

MAINE STATE LEGISLATURE

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Sixty-Sixth Legislature.

SENATE.

No. 163.

STATE OF MAINE.

— —

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

AN ACT to incorporate the Seal Harbor Water Supply
Company.

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

SECTION 1. L. M. Lynam, R. E. Campbell and R. L.
2 Grindle, and such persons as they may associate with
3 themselves in the enterprise, and their successors, are
4 hereby incorporated into a corporation by the name of the
5 Seal Harbor Water Supply Company, for the purpose of
6 supplying the village of Seal Harbor and its vicinity, in
7 the town of Mount Desert, in Hancock county, Maine,
8 with pure water for domestic, sanitary and municipal
9 purposes, and also for the extinguishment of fires.

SECT. 2. Said company, for said purposes, may detain,
2 take, store and distribute water from Jordan's pond, in
3 said town of Mount Desert, and from any streams flowing
4 out of the same, and from any streams between said
5 Jordan's pond and the village of Seal Harbor, and may
6 locate, construct, and maintain dams, reservoirs, aque-
7 ducts and pipes therefor. Such aqueducts and pipes may
8 be located and constructed along and across any highway
9 or town way in said town, in such manner as the municipi-
10 pal officers of said town may approve.

SECT. 3. Said company may occupy any lands necessary
2 for its dams, reservoirs, and other necessary buildings,
3 and may locate and lay and maintain pipes in and through
4 any lands for said purposes, and excavate in and through
5 such lands for such location and construction and main-
6 tenance. It may enter upon such lands to make surveys
7 and locations, and shall file in the registry of deeds in said
8 County of Hancock, plans of such location and lands, and
9 within thirty days thereafter, publish notice thereof in
10 some newspaper in said county, such publication to be
11 continued three weeks successively. Not more than two
12 rods in width of land, shall be occupied by any pipe or
13 aqueduct, and not more than two acres by any reservoir.

SECT. 4. Should the said company and the owner of
2 such land be unable to agree upon the damages to be
3 paid for such location, occupation and construction, the
4 land owner may, within two years after such filing of
5 plans of location, apply to the commissioners of said

6 county and have such damages assessed as is provided by
7 law in cases wherein land is taken for railroads, so far as
8 the same is consistent with provisions of this charter, and
9 where inconsistent or at variance with this charter, the
10 charter shall control. If the company shall fail to pay
11 such land owner, or deposit for his use, with the clerk of
12 the county commissioners, such sum as may be finally
13 awarded as damages, with costs, the said location shall
14 be thereby invalid, and the company forfeit all rights
15 under the same. If such land owner secures more dam-
16 ages than were tendered by said company, he shall
17 recover costs; otherwise the company shall recover costs.
18 In case said company shall begin to occupy such lands
19 before the rendition of final judgment, the land owner
20 may require said company to file its bond to him with
21 the county commissioners, in sum and with such sureties
22 as they approve, conditioned for said payment or deposit.
23 Failure to apply for damages within said two years shall
24 be held to be a waiver of the same. No action shall be
25 brought against said company for such taking and occu-
26 pation of lands until after such failure to pay or deposit,
27 as aforesaid. Damages for land flowed shall be ascertained
28 and paid in the same manner.

SECT. 5. Any person suffering damage by the taking
2 of water by said company, as provided by this act, may
3 have his damages ascertained in the manner provided in
4 the preceding section; and payment therefor shall be made
5 in the same manner and with the same effect. No action

6 shall be bought for the same until after the expiration of
7 the time of payment.

SECT. 6. Said company may issue its bonds for the con-
2 struction of its works, of any and all kinds, upon such
3 rates and time as it may deem expedient, not exceeding
4 the sum of fifty thousand dollars, and secure the same by
5 mortgage of the franchises and property of said company.

SECT. 7. Said company, for all its purposes, may hold
2 real and personal estate necessary and convenient therefor,
3 not exceeding fifty thousand dollars.

SECT. 8. The capital stock of said company shall be
2 ten thousand dollars, which may be increased to fifty
3 thousand dollars by a vote of said company.

SECT. 9. The first meeting of said company may be
2 called by any two of the above named corporators, by
3 publishing notice of the time and place and object thereof;
4 in any newspaper published in the County of Hancock, at
5 least fourteen days before time of holding said meeting;
6 and at said meeting the officers of said corporation may be
7 chosen, and such other corporation business done as may
8 be deemed requisite and proper.

SECT. 10. This act shall take effect when approved.

STATE OF MAINE.

IN SENATE, March 15, 1893.

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

KENDALL M. DUNBAR, *Secretary.*