

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied  
(searchable text may contain some errors and/or omissions)

---

# Sixty-Sixth Legislature.

---

SENATE.

No. 23.

---

## STATE OF MAINE.

---

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

---

AN ACT to incorporate the Southwest Harbor Water  
Company.

---

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

SECTION. 1. Joseph D. Phillips, Anson I. Holmes, J.  
2 H. Pease, A. E. Farnsworth, Robert Kaighn, Geo. R.  
3 Fuller, and such persons as they may associate with  
4 themselves in the enterprise, and their successors, are  
5 hereby incorporated into a corporation by the name of  
6 the Southwest Harbor Water Company, for the purpose  
7 of supplying the village of Southwest Harbor and vicin-  
8 ity, in the town of Tremont in the County of Hancock,  
9 and the inhabitants of said village and town with pure

10 water, for domestic, sanitary and municipal purposes  
11 including extinguishment of fires.

SECT. 2. Said company for said purpose, may flow,  
2 detain, collect, take, store, use and distribute water from  
3 Long Pond or Lurvey's Spring in said Tremont and  
4 streams flowing in and out of the same, and may locate,  
5 construct and maintain dams, cribs, reservoirs, locks,  
6 gates, sluices, aqueducts, pipes, hydrants, and all other  
7 necessary structures therefor.

SECT. 3. Said company is hereby authorized to lay,  
2 construct and maintain in, under, through, along and  
3 across the highways, streets and bridges in said Southwest  
4 Harbor and vicinity in said town of Tremont, and to take  
5 up, replace and repair all such sluices, aqueducts, pipes,  
6 hydrants and structures as may be necessary for the pur-  
7 pose of their incorporation, under such reasonable restric-  
8 tions and conditions as the selectmen of the town of  
9 Tremont may impose, and said company shall be respon-  
10 sible for all damages to all persons and property, occa-  
11 sioned by the use of such highways and streets, and shall  
12 further be liable to pay to said town of Tremont all sums  
13 recovered against said town for damages from obstruc-  
14 tions caused by said company, and for all expenses,  
15 including reasonable counsel fees incurred in defending  
16 such suits.

SECT. 4. Said company shall have power to cross any  
2 water course, private, or public sewer, or to change the  
3 direction thereof when necessary for the purposes of

4 their incorporation, but in such manner as not to obstruct  
5 or impair the use thereof, and said company shall be  
6 liable for any injury caused thereby. Whenever said  
7 company shall lay down any fixtures in any highway, or  
8 street; or make any alterations or repairs upon its works  
9 in any highway, way, or street, shall cause the same to  
10 be done with as little obstruction to public travel as may  
11 be practicable, and shall at its own expense, without  
12 unnecessary delay, cause the earth and pavements then  
13 removed by it to be replaced in proper condition.

SECT. 5. Said company may take and hold any lands  
2 necessary for flowage, and also for its dams, reservoirs,  
3 locks, gates, hydrants and other necessary structures,  
4 and may locate, lay and maintain sluices, aqueducts,  
5 pipes, hydrants and other necessary structures or fixtures  
6 in, over and through any lands for its said purposes, and  
7 excavate in and through such lands for such location, con-  
8 struction and maintenance. It may enter upon such  
9 lands to make surveys and locations, and shall file in the  
10 registry of deeds for said County of Hancock, plans of  
11 such location and lands, showing the property taken, and  
12 within thirty days thereafter, publish notice of such filing  
13 in some newspaper in said county, such publication to be  
14 continued three weeks successively. Not more than two  
15 rods in width of land shall be occupied by any one line of  
16 pipe or aqueduct and not more than two acres by any one  
17 reservoir.

SECT. 6. Said corporation shall be held liable to pay  
2 all legal damages that shall be sustained by any person,  
3 or other corporation, by the taking of any land, water  
4 or other property, or by flowage, or by excavating  
5 through any land for the purpose of laying down pipes  
6 and aqueducts, building dams, reservoirs and other  
7 structures, and also damages for any other injuries result-  
8 ing from said acts. And if any person or other corpora-  
9 tion, sustaining damage as aforesaid, and said corpora-  
10 tion cannot mutually agree upon the sum to be paid there-  
11 for, then such damage may be ascertained in the same  
12 manner and under the same conditions, restrictions and  
13 limitations as are by law prescribed in the case of  
14 damages by the laying out of railroads.

SECT. 7. Said corporation is hereby authorized to make  
2 contracts with the United States, and with corporations,  
3 and with inhabitants of said South West Harbor and  
4 vicinity and said town of Tremont for the purpose of sup-  
5 plying water as contemplated by this act; and said town  
6 of Tremont is hereby authorized to enter into contract  
7 with said company for a supply of water for public use on  
8 such terms as the parties may agree, including exempt-  
9 ions from public burdens, when made shall be legal and  
10 binding on all parties thereto. And said town of Tre-  
11 mont for these purposes may raise money in the same  
12 manner as for town charges.

SECT. 8. Whoever shall wilfully or maliciously in any  
2 way corrupt the water of said pond, springs or streams

3 or any tributaries thereto, whether frozen or not or shall  
4 wilfully or maliciously in any way render such water  
5 impure whether frozen or not or whoever shall wilfully  
6 or maliciously injure any of the works of said company,  
7 shall be punished by a fine not exceeding one thousand  
8 dollars or by imprisonment not exceeding one year, and  
9 shall be liable to said company for three times the actual  
10 damage to be recovered in any proper action.

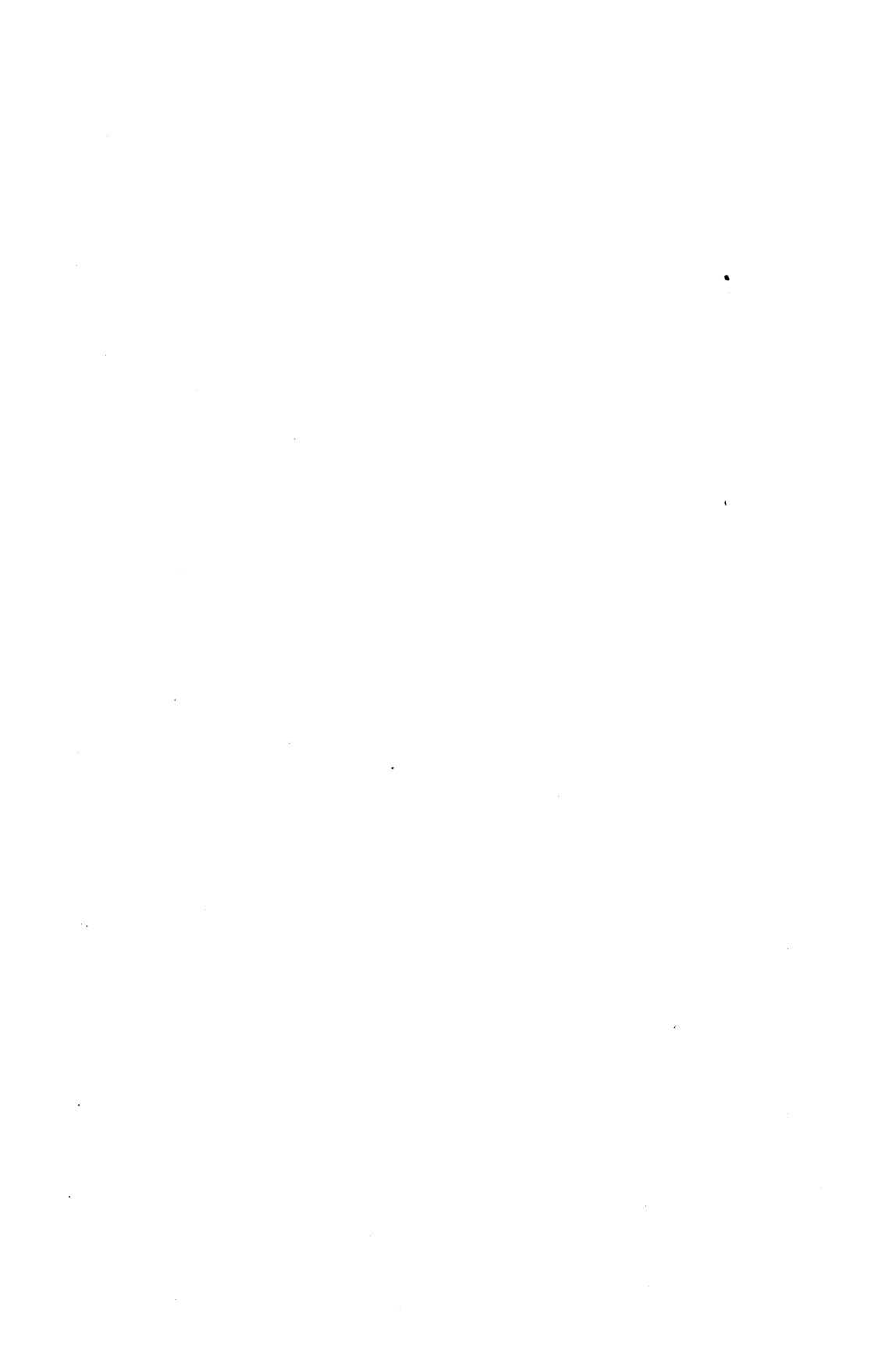
SECT. 9. The capital stock of said company shall be  
2 twenty-five thousand dollars, and may be increased to  
3 fifty thousand dollars if found necessary, divided in shares  
4 of one hundred dollars each; said corporation is authorized  
5 to act under this charter when thirty shares shall have been  
6 subscribed for by responsible parties.

SECT. 10. This corporation is empowered and allowed  
2 to make such by-laws not repugnant to the laws of the  
3 State, as a majority of the stockholders of said corporation  
4 present at any legal meeting, may adopt for the govern-  
5 ment and regulation of said corporation.

SECT. 11. The first meeting of said company may be  
2 called by a written notice thereof, signed by any two  
3 corporators served upon each corporator by copy in hand  
4 or sent by mail seven days before the time of meeting.

SECT. 12. This act shall take effect when approved.







STATE OF MAINE.

---

IN SENATE, February 3, 1893.

Reported by Mr. LIBBY, from Committee on Legal Affairs, and laid  
on table to be printed under joint rules.

KENDALL M. DUNBAR, *Secretary.*