

APPLICATION OF CANADIAN COTTONS LIMITED for approval of its plans to construct a power house on the American side of the St. Croix River opposite Milltown, New Brunswick

TO THE HONOURABLE THE INTERNATIONAL JOINT COMMISSION, Washington, D.C. and Ottawa, Canada

THE PETITION OF CANADIAN COTTONS LIMITED RESPECTFULLY SHOWS-

1. That the Canadian Colored Cotton Mills Company Limited is a company duly incorporated by letters patent issued under Chapter 119 of the Revised Statutes of Canada known as "The Companies Act" dated the twentieth day of February AD 1892 with an authorized capital of one hundred thousand dollars.
2. That by supplementary letters patent dated the twenty seventh day of February A D 1892 the capital was increased to five million dollars and by supplementary letters patent dated the twenty fifth day of July 1910 was further increased to eight million dollars.
3. That by supplementary letters patent dated eighth August A D 1910 the name of the Canadian Colored Cotton Mills Company Limited was changed to Canadian Cottons Limited your petitioner.
4. That the said Company was incorporated and organized -
 - (a) To manufacture and deal in cotton and wollen goods.
 - (b) To purchase take lease or otherwise acquire any real or personal property rights easements or privileges which may be necessary or convenient for the purpose of carrying on the business of the Company.
 - (c) And generally to do all such other things as may be required or are incidental or conducive to the attainment of the objects aforesaid or any of them throughout the Dominion of Canada.
5. That the St. Croix Cotton Mill Company is a company incorporated by Act of the Legislature of the Province of New Brunswick being

Chapter 58 of the Acts passed in the year 1880 with all the powers and privileges made incident to a corporation by Act or Acts of this assembly or otherwise for the purpose of purchasing selling manufacturing and trading in cotton materials cotton cloths and cotton goods of every description and every and all other privileges required for that purpose and for leasing purchasing constructing establishing and maintaining of such lands dams canals waterways buildings engines implements machinery and other materials and things as shall or may be requisite necessary or convenient for carrying on the said business and operation and such other works business and operations as may be incidental to the said business of a cotton manufactory or anything in connection therewith provided that nothing in this section shall in any way interfere with prejudice or affect the private rights of any person or deprive any person of any rights powers or privileges which he may have by common law or statute.

6. That in the year 1892 the said The St. Croix Cotton Mill Company was the owner of and possessed of certain properties situate on the St. Croix river where the same forms the International Boundary between the Province of New Brunswick and the State of Maine said properties being situate on both sides of the river that is to say partly in the Province of New Brunswick and partly in the State of Maine and comprised lands on both sides of the said river and on the New Brunswick side a large cotton mill and other buildings in connection with the carrying on of the manufacture of cotton and the said The St. Croix Cotton Mill Company was operating the said cotton mill.

7. That in the year 1892 your petitioner acquired from The St. Croix Cotton Mill Company the said properties with the said Cotton mill and buildings thereon previously owned and possessed by the said The St.

Croix Cotton Mill Company.

8. That your petitioner since the acquiring of the said properties of The St. Croix Cotton Mill Company has operated the same continuously and is still operating the same.

9. That at the time the said properties were acquired by your petitioner as aforesaid there was and still is in existence a dam stretching from the New Brunswick side of the said river across the said river to the Maine side of the said river which said dam was constructed by the said The St. Croix Cotton Mill Company in the year 1881 and has remained in practically the same position. In the year 1900 a portion of the said dam being out of repair a new concrete structure was constructed immediately below the part of the dam so out of repair.

10. That the said cotton mill is operated by water power derived from the said St. Croix River the waters whereof are backed up by the said dam and conducted by a canal on the New Brunswick side of the river to a power house which is situate about 150 feet from the entrance to the canal. After being used in the power house the water passes into the St. Croix River below the said dam. The dam constructed as shown on the plan hereto annexed so that all of the waste matter going over it flows between the points marked "A" and "B" on said plan at right angles to the general flow of the river. The effect of this is that the water flows across the river towards the power house and backs up and reacts on the wheels and thereby impairs the available head. The river also is comparatively shallow at this point and therefore there is not sufficient area for the water to flow down the river without first backing up on the power house.

11. That your petitioner contemplates extensions of its plants on the New Brunswick side of the river and the power available from the present development would not be sufficient to drive and operate the plant and mill after such extensions are made.

12. That in order to make use of all water practically available your petitioner is desirous of developing power on the Maine side of the said river instead of at the present site. The reasons for desiring such change are as follows: -

(a) At the present time the power house is situate as shown on the plan hereto annexed and consists of three 600 horse power vertical turbine wheels and one pair of horizontal wheels of 500 horse power. The three 600 horse power turbine wheels are operated by water supplied through the canal above mentioned and the 500 horse power turbine wheels are supplied with water by the direct current of the river and not through the said canal. The three 600 horse power wheels distribute the power to the machinery in the various departments of the said mill by the use of gears shafting and belts resulting in great loss in power so distributed and the 500 horse power unit is principally used for supplying electric light to the mill and buildings but some part of the power developed by those wheels is transmitted to more distant parts of the mill and is used for operating machinery.

(b) By constructing the proposed power house as shown on the said plan hereto annexed at the northern end of the dam shown thereon there will be available three turbine wheels of 1000 horse power each instead of three of 600 horse power each as at present. The 500 horse-power turbine wheels it is not intended to distrub but to use the same as at present.

(c) By constructing the new power house on the proposed site on

the Maine side of the river the water after passing through the said power house will be discharged into the river at a point where the water is much deeper than below the present power house and much more water will be used and consequently much less will go over the dam and the point of discharge from the new power house will be such that there will be no back flow to react on the wheels due to the discharge over the dam above mentioned.

(d) The present use of the canal for supplying water to the wheels results in a loss of about six inches head and by the construction and use of the new power house and the abandonment of the old power house the canal would not be used. It is estimated that the construction of the proposed new power house will increase the available head from one to two feet more than is at present available.

(e) At the present time your petitioner is not using and cannot use all the available water that passes down the St. Croix River but by the construction and use of the proposed new power house all water practically available will be used.

(f) At the present time the power developed by the three wheels first named is about 1800 horse power of which only about 1200 is available for power used in the mill. By utilizing the full mean flow of the river at the proposed new power house there would be a development of about 3000 horse power of which about 2700 would be available for power used in the mill and sufficient to meet the present needs of the mill and contemplated extensions of the plant on the New Brunswick side.

13. That at the present time there is a logway built in the year 1889 shown on the said plan hereto annexed on the Maine side of the river which always has been and is now sufficient to provide for the passage of any logs coming down the said river and it is not intended

to interfere in any way with the said logway but to allow the same to remain as at present. The said logway was cut through land owned by your petitioner.

14. That the said St. Croix River at the proposed point of discharge from the proposed new power house is not a tidal river and the construction of the proposed new power house would have no effect whatever on the level of the river either above or below and would not overflow or affect in any way any lands other than those owned by your petitioner and lands in its possession which your petitioner has the right to overflow and there would be no greater overflow than exists at present on your petitioner's said lands and said lands in your petitioner's possession which your petitioner has the right to overflow.

15. That it is intended by the use of the proposed new power house to generate electrical power and transmit the same to the mill and other buildings for the purpose of operating the machinery.

16. That it is not proposed to make any changes in the bed of the said river other than the necessary excavation for the purpose of constructing the foundation of the proposed new power house and for the purpose of enabling the water after passing through the power house to be discharged into the river below.

WHEREFORE YOUR PETITIONER PRAYS if jurisdiction be taken that plans be approved: -

(a) To construct a new power house at a point as shown on the said plan hereto attached and for that purpose to make any necessary excavations in the bed of the St. Croix River.

(b) To permit the diversion of the current of the said river

necessarily occasioned by the construction of the said new power house all of which is respectfully submitted without prejudice to the rights and interests of your petitioner.

Dated the twenty-sixth day of December A D 1918.

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Canada.