

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

OF THE

SIXTY-THIRD LEGISLATURE

OF THE

STATE OF MAINE.

1887.

Published by the Secretary of State, agreeably to Resolves of June 28, 1820,
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1887.

PRIVATE AND SPECIAL LAWS

OF THE

STATE OF MAINE.

1887.

CHAP. 174

First meeting,
how called.

SECT. 12. George H. Milliken and John F. Jameson, or either of them, are hereby authorized to call the first meeting of said society, and to notify the legal voters thereof to meet at some suitable time and place, within the limits aforesaid, by posting up notices in two public places within said limits, seven days at least before the time of said meeting; and either of said persons are authorized to preside at said meeting until after its organization, and until after a moderator shall be chosen by ballot and sworn, and at all meetings of the society, a moderator shall be chosen in the manner and with the same powers as in town meetings.

First and annual
meetings, when
held.

SECT. 13. The first election of the officers of this society shall be at the meeting of the legal voters of the society, called to accept this charter, and the annual election of officers shall be in the month of March.

Qualification of
voters.

SECT. 14. All persons liable to be taxed for polls, residing in the limits of said society, shall be legal voters at any meeting of said society.

When act shall
take effect.

SECT. 15. This act shall take effect and be in force on its approval by the governor, and after the same shall have been accepted by a vote of the society, at a legal meeting called for that purpose.

Approved March 1, 1887.

Chapter 174.

An Act to incorporate the Seal Harbor Water Company.

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

Corporators.

SECT. 1. James Clement, Junior, Melvan Tebbitts, Winfield S. Smallidge, R. E. Campbell, George W. Bracy, John Clement, William Cox and Samuel F. Barr, and such persons as they may associate with themselves in the enterprise, and their successors, are hereby incorporated into a corporation by the name of the Seal Harbor Water Company, for the purpose of supplying the village of Seal Harbor and its vicinity, in the town of Mount Desert, in Hancock county, Maine, with pure water for domestic, sanitary and municipal purposes, and also for the extinguishment of fires.

Corporate name.

SECT. 2. Said company, for said purposes, may detain, take, store and distribute water from Jordan's Pond, in said town of Mount Desert, and from any streams flowing out of the same, and may locate, construct, and maintain dams, reservoirs, aqueducts and pipes therefor. Such aqueducts and pipes may be located and constructed along and across any highway or town way in said town, in such manner as the municipal officers of said town may approve.

May take water from Jordan's pond.

—erect dams.

—lay pipes along highways.

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

May take lands, etc.

—shall file plan of location in registry of deeds, Hancock County.

SECT. 4. Should the said company and the owner of such land be unable to agree upon the damages to be paid for such location, occupation and construction, the land owner may, within two years after such filing of plans of location, apply to the commissioners of said county and have such damages assessed as is provided by law in cases wherein land is taken for railroads, so far as the same is consistent with provisions of this charter, and where inconsistent or at variance with this charter, the charter shall control. If the company shall fail to pay such land owner, or deposit for his use, with the clerk of the county commissioners, such sum as may be finally awarded as damages, with costs, the said location shall be thereby invalid, and the company forfeit all rights under the same. If such land owner secures more damages than were tendered by said company, he shall recover costs; otherwise the company shall recover costs. In case said company shall begin to occupy such lands before the rendition of final judgment, the land owner may require said company to file its bond to him with the county commissioners, in sum and with such sureties as they approve, conditioned for said payment

Damages for land taken, how assessed.

CHAP. 174

or deposit. Failure to apply for damages within said three years shall be held to be a waiver of the same. No action shall be brought against said company for such taking and occupation of lands until after such failure to pay or deposit, as aforesaid. Damages for land flowed shall be ascertained and paid in the same manner.

Damages for water taken, how assessed,

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

SECT. 6. Whoever shall in any way wilfully pollute the water of said pond or streams, whether frozen or not, after said company shall have commenced taking the same, and whoever shall wilfully injure any pipes or works of said company, shall be punished by imprisonment of not more than two years, or by fine not exceeding one thousand dollars, and shall also be liable in an action for damages.

May issue bonds and mortgage property.

SECT. 7. Said company may issue its bonds for the construction of its works, of any and all kinds, upon such rates and time as it may deem expedient, not exceeding the sum of fifty thousand dollars, and secure the same by mortgage of the franchises and property of said company.

May hold real estate.

SECT. 8. Said company, for all its purposes, may hold real and personal estate necessary and convenient therefor, not exceeding fifty thousand dollars.

Capital stock.

SECT. 9. The capital stock of said company shall be the amount fixed by the said company at its first meeting, not exceeding fifty thousand dollars.

First meeting, how called.

SECT. 10. The first meeting of said company may be called by any five of the within named corporators, by publishing notice of the time and place and object thereof, in any newspaper published in the county of Hancock, at least fourteen days before the time of holding said meeting; and at said meeting the officers of said corporation may be chosen, and such other corporation business done as may be deemed requisite and proper.

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