

APPLICATION
— OF —
**The Sprague's Falls
Manufacturing Company
Limited**

— TO —
THE INTERNATIONAL JOINT
COMMISSION



FOR APPROVAL OF THE DIVERSION OF
THE WATERS OF THE SAINT
CROIX RIVER



M. N. COCKBURN,
Solicitor for Applicant.

**TO THE HONORABLE THE INTERNATIONAL JOINT
COMMISSION, Washington, D. C.**

AND

**TO THE HONORABLE THE INTERNATIONAL JOINT
COMMISSION, Ottawa, Ontario.**

APPLICATION OF THE SPRAGUE'S FALLS
MANUFACTURING COMPANY LIMITED,
for approval of diversion of the waters of the
Saint Croix River.

THE UNDERSIGNED, as Solicitor for the
Sprague's Falls Manufacturing Company, Limited,
(hereinafter called the Company) respectfully repre-
sents:—

(1) The Company is a corporation duly incorpor-
ated by Act of Parliament of Canada, 2 EDW. VII,
Chapter 103, under the name of the Sprague's Falls
Manufacturing Company, Limited, with power inter
alia to:—

Power to
acquire
other
business.

Section 6. The Company may purchase or
otherwise acquire any business within the objects
of the Company, and any lands, property and
privileges, water powers, rights, contracts and
liabilities appertaining thereto, and may let or sub-
let 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 secur-
ities of any other Company having objects alto-
gether or in part similar to those of the Company.

Dams.

Section 7. The Company may locate, erect and
maintain at or near Sprague's Falls, in the Saint
Croix River, in the County of Charlotte, in the
Province of New Brunswick, dams, with the right
of flowage, for the purpose of holding reserves of
water in the said river, and the storing and holding
of timber, logs or other lumber; provided that in
the construction of such dams an opening or
openings with the necessary slides and gates suf-
ficient for the safe transmission of square timber,

saw-logs or loose lumber shall be maintained free of charge for the use of all persons who may desire to transmit square timber, saw-logs or loose lumber, and the Company shall be liable to pay damages to any owners of property injured by any overflowing of the waters of the said river caused by the said dams.

2. The Company shall be liable to pay to any persons injured, compensation for any loss, damage, expense, detention, obstruction or unnecessary delay caused by the said dams, or the piers and booms hereinafter mentioned, or by the erection or maintenance of the said dams, piers or booms in the driving or floating down the said river of any such square timber, saw-logs or loose lumber.

Payment
of
damages

3. The Company shall, without delay build and maintain in the said dams such fishways, and of such design as may be prescribed by law.

Fishways
in dams.

Section 8. The Company may locate, erect and maintain in the Saint Croix River piers, booms, shear booms, wharves, slips or other works necessary for operating saw or pulp mills or other manufactories, such side booms and piers and shear booms to be extended from the said dams at or near Sprague's Falls, or other dams hereinafter provided for, up river to such a distance as is necessary for the purpose of holding, collecting, separating, driving and sorting out logs, pulpwood and other lumber coming down the Saint Croix River, belonging to the Company or to any other person, and the logs, pulp wood or other lumber of any other person, which comes into the Company's booms, shall, without unnecessary delay, be separated by the Company from its own, and shall, at the cost and expense of the Company be driven out of the booms and into the river.

Piers,
Booms,
etc., for
Mills.

2. The St. Croix Log Driving Company may place one or more men at the said booms, and at the expense of the Company hereby incorporated, to see that the logs of any person, other than the last mentioned Company are all and properly passed by, and if not passed by to the satisfaction of the said

Rights of
St. Croix
Driving
Co.

log driving Company, then the said log driving Company may themselves take charge and pass the logs by at the expense of the Company hereby incorporated.

Auxiliary
Dams.

Water
Powers.

Electricity

Section 11. The Company may locate, erect and maintain in the Saint Croix River above Sprague's Falls at or near Grand Falls and Chipetnicook Falls on the said river, auxiliary dams, which shall be erected and maintained with the same requirements and under like conditions as required by section 7 respecting the dams at Sprague's Falls, and may use the power created by the said dams directly or locally, or may transmit the said power by electricity or otherwise, to tide waters on the said river, or to points on the said river below the said dams, and for such purpose may erect poles, and do all other things necessary therefor, but paying all damage caused by reason thereof.

Powers of
expropriation.

Section 14. Lands actually required for the construction, maintenance and operation of the Company's mills, dams, piers, roads and tramways, may be taken and acquired by the Company; and to this end, after a plan of such lands has been approved of by the Governor-in-Council, all the provisions of the Railway Act which are applicable to such taking and acquisition shall, so far as they are applicable thereto, apply as if they were included in this act; and all the provisions of the Railway Act which are applicable, shall, in like manner, apply to the ascertainment and the payment of the compensation for, or damages to lands arising out of such taking and acquisition, or the construction or maintenance of the works of the Company, or the exercise of any of the powers of the Company under this section.

Power to
acquire
property of
the incor-
porators.

Section 16. 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 of the good-will, stock in trade, assets and property, real and personal, movable and immovable of the incorporators or

other persons in connection with the said business, subject to the obligations, if any, affecting the same, and may pay the price thereof wholly in cash or wholly or partly in fully paid up or partly paid up shares of stock of the Company, or wholly or partly in debentures of the Company or otherwise, and may mortgage, sell, or otherwise dispose thereof. Payment therefor.

(2) The said the Saint Croix River forms a portion of the international boundary line between the United States and Canada, or between the State of Maine and the Province of New Brunswick, and is a boundary water within the meaning of the Treaty between the United States and Great Britain relating to boundary waters and questions arising between the United States and Canada.

(3) That the Saint Croix Water Power Company is a Company incorporated by Statute of the said State of Maine and intituled "An Act to incorporate the St. Croix Water Power Company," made and passed on the second day of March A. D. 1899, for the purpose of making such improvements in the Saint Croix River as will enable the said Corporation to store water for the purpose of increasing the volume of water in the 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 it was provided by said Act of Incorporation as follows:—

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

Section 3. All dams and 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 water, so far as needed for driving logs or lumber.

Section 4. Said Corporation shall have the power to purchase, own and erect dams in the waters aforesaid, with suitable gates, sluice-ways, 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.

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 purpose of electricity, it may erect and maintain all posts, wires and fixtures necessary therefor.

(4) The Stockholders in the Company and in the Saint Croix Water Power Company, are the same individuals, and the two Companies have worked, and are working in unison, for the purpose of carrying on and completing the undertaking hereinafter mentioned, the approval of which by the Honorable The International Joint Commission is hereby sought.

(5) The Company and the Saint Croix Water Power Company have constructed a dam from bank to bank across the Saint Croix River at or near Grand Falls, so called, on the said River, and have also excavated and constructed a power canal leading from a point about Six Hundred (600) yards above the said dam, and running through territory of the State of Maine to the said River at a point about Nine Hundred (900) yards below the said dam. The said dam is provided with sluice gates sufficient to pass all the water of the said river either at low water, or at freshet time, which flows down the same. The object of the said dam is to create a reservoir for the storage of waters of the Saint Croix River, and to utilize for the purpose of generating powers, the water so stored by allowing the same to pass through the said power

ial, and through the power house which the Saint Croix Water Power Company has erected in the State of Maine at the junction of the said canal with the said river below the said Falls.

(6) The effect of so storing the water will be to utilize, or make uniform, to a very large extent, the flow of the water of the Saint Croix River, which will make the stream much more valuable for power purposes, both at the said Falls, and below the junction of the said power canal with the River below the said Falls. The power to be generated by the said works when completed, will vary from a minimum of Four Thousand (4000) Horse Power to a maximum of Twelve Thousand (12,000) Horse Power.

(7) Hereto annexed and marked "A," is a plan of the said dam which is about completed, and hereto annexed and marked "B," is a plan of the said power canal, head gates and power house, which are also about completed, and hereto annexed and marked "C," is a plan showing the proposed reservoir, and the lands which will be flowed thereby.

(8) The effect of the said dam will be to divert the waters of the said Saint Croix River on the New Brunswick side, and cause them to flow through the State of Maine, thereby altering the level of the waters on the United States side of the boundary line. And also to divert the waters of the said river on the United States side of the said International Boundary line, thereby altering the level of the waters of the said river on the New Brunswick side of the said line.

(9) The Company before the commencement of the said dam, and of the said power canal, purchased all the riparian lands along said river on the New Brunswick side at the said Grand Falls along the said river above the said Falls to a point above where the said power canal leaves the said river, and along the said river below the said dam to a point below the confluence of the said power canal with the Saint Croix River.

(10) That inasmuch as the Company had become the owner of these riparian lands and the Saint Croix

Water Power Company had purchased the lar. similarly situated on the United States side of the boundary line, and as all of the waters to be taken from the Saint Croix River by the said power canal would be returned to the said river after passing through the said canal, it never occurred to the Company that it was necessary in order to legalize the said undertaking, that the approval by Your Honorable Commission, of the said dam, power canal and diversion of the waters of the said river on the New Brunswick side of the International Boundary line should be obtained.

(11) The Sprague's Falls Manufacturing Company, Limited, therefore hereby applies to Your Honorable Commission for the approval of the said dam and of the said power canal, and of the said proposed diversion through the said power canal, and the use by the said power Company of the waters of the Saint Croix River which would otherwise flow on the New Brunswick side of the International Boundary line.

RESPECTFULLY SUBMITTED,
and dated this Twenty Eighth day of September,
A.D. 1914.



Solicitor for the Sprague's Falls Manufacturing
Company, Limited.