

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

OF THE

SIXTY-EIGHTH LEGISLATURE

OF THE

STATE OF MAINE

1897

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PRIVATE AND SPECIAL LAWS
OF THE
STATE OF MAINE.

1897.

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—shall not obstruct navigation.

arm of Flanders' bay in the town of Sullivan, Hancock county, Maine, within the limits of the location of said company, provided, however, that said company shall not thereby unnecessarily obstruct navigation.

Sect. 2. This act shall take effect when approved.

Approved March 17, 1897.

Chapter 458.

An Act to incorporate the Northern Development Company.

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

Corporators,

—corporate name.

—purposes, powers and privileges.

Sect. 1. Joseph P. Bass, Frederick H. Appleton, Henry A. Appleton, Henry M. Prentiss, Samuel R. Prentiss, James Rice, Millard E. Mudgett, Clarence S. Lunt, Charles W. Mullen and James B. Mullen, their associates, successors and assigns, are hereby incorporated under the name of the Northern Development Company, for the purpose of doing a general manufacturing, illuminating, heating and power business in Indian townships numbers one and two, in Penobscot county, known as Indian Purchase, also for the purpose of creating, leasing and selling electricity and other power, for manufacturing and other purposes within said townships, also for the purpose of supplying the inhabitants of any city, town or village corporation that now or may hereafter exist within said townships, with water, lights and heat, for all domestic, sanitary and municipal purposes, including the extinguishment of fires, and also for the purpose of transmitting to points outside of said townships electricity generated within said townships, to be leased or sold for manufacturing, illuminating, heating and power purposes, with all the rights and privileges, and subject to all the liabilities and obligations of similar corporations. And said company is further authorized and empowered to purchase or otherwise obtain, and to sell or lease real estate, to manufacture, buy, or otherwise obtain, and to sell or lease personal property necessary for the prosecution of the purposes of the company, and generally to do all things necessary for, or incident to said purposes, including the carrying on of mercantile business in connection with any of the purposes of the company; and also to take, hold, and own, by purchase or otherwise, the stock, bonds,

scrip, or other obligations of other similar corporations, and of disposing of the same in any lawful manner.

Sect. 2. Said company is authorized to locate, construct and maintain dams, on the west branch of the Penobscot river, in Indian township number three, in Penobscot county, between North Twin dam, so called, as now located, and the easterly line of said township number three; provided that suitable sluices are constructed and maintained by said company in said dams, at its own expense, for the passage of logs and other lumber running down said river.

May maintain dams.

—shall provide suitable sluices.

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.

May cut and maintain canals.

—take lands.

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 wires, pipes, aqueducts or other structures mentioned in this act, but said Northern Development Com-

Authorized to lay pipes, etc., along highways.

—may take land and water.

—shall not infringe upon rights of Bangor and Aroostook Railroad Company.

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—may cross
said rail-
road.

—manner
shall be de-
termined by
commis-
sioners,
in case of
disagree-
ment.

May cross
any private
or public
sewer.

—liable for
damages.

Shall file
plan of lo-
cation of
lands and
water rights
taken, in
Penobscot
registry of
deeds.

Liability
for all dam-
ages.

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

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

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

Sect. 7. Said company shall be held liable to pay all damages that shall be sustained by any person or persons, by the taking of any lands, water, rights of way, and other property, or by excavating through any land for the purpose of surveying for locating, laying, building or erecting dams, canals, reservoirs, pipes, hydrants, poles, or other structures, by taking and holding any lands necessary for flowage, and for any other injuries resulting from said acts. And if any person sustaining damage as aforesaid shall not agree with said company upon the sum to be paid therefor, either party on petition to the

county commissioners of Penobscot county, within twelve months after said plans are filed, may have said damage assessed by them, and subsequent proceedings and right of appeal thereon 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 damages within said twelve months shall be held to be a waiver of the same.

—damages, how assessed, in case of disagreement.

Sect. 8. Said company is further authorized to make contracts with other corporations, and with the inhabitants of any city, town or village corporation, which now or hereafter may exist, within said townships, for the purpose of supplying water, light, heat or power, as contemplated by this act. And any other corporation, and the inhabitants of any city, town or village corporation, which now or may hereafter exist, within said townships, are authorized to enter into contracts with said company, for the supplying of water, light, heat or power for a term of years.

May contract to supply water.

—towns may contract for water.

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

Capital stock.

—may issue bonds and mortgage property.

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

First meeting, how called.

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