sheep, lambs or other domestic animals proved to the satisfaction of said selectmen, to have been committed, shall be paid by said town of Perry.

Damage to sheep by dogs of tribe, how estimated and paid.

Section 7. When the town of Perry shall have paid damages to the owners of sheep, lambs or other domestic animals for losses incurred from dogs, as provided by this act, the selectmen shall make a statement of the amount of damages so paid, and transmit the same to the state treasurer, who shall reimburse the town of Perry for the amount of damages so paid.

Town shall be reimbursed by state treasurer.

Approved March 17, 1899.

## Chapter 203.

An Act to incorporate the Saint 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, Waldo W. Mercier, H. W. Belyea, Charles G. Owen, H. W. Eaton, J. D. Andrews, J. M. McDonald, James McAllister, John G. Moore and George A. Curran, their associates, successors and assigns, are hereby created and constituted a body politic and corporate, by the name of the Saint Croix Water Power Company, for the purpose of making such improvements in the Saint Croix river, and the lakes, ponds, streams and rivers in the watershed of the Saint Croix river as will enable said corporation to store water for the purpose of increasing the volume of water in said Saint Croix river in times of drought, either in summer or winter, by owning or building dams, flowing said rivers, lakes, ponds and streams, and deepening the water channels connected therewith; and by which name said corporation may sue and be sued, plead and be impleaded, adopt and use a

Corporators.

—corporate name.

—may improve St. Croix river for storage of water.

## CHAP. 203

—rights, powers and privileges.

corporate seal, and enjoy all proper remedies at law or in equity to secure and protect it in the exercise and use of its rights and privileges and in the performance of its duties, and, in general, shall possess all the powers and be subject to all the duties and obligations conferred and imposed by law on similar corporations except as otherwise provided herein. Said corporation may also develop, sell and use water and electric power, with all the rights and powers necessary and incidental thereto as herein granted and limited.

May hold all necessary estate.

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

Dams shall not impede the driving of logs.

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

May improve waters for passage of logs.

Section 4. Said corporation shall have the power to purchase, own, and erect dams in the waters aforesaid, with suitable gates, sluiceways, rollways or other contrivances for the passage of logs and lumber, with the right to clear and deepen the channels of said waters, and to remove obstructions therefrom.

May lease or sell power.

Section 5. Said corporation is hereby empowered to transmit electric power from its said dams, for lease or sale to such points as may be feasible, in such manner as may be expedient, and, subject to the general laws of the state regulating the erection of posts and lines for the purposes of electricity, it may erect and maintain all posts, wires and fixtures necessary therefor.

May take land, etc.

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

—may flow lands.

Shall file plans of location, and statement of damages it is willing to pay.

Section 7. Said corporation shall file in the registry of deeds in the county wherein the property affected is located, plans and descriptions of the location of all land, interests in real estate, water, water rights, water powers and privileges, flowage or dams taken under the provisions of this act, and no entry shall be made upon any lands, except to make surveys, until the expi-

ration of twenty days from such filing, and with such plan the corporation may file a statement of the damages it is willing to pay to any person for any property rights so taken, and if the amount finally awarded does not exceed that sum, the company shall recover costs against such person, otherwise such person shall recover costs against such company. Failure to apply for damages within two years after such filing of plans of location shall be held to be a waiver of the same. All such damages shall be a first lien on the property and franchises of said corporation until paid in full with costs.

—failure to apply for damages within two years, shall be held as a waiver of same.

Section 8. Said corporation shall be liable to pay all damages that may be sustained by any person by the taking of any dams, lands, water, water rights, water power or privileges, or materials, or by flowage, and also for all damages for any other injuries resulting from any of the acts herein authorized, including damages of any kind to any water power or privilege, howsoever caused, and if any person sustaining damage as aforesaid shall not agree with said corporation upon the sum to be paid therefor, either party may cause such damages to be ascertained in the same manner and under the same conditions, restrictions and limitations as are by law prescribed, from time to time, in case of damages by the laying out of highways with the same right of appeal; provided, however, that any person suffering annual damage by reason of flowage, may at his option have his damage ascertained and allowed in the same manner and under the same conditions, restrictions, and limitations as are by law prescribed in chapter ninety-two of the revised statutes, and acts amendatory thereto heretofore or hereafter enacted.

Liable for all damages.

—how ascertained in case of disagreement.

Section 9. Any corporation doing business on said Saint Croix river may take and hold stock in said corporation and said Saint Croix Water Power Company may hold stock in any corporation whose purposes involve the use of said waters. In such cases stocks so held may be represented as the directors of the stock-holding corporation may provide, and members of the stock-holding corporation shall be eligible to office in the corporation in which stock is so held.

Other corporations may take stock in company.

—representation of.

Section 10. The supreme judicial court has equitable jurisdiction over said corporation, its successors and assigns, to regulate the use of the water stored under this act. Nothing in this act shall be construed to prevent or restrain any person, firm or corporation from the use of the water of any of said rivers, streams, lakes or ponds as the same have been or might have been used in a state of nature, and said corporation shall not by any of its dams or other improvements keep back or withhold the natural run of said waters from flowing down said

Use of water stored, may be regulated by court.

—right to the use of water in a natural state shall not be restricted.

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—natural run of waters shall not be interfered with.

—may fix rates for use of water.

—persons aggrieved, may appeal to court.

—fees and costs, how determined.

—rights of Maine Water Company.

Penalty for injuring works.

Capital stock.

May issue bonds and mortgage property.

May accept and work franchises granted in New Brunswick and Canada.

rivers, streams, lakes or ponds so as to prevent any of the mills or manufactories thereon from being supplied with said natural run. Said corporation may fix such rates for the use of water by it stored under this act and supplied to such mills and manufactories, as it may in the first instance deem expedient, and any person, firm or corporation, feeling aggrieved by such rates, may appeal to any justice of the supreme judicial court, in equity, in term time or in vacation, who, after notice and hearing, shall finally determine the same and the schedule of rates so established by such justice shall be binding upon such corporation until changed upon new petition therefor. Such justice so sitting shall receive his fees therefor, as if a referee under a rule of court, and all questions of costs shall be determined as in equity. Nothing in this act shall authorize said corporation to require the Maine Water Company to pay for the use or taking of any water for the water supply of said water company.

Section 11. If any person shall wantonly or maliciously injure any of the 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 double damages to said corporation to be recovered before any court of competent jurisdiction.

Section 12. The capital stock of said corporation shall not exceed fifty thousand dollars, divided into shares of one hundred dollars each. Said stock may be increased from time to time to two hundred thousand dollars, and with each increase the corporation shall pay to the secretary of state the fees required by the general law.

Section 13. Said corporation may issue its bonds, for all lawful purposes, upon such rates and time and in such amount, as it may deem expedient, and secure the same by appropriate mortgage, or mortgages, upon its franchises and property, then or thereafter to be acquired.

Section 14. The said corporation is hereby authorized to accept such franchises, powers and privileges as may be conferred upon it by the legislature of the province of New Brunswick, or the parliament of the dominion of Canada, and to perform such acts and have such powers within said province or said dominion as may be required or permitted by said legislature or said parliament, and, in that event, the said corporation may consolidate and work the franchises hereby granted with those granted by said legislature or said parliament as one single enterprise, and this act shall be read and construed as if the several rights and franchises granted by this state and the

province of New Brunswick, or the dominion of Canada, had been included in and granted as a whole by this act.

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Section 15. Nothing in this act shall be construed as giving said corporation the right or power to flow in any way, the right of way or lands of any railroad company used for railroad purposes or to take in any way any part of such right of way or such lands under the power of eminent domain given in this act. All property below the upper bridge between Calais and Milltown, and all dams on any of said waters used for manufacturing purposes, together with all lands or buildings so used in connection with such dams, shall likewise be excepted from said power of eminent domain.

Shall not flow the right of way of any railroad.

—property between Calais and Milltown, excepted.

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

First meeting, how called.

Section 17. This act shall take effect when approved.

Approved March 17, 1899.

**Chapter 204.**

An Act to provide in part for the Expenditures of Government for the year eighteen hundred and ninety-nine.

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

Section 1. In order to provide for the several acts and resolves of the legislature requiring the payment of money from the treasury, and also to provide for the necessary expenditures of government for the current fiscal year of eighteen hundred and ninety-nine, the following sums are hereby appropriated out of any moneys in the treasury, and the governor, with the advice and consent of the council, is authorized at any time prior to the first day of January next, to draw his warrant on the treasury for the same.

Act of appropriation for 1899.

Penobscot Indians, eight thousand six hundred sixty-nine dollars and seventy cents.....	\$8,669 70
Passamaquoddy Indians, eight thousand four hundred fifty-one dollars and ninety-nine cents,	8,451 99
Soldiers' pensions, seventy-seven thousand dollars,	77,000 00