

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

OF THE

SEVENTY-FIRST LEGISLATURE

OF THE

STATE OF MAINE

1903.

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PRIVATE AND SPECIAL LAWS

OF THE

STATE OF MAINE.

1903.

Chapter 183.

An Act to incorporate the Saint John River Dam Company.

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

Section 1. Albert A. Burleigh of Houlton, Charles A. Milliken of Augusta, James W. Parker of Portland, George A. Murchie of Calais, Maine, Redfield Proctor of Proctor, Vermont, Abner W. Hayford of Boston, Massachusetts, Allan E. Hammond and Peter C. Keegan of Van Buren, Maine, John Costigan of Ottawa, Ontario, James Robinson of Millerton, New Brunswick, Thomas J. Cochran and John M. Stevens of Edmundston, New Brunswick, Thomas Crockett of River-Du-Loup, Province of Quebec, and Thomas Clair of Saint Francis, New Brunswick, their associates, successors and assigns, are hereby constituted a body corporate and politic under the name of the Saint John River Dam Company, hereinafter called the 'company' which term shall hereinafter, as to all rights, powers, duties and obligations herein conferred on which may be conferred by the legislature of New Brunswick or the parliament of Canada, include the consolidated or amalgamated corporation contemplated by this act.

Corporators.

—corporate name.

Section 2. The persons named in section one of this act shall be the first or provisional directors of the company, a majority of whom shall constitute a quorum, and they shall have all the powers which are ordinarily possessed and exercised by directors in other similar corporations, and shall hold office until such time as said corporation shall be fully organized and shall have the power to choose a president, treasurer and a clerk to hold office until others are chosen in their stead and may make all by-laws required for the transaction of the business and management of the affairs of the corporation, not inconsistent with the laws of the state, including the mode of calling the first meeting for permanent organization of this or of any corporation formed by the consolidation or amalgamation of this corporation with any other corporation or corporations authorized under this act.

Provisional directors.

—quorum.

—tenure.

—powers.

Section 3. The capital stock of the company shall be two hundred thousand dollars, which by vote of the stockholders may be increased to an amount not exceeding one million dollars, divided into shares of one hundred dollars each, and may be assessed by the directors from time to time as they deem necessary, but no assessment subsequent to the allotment of shares shall exceed ten per cent, nor be made at less intervals than two months. Said company is also hereby authorized to issue bonds to an amount not exceeding three hundred thousand dollars, in

Capital stock.

—shares may be assessed.

—may issue bonds.

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denominations of one hundred, five hundred and one thousand dollars, secured by mortgage upon the property of said company, and its franchises, for the building of the dam and other works provided for in this act, and the payment of damages for land taken and land flowed by virtue of the authority conferred by this act.

Head office,
where
located.

—may accept
franchises
from
legislature of
New
Brunswick or
parliament
of Canada.

—franchises
may be
carried on
jointly.

—proviso.

'Logs,' and
'local logs,'
meaning of
expressions
defined.

May construct
dam in Saint
John river,

Section 4. The head office of the company shall be in Van Buren, in the county of Aroostook, at which all meetings of the stockholders shall be held; but the directors may meet elsewhere, as provided by the by-laws of the company, and such meetings may be held in the province of New Brunswick. The company is hereby authorized to accept such franchises, powers and privileges as may be conferred upon it by the legislature of New Brunswick or the parliament of Canada, and to perform such acts within New Brunswick or Canada as may be required or permitted by said legislature or parliament, and this company may consolidate or amalgamate and build, maintain and carry on its works and the franchises hereby granted jointly with the works built under and the franchises granted by said legislature or parliament or all or either of them as one single enterprise, and any organization of such corporation in the ordinary manner whether in accordance with the laws of the state, province or dominion shall be deemed valid and legal in the courts of the state; and any mortgage of its property, real or personal, and franchises given to any individual or individuals, corporation or corporations or to any trustee to secure an issue of notes or bonds which shall be executed in accordance with the laws of the state, province or dominion, shall be deemed valid, effectual and binding to all intents and purposes within the state, provided the same has been duly recorded in the northern registry of deeds for Aroostook county, and this act shall be read and construed as if the several rights and franchises granted by this state and the provincial legislature and the dominion parliament, or either or any of them had been included in and granted as a whole by this act.

Section 5. In this act, unless the context otherwise requires, the expression 'logs' shall mean logs, timber and wood of any kind, the expression 'local logs' shall mean logs, timber and wood of any kind in respect to the holding, collecting, securing, separating, sorting out, rafting or driving of which above the boundary line between Maine and New Brunswick near Grand Falls, the owner or owners thereof have requested the company to take charge.

Section 6. The company may construct, equip, maintain and operate a dam, with the right of flowage, in the Saint John

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with right of
flowage.

river, at or near the Winding Ledges in the town of Fort Kent, in the county of Aroostook and state of Maine, from any point along the bank or shore of said river to the boundary line in said river between the United States and Canada, to, and may connect said dam with a dam to be built from the opposite shore of said river in the parish of Saint Francis, in the province of New Brunswick, provided and whenever authority to build such dam from the said shore in the province of New Brunswick, and to make such connection has been or may be obtained by this or some other company in the dominion of Canada, and may build, maintain and operate all such other dams, wing dams, sluices, conduits, booms, side booms, sheer booms, piers, wharfs, slips, buildings and other works above said dam to a point opposite the mouth of the Saint Francis river, and below said dam to the boundary line between Maine and New Brunswick near Grand Falls, in the county of Victoria and province aforesaid, in the river Saint John or any of its tributaries within the state, necessary for the purposes of the company.

—proviso.

—may build
wing dams,
sluices,
booms, etc.

Said dam shall be constructed in such a manner as will permit of the safe passage and transmission of all logs, and shall be maintained free of charge, for the use of all persons, except to the owner or owners of local logs who may desire to pass or transmit their logs, and the company shall be liable to pay damages to any owners of property injured by any overflowing of the waters of said river Saint John, caused by said dam.

—construc-
tion and
maintenance
of dam.

The company shall be liable to pay to any persons injured, except to the owners of local logs, compensation for any loss, damage, expense, detention, obstruction or any unnecessary delay, caused by the said dams, wing dams, conduits, booms, sheer booms, side booms, piers, wharfs, slips, buildings or other works of the company, or by the erection and maintenance of said dams and other works, in the driving and floating down the river Saint John of any logs, except local logs.

—damages
caused by
said dams,
etc., company
liable for.

The company shall, without delay, build and maintain in the said dams such fish ways and of such design as may be prescribed by law.

Section 7. The company, by means of and through the works aforesaid, may hold, collect, secure, separate, sort out, raft and drive over the said dam all logs including local logs, that may come into or be driven within the company's booms above the said dam; and may, in addition to its own logs, contract to hold, collect, secure, separate, sort out, raft and drive to their destination, all local logs coming over said dam or into the Saint John river out of any river or stream or in any other manner whatsoever, below said dam and above the boundary line near Grand

Control and
handling of
logs by the
company.

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Falls, that may be intended for any and all sawmills or pulp mills or other manufactories that are now or may be hereafter built and operated along the river Saint John below said dam and above the boundary line near Grand Falls, provided, however, all logs, except local logs which shall come into or be driven within the company's booms, shall, without any unnecessary delay, be separated by the company from the company's logs and from local logs and be driven out of the said booms into the river at the expense of the company.

—Madawaska Log Driving Company may place men at booms.

—purposes for which men may be so placed.

The Madawaska Log Driving Company may place one or more men, if necessary, at the said booms and at the expense of the company hereby incorporated, to see that all logs in the manner herein provided, except the company's logs and local logs are all and properly passed by and if not passed by to the satisfaction of the said log driving company, may itself take charge of and pass by all logs except local logs and the logs of the company, hereby incorporated.

Prize or unmarked logs, regulations relating to.

—proviso.

Section 8. Subject to any provisions of any act of the legislature of the province of New Brunswick, the company shall not take or hold within its booms any prize or unmarked logs, and any person interested may go upon the property of the company at any reasonable time and in a reasonable manner and search for such prize or unmarked logs, but the company shall have its proper proportion of the proceeds of the sale thereof, provided, however, the company may, by and with the consent in writing of all the owners of logs operating on the Saint John river or any tributary thereof above said dam, which consent must be served upon the company at least two months before the driving season opens, hold said prize or unmarked logs in their booms to be disposed of as hereinafter provided; and provided, also, the holding of said prize or unmarked logs in the company's booms shall be optional with the company, unless a bond satisfactory to the company shall have been given to the company to indemnify it against any damages that may arise by reason of the holding in its booms of said prize or unmarked logs.

—proviso.

Piers, booms and other works shall not unnecessarily obstruct river.

Section 9. Such piers, booms and other works authorized to be placed in the river Saint John by the company shall be so constructed and maintained by the company as to not unnecessarily obstruct, hinder or delay the free and uninterrupted passage down the said river to and below the said dam all logs, except local logs and logs of the company.

Local logs, company's duty relative thereto.

Section 10. It shall be the duty of the company and it is hereby required to hold, collect, secure, separate and sort out within its booms above its dam, and whenever requested so to do, drive over the dam, all local logs which shall come into or be

driven within the company's booms at any time between the opening of the spring and the river being entirely free from ice and the first day of November in each and every year during the continuance of this act, providing the owner or owners of said local logs shall have furnished the company with the mark or marks of said local logs a reasonable time before the opening of the spring and at least fifteen days before said local logs come within the company's booms and after so furnishing said marks all logs bearing any of said marks shall be considered local logs so soon as they come within the said booms and shall be under the full control, and be liable to boomage and other charges of the company.

—proviso.

Section 11. The company shall be entitled to and may charge a reasonable compensation for holding, collecting, securing, separating, sorting out, booming and for other work done in connection with said local logs, within its booms above said dams, and may by by-laws from time to time fix uniform tolls and charges therefor on the different kinds of logs, which said by-laws shall be subject to the approval of the governor and council, and the company may also fix by contract with the owner or owners of said local logs, the charges to be made by the company for all local logs contracted for by and with the company to be driven or rafted and driven to their destination above the Grand Falls and below said dam; and the company shall have a lien on said local logs whether manufactured or not, in respect to which boomage and other charges, including those for driving or rafting and driving of the company have not been paid for a period of two months after said logs have reached their destination; and if said logs have not gone out of the possession of the company, the company may retain said local logs or a sufficient part thereof to pay the same and all other expenses afterwards incurred in connection therewith, until the same are paid; and if the owner or owners of said local logs shall not, within ten days after said local logs have been surveyed by the company, pay the same, the company shall be entitled to a reasonable compensation for keeping said local logs which shall be deemed to be at the risk of the owner or owners thereof, and the company is hereby authorized, if default in the payment of all said charges against said local logs continue another ten days, to sell them or so much thereof as shall be sufficient to pay all of said charges and expenses at public auction on giving ten days' notice of the time and place of sale to be published in the newspaper published in Aroostook county at the place nearest to Fort Kent or by sending a notice of the time and place of sale by registered letter to the person or persons who furnished the mark or marks on the

Tolls and charges.

—lien on local logs.

—proceedings for collection of tolls and charges.

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said local logs, at least ten days before such sale, and after deducting from the proceeds of such sale, all charges and also the expenses of keeping said local logs and the expenses of such sale as well as all other incidental expenses, shall render the surplus, if any, to the owner or owners of said local logs.

Measurement
of local logs.

Section 12. All local logs shall be measured by a competent surveyor duly sworn, who shall be employed and paid by the company, whose survey shall be conclusive upon the parties, unless the owner or owners of such local logs shall give notice to the company within three days after the said local logs have been surveyed, of his or their dissent to such survey, then and in such case the differences shall be settled and determined in the manner prescribed by section fifteen of this act.

Prize or
unmarked
logs,
regulations
for.

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

—shall post
survey bill.

—net
proceeds of
sale, how
distributed.

—proviso.

Loss of local
logs,
liability of
company for.

Section 14. The company shall not be liable for the loss of any local logs which may pass out of or by the said booms, or escape therefrom, unless such loss is occasioned by the neglect or default of the company, or the neglect or default of its agents or servants; provided, always, that the company shall be bound

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to use and follow due diligence to collect together and pick up and secure and raft all such local logs which may pass out of or escape from or run below the said booms, before the same go over the Grand Falls, the expense of such following, picking up, securing, rafting and delivering to be a charge on the said local logs and be paid by the owner or owners thereof, when such escape is not the result of the negligence or default of the company or its officers.

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

Arbitrament
of differences
or disputes.

Section 16. The company may, by means of and through the works aforesaid, carry on the business of lumberers and manufacturers of lumber and lumber products in all its branches, including the manufacture of pulp and paper and other business incident thereto and connected therewith, and may erect and operate lumber mills and pulp and paper mills on or near the river Saint John or any of its tributaries above the boundary line near Grand Falls, and may, for all and any of said purposes, purchase, hold, lease or otherwise acquire lands, limits and rights to cut logs, and other property, real or personal, movable or immovable, and may get and manufacture logs and may improve, extend, manage, develop, lease, exchange, sell or deal in any other way in lumber and lumber products of all kinds, including pulp and paper.

Additional
powers of the
company.

Section 17. The company may purchase or otherwise acquire any business within the objects of the company, and any lands, property, privileges, water powers, rights, contracts and liabilities appertaining thereto and may let or sublet any property of the company and may sell or otherwise dispose of the business, property or undertaking of the company, or any part thereof, for such consideration as the company thinks fit, and in particular for shares, debentures or securities of any other company.

May acquire
any business,
lands,
property,
privileges,
etc., within
the objects of
the company.

Section 18. The company may construct, maintain and operate for its own use or otherwise tramways to be worked by electricity or otherwise, from the said dams to the boundary line

May construct
tramways.

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May supply
power for
any purpose.

near Grand Falls and for such purposes may erect poles and do all other things necessary therefor.

Section 19. The company, by means of and through the works aforesaid, may supply persons with water, hydraulic, electric or other power for use or for any purpose by means of wires, cables, machinery or other appliances, including said dams and appliances connected therewith, at such rates and upon such conditions as are agreed upon between the company and such person; and may construct, maintain and operate works for the production, sale and distribution of electric and pneumatic power, light, heat and driving logs and lumber.

The company may also erect poles and do all other things necessary for the transmission of power as fully and effectually as the circumstances of the case may require, subject, however, to the following provisions, that is to say.

—shall not
interfere with
travel.

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

—wires,
height of,
fixed.

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

—poles,
character of
and how set.

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

—wires cut
by officer at
fire, entitled
to no damage
for.

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

—shade trees,
etc., not to
be cut down
without
authority for.

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

—opening up
of streets for
poles or wires
subject to
approval by
municipal
officers.

(f) The opening up of streets for the erection of poles or for carrying wires under ground, shall be subject to the direction and approval of the municipal officers and shall be done in such manner as the said municipal officers direct, and they may also designate the places where such poles shall be erected and such street, square or other public place shall, without any unnecessary delay, be restored, so far as possible, to its former condition, by and at the expense of the company.

—consent of
owner
required
before
entering
private
property.

(g) Nothing herein contained shall be deemed to authorize the company to enter upon any private property for the purpose of erecting, maintaining or repairing any of its works, without the previous assent of the owner or occupant of the property for the time being.

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(h) If, for the purpose of removing buildings, or in the exercise of the public right of travel, it is necessary that the said wires or poles be temporarily removed by cutting or otherwise, the company shall at its own expense, upon reasonable notice in writing from any person requiring it, remove such poles and in default of the company so doing, such person may remove such wires and poles at the expense of the company. The said notice may be given either at any office of the company or to any agent or officer of the company in the municipality wherein are the wires or poles required to be moved, or in case of a municipality wherein there is no such agent or officer, then, either at the head office or to any agent or officer of the company in the nearest or adjoining municipality to that in which such wires or poles are.

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

(j) Subject to the foregoing provisions, the company, for the purposes of constructing and maintaining its works, with the consent of the municipal officers or other authority having jurisdiction over the same, enter on any highway, square or other public place and so often as the company thinks proper, may, with like consent, break up and open any highway or other public place.

Section 20. Lands actually required for the construction, maintenance and operation of the company's mills, dams, wing dams, sluices, conduits, booms, side booms, sheer booms, piers, wharves, slips, buildings, roads, tramways, and other works of the company, and all lands which may be flowed by a dam not exceeding twelve feet in height, may be purchased by the company or taken and held as for public uses, and said company shall file in the registry of deeds for the northern district of Aroostook county, plans of all lands so taken in said county, and no entry for the purposes of taking lands shall be made on any lands owned by other persons except to make surveys, until the expiration of ten days from the time of said filing and with such plan the company may file a statement of the damages it is willing to pay to any person for the property 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 the company. Said company shall be liable to pay all damages for the land so taken, and if any person sustaining damages as aforesaid shall not agree with the company upon the sum to be paid therefor, either party on petition to the county commissioners of the county of Aroostook, within twelve months after such plans are filed, may have the damages for the

—temporary removal of poles and wires, shall be at expense of company.

—notice in writing shall be given.

—service of notice, how made.

—ornamental shade or fruit trees, damage to, company responsible for.

—may enter on any highway, square or other public place.

Lands required for purposes of company may be purchased or taken and held as for public uses.

—proceedings.

—shall be liable for all land taken.

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taking of said lands assessed, and the subsequent proceedings and right of appeal thereupon shall be had in the same manner and under the same conditions, restrictions and limitations as are by law prescribed in the case of damages by the laying out of highways, failure to apply for such damages within the twelve months shall be held to be a waiver of the same.

Payment for
lands or other
property
acquired,
how made.

Section 21. The company may purchase, lease and acquire timber and other lands including the property of the incorporators or any of them, and the whole or any part of the good will, stock in trade, assets and property, real and personal, movable or immovable, of the incorporators or other persons in connection with said business, subject to the obligations, if any, affecting the same, and may pay therefor wholly in cash or wholly or partly in fully paid up or partly paid up shares of the company or wholly or partly in debentures of the company or otherwise and may mortgage, sell or otherwise dispose thereof.

May make,
endorse or
accept
negotiable
instruments.

—proviso.

Section 22. The company may make, endorse, accept or otherwise execute cheques, promissory notes, bills of exchange, warehouse receipts, bills of lading and other negotiable instruments; provided, however, that nothing in this section contained shall be construed to authorize the company to issue any note or bill payable to bearer or intended to be circulated as money or bill of a bank.

Loans,
authority for,
how given.

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

—may
mortgage
property.

Marks on logs
and lumber,
registry of.

Section 24. Said corporation shall keep at its office or at said dam, a book in which shall be registered the marks of each and every operator cutting logs and lumber on the waters of the Saint John river above the dam of said corporation, which book shall be open to inspection at all seasonable hours to any and all persons interested in lumbering operations, either as operators or employees of operators, or of any log driving association. It shall also be the duty of the clerk of said corporation to obtain

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from the clerk of the Fredericton Boom Company, a copy of the record of all marks registered in the books of said corporation, and of parties operating on the Saint John waters above said dam.

Section 25. Said corporation shall provide a suitable passage for or means of transporting boats and water craft of all kinds by the dam in question, for all persons having occasion to use the same, or in lieu thereof shall convey said boats or water craft by said dam free of expense to the owner or person or persons using or in possession of same.

Passage of
boats by the
dam provided
for.

Section 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 the said works as then remain uncompleted.

Limit of
charter.

Approved March 18, 1903.

Chapter 184.

An Act to incorporate the Wells Electric Light and Power Company.

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

Section 1. George G. Hatch, Joseph D. Eaton, John Rankin, Freeman E. Rankin, George H. Littlefield and Joseph H. Littlefield, their associates, successors and assigns, are hereby made a body corporate by the name of the Wells Electric Light and Power Company, with all the powers, rights and privileges, and subject to all the duties and obligations conferred and imposed on corporations by law, except as otherwise provided herein.

Corporators.

—corporate
name.

Section 2. Said company is authorized and empowered to carry on the business of lighting by electricity such public streets of the town of Wells, and such buildings and places therein, public and private, as may be agreed upon by said corporation and the owners or those having control of such places to be lighted; and may furnish motive power by electricity within the limits of said town of Wells; and may build and operate manufacturing and works for the providing and supplying of electricity and light and power, and may lease, purchase and hold real and personal estate for the proper objects of the corporation, and to construct, lay, maintain and operate lines of wire or other material for the transmission of electricity, submarine, under ground, upon, under and along and over any and all streets and

May light
streets,
buildings and
places in
town of
Wells.

—may furnish
power.

—may hold
real and
personal
estate.