

MAINE STATE LEGISLATURE

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NEW DRAFT.

Sixty-Eighth Legislature.

HOUSE.

No. 232.

STATE OF MAINE.

IN THE YEAR OF OUR LORD ONE THOUSAND EIGHT HUNDRED
AND NINETY-SEVEN

AN ACT to incorporate the Northern Development Company.

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

Section 1. Joseph P. Bass, Frederick H. Appleton, Henry
2 A. Appleton, Henry M. Prentiss, Samuel R. Prentiss, James
3 Rice, Millard E. Mudgett, Clarence S. Lunt, Charles W.
4 Mullen and James B. Mullen, their associates, successors
5 and assigns, are hereby incorporated under the name of the
6 Northern Development Company, for the purpose of doing
7 a general manufacturing, illuminating, heating and power
8 business in Indian townships Nos. one and two, in Penob-
9 scot county, known as Indian Purchase, also for the pur-
10 pose of creating, leasing and selling electricity and other

11 power, for manufacturing and other purposes within said
12 townships, also for the purpose of supplying the inhabitants
13 of any city, town or village corporation that now or may
14 hereafter exist within said townships, with water, lights and
15 heat, for all domestic, sanitary and municipal purposes,
16 including the extinguishment of fires, and also for the pur-
17 pose of transmitting to points outside of said townships elec-
18 tricity generated within said townships, to be leased or sold
19 for manufacturing, illuminating, heating and power pur-
20 poses, with all the rights and privileges, and subject to all the
21 liabilities and obligations of similar corporations. And said
22 company is further authorized and empowered to purchase
23 or otherwise obtain, and to sell or lease real estate,
24 to manufacture, buy, or otherwise obtain, and to sell or lease
25 personal property necessary for the prosecution of the pur-
26 poses of the company, and generally to do all things neces-
27 sary for, or incident to said purposes, including the carrying
28 on of mercantile business in connection with any of the pur-
29 poses of the company; and also to take, hold, and own, by
30 purchase or otherwise, the stock, bonds, scrip, or other obli-
31 gations of other similar corporations, and of disposing of
32 the same in any lawful manner.

Sect. 2. Said company is authorized to locate, construct
2 and maintain dams, on the west branch of the Penobscot
3 river, in Indian township No. 3, in Penobscot county,
4 between North Twin Dam, so called, as now located, and the
5 easterly line of said township No. 3; provided that suitable
6 sluices are constructed and maintained by said company in
7 said dams, at its own expense, for the passage of logs and
8 other lumber running down said river.

Sect. 3. Said company is further authorized to cut, construct and maintain canals and other water ways from said dams, to any point in said township, for the purpose of fully developing the water power on said river, and for the purpose of constructing said dams, canals and other water ways, it may take, occupy and inclose any lands adjoining the same which may be necessary for building or repairing the same, and for other necessary purposes, on each side thereof, and may blow up and remove any rocks in said river, and may dig up and remove any land in said river when necessary.

Sect. 4. Said company is further authorized to lay, erect, construct and maintain, in, under, through, along, across, and upon any highways, ways, streets and bridges, other than railroad bridges, that now or may hereafter exist, pipes, hydrants, poles, wires, and other structures necessary for the purposes of its incorporation, and to replace and repair the same when necessary; to enter upon and excavate any highway or other way within said townships, in such manner as least to obstruct the same; and within said townships to enter, pass over, and excavate any land; to take and hold, by purchase or otherwise, rights of way, or of water; and in general, to do any acts necessary, convenient or proper, for carrying out any of the purposes of this act. Nothing in this act shall be construed as giving said Northern Development Company the right or power to flow in any way the right of way or depot grounds of the Bangor and Aroostook Railroad Company or to take in any way any part of such right of way or such depot grounds under the power of eminent domain given in this act. Said Northern Development Company shall not have the power to pass along the right of way or any bridge of said railroad company with any

22 wires, pipes, aqueducts or other structures mentioned in
23 this act, but said Northern Development Company may
24 cross the right of way of said railroad company with wires,
25 pipes, aqueducts or other structures mentioned in this act,
26 and in any case of failure to agree with said railroad com-
27 pany as to place, manner and conditions of crossing its right
28 of way with such wires, pipes, aqueducts or other structures,
29 the place, manner and conditions of such crossings shall be
30 determined by the railroad commissioners and all work
31 within the limits of the railroad location or lands shall be
32 done under the supervision and to the satisfaction of the
33 officers and agents of said railroad company, but at the
34 expense of said Northern Development Company.

Sect. 5. Said company shall have power within said town-
2 ships to cross any water course, private or public sewer, or
3 to change the direction thereof when necessary, but in such
4 manner as not to obstruct or impair the use thereof. And
5 said company shall be liable for any injury caused thereby.
6 Whenever said company shall lay down or erect any struc-
7 ture in any highway, way or street, or make any alterations
8 or repairs upon its works in any highway, way or street, it
9 shall cause the same to be done at its own expense with as
10 little obstruction to public travel as may be practicable.

Sect. 6. Said company shall file in the registry of deeds
2 office in the county of Penobscot, plans of the location of all
3 land and water rights taken under the provisions of this act,
4 and no entry shall be made on any lands owned by other
5 persons, except to make surveys, until the expiration of ten
6 days from said filing, and with such plan the said company
7 may file a statement of the damages it is willing to pay to
8 any person for any property so taken, and if the amount

9 finally awarded does not exceed that sum, the company shall
10 recover costs against such person, otherwise, such person
11 shall recover costs against the company.

Sect. 7. Said company shall be held liable to pay all
2 damages that shall be sustained by any person or persons,
3 by the taking of any lands, water, rights of way, and other
4 property, or by excavating through any land for the pur-
5 pose of surveying for locating, laying, building or erecting
6 dams, canals, reservoirs, pipes, hydrants, poles, or other
7 structures, by taking and holding any lands necessary for
8 flowage, and for any other injuries resulting from said acts.
9 and if any person sustaining damage as aforesaid shall not
10 agree with said company upon the sum to be paid therefor,
11 either party on petition to the county commissioners of
12 Penobscot county, within twelve months after said plans are
13 filed, may have said damage assessed by them, and subse-
14 quent proceedings and right of appeal thereon shall be had
15 in the same manner and under the same conditions, restric-
16 tions and limitations, as are by law prescribed in the case
17 of damages by the laying out of highways. Failure to apply
18 for damages within said twelve months shall be held to be
19 a waiver of the same.

Sect. 8. Said company is further authorized to make con-
2 tracts with other corporations, and with the inhabitants of
3 any city, town or village corporation, which now or here-
4 after may exist, within said townships, for the purpose of
5 supplying water, light, heat or power, as contemplated by
6 this act. And any other corporation, and the inhabitants
7 of any city, town or village corporation, which now or may
8 hereafter exist, within said townships, are authorized to enter

9 into contracts with said company, for the supplying of water,
10 light, heat or power, for a term of years.

Sect. 9. The capital stock of said company shall not
2 exceed one million dollars, divided into shares of one hun-
3 dred dollars each. And for the purpose of carrying out any
4 of the provisions for which said company is incorporated, it
5 is hereby authorized and empowered to issue its bonds in
6 such form and amount and on such time and rates as it may
7 deem expedient, not exceeding the amount of its capital
8 stock actually subscribed for, and to secure the same by
9 mortgage of its property and franchises.

Sect. 10. The first meeting of said corporation shall be
2 called at Bangor, in said county of Penobscot, by a notice
3 signed by any two of the corporators named in section one,
4 setting forth the time, place and purposes of the meeting.
5 Such notice shall be delivered to each of the corporators
6 named in this act, residing in the State of Maine at the time,
7 and shall be printed in some newspaper published in said
8 Bangor, at least seven days before the day appointed for said
9 meeting.

Sect. 11. This act shall take effect when approved.

STATE OF MAINE.

IN HOUSE OF REPRESENTATIVES,

March 4, 1897.

Reported by Mr. SMITH of Presque Isle, from Committee on Judiciary,
and ordered printed under joint rules.

W. S. COTTON, *Clerk.*