

# MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

OF THE

SIXTY-THIRD LEGISLATURE

OF THE

STATE OF MAINE.

1887.

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Published by the Secretary of State, agreeably to Resolves of June 28, 1820,  
February 18, 1840, and March 16, 1842.

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AUGUSTA:  
SPRAGUE & SON, PRINTERS TO THE STATE.  
1887.

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PRIVATE AND SPECIAL LAWS  
OF THE  
STATE OF MAINE.

1887.

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SECT. 11. In case the works of this corporation shall not have been put into actual operation within four years from the date of the approval of this act, the rights and privileges herein granted shall be null and void.

CHAP. 233

Act void, if  
works are not  
in operation  
within four  
years.

SECT. 12. The first meeting of said corporation may be called by a written notice thereof, signed by any three corporators herein named, served upon each corporator by giving him the same in hand, or by leaving the same at his last usual place of abode, seven days before the time of meeting.

First meeting,  
how called.

SECT. 13. This act shall take effect when approved.

Approved March 10, 1887.

### Chapter 233.

An Act to incorporate the South West Harbor Water Company.

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

SECT. 1. Henry H. Clark, Seth H. Clark, S. W. Herrick, Henry Clark, J. T. R. Freeman, J. H. Pease, Albert W. Bee, J. A. Freeman, L. A. Emery, Alexander Fulton, D. M. Stewart, E. H. Greely, Nathan Clark, E. L. Higgins, James F. Ross, A. I. Holmes, Thomas Holmes, Levi Lurvey, Clarence Clark, William G. Parker, Joseph Parker, L. B. Wyman, and such persons as they may associate with them in the enterprise, and their successors, are hereby incorporated into a corporation by the name of the South West Harbor Water Company, for the purpose of supplying the village of South West Harbor and vicinity, in the town of Tremont, with pure water for the use of the inhabitants thereof, and for sanitary and municipal purposes, and extinguishing of fire.

Corporators.

Corporate name.

—purpose.

SECT. 2. Said company, for said purposes, may flow, detain, collect, take, store and distribute water from Long pond, Lurvey's spring or Meadow brook, and may locate, construct and maintain dams, cribs, reservoirs, locks, gates, sluices, aqueducts, pipes, hydrants and all other necessary structures therefor.

May take water,  
etc.

SECT. 3. Said company is hereby authorized to lay, construct and maintain, in, under, through, along and across the highways, streets and bridges in said South West Harbor and

May lay pipes,  
etc., in streets.

CHAP. 233

Liability for  
damages.

vicinity, and to take up, replace and repair all such sluices, aqueducts, pipes, hydrants and structures as may be necessary for the purposes of their corporation, under such reasonable restrictions and conditions as the selectmen of the town of Tremont may impose, and said company shall be responsible for all damages to all persons and property, occasioned by the use of such highways and streets, and shall further be liable to said town of Tremont, and pay to said town all sums recovered against said town for damages from obstructions, caused by said company, and for all expenses, including reasonable counsel fees incurred in defending such suits.

Liability for  
damages for  
taking of water  
or land.

—how deter-  
mined.

SECT. 4. All persons sustaining damages by such taking of water, land or other property, shall be paid a just compensation therefor by said company; if such person and said corporation do not agree upon the amount of such compensation, the same shall be determined upon application of either party, by the county commissioners of Hancock county, in the same manner and upon the same terms and conditions, and with the same rights of appeal, as are by law provided, for the estimate of damages for land taken for highways.

Shall file  
description of  
lands taken,  
in registry of  
deeds.

SECT. 5. When such corporation shall have occasion to take, detain, divert or use any waters as aforesaid, or to take and use any lands or other property as aforesaid, it shall cause a statement of such waters and a description of such land or other property with a plan thereof, to be filed in the registry of deeds for Hancock county, and within ten days after such filing, a copy of such statement and description to be published three weeks successively in the Bar Harbor Herald or Ellsworth American, or in some paper published in the county of Hancock, and such water, lands or other property shall be deemed to have been taken for the purposes of said corporation at the date of such filing. The corporation shall take no waters nor enter upon any land except for surveying routes, ascertaining levels and other preliminary purposes, until the filing of such statements or descriptions.

Penalty for pol-  
luting water or  
injuring prop-  
erty.

SECT. 6. No person shall wilfully pollute any body of water from which the said corporation may draw the water for its corporate purposes, nor shall any person wilfully injure any of the property of said corporation or wilfully interrupt or hinder the flow of waters through their pipes or works, under a penalty not exceeding a fine of five hundred dollars or imprisonment not exceeding one year.

CHAP. 233

SECT. 7. The capital stock of said company shall be fifty thousand dollars and may be increased to one hundred thousand dollars if found necessary, divided into shares of one hundred dollars each; said corporation is authorized to act under this charter, when forty shares shall have been subscribed for by responsible parties.

Capital stock.

SECT. 8. Said corporation shall be authorized to charge and collect reasonable tolls and rates for water so furnished, and the town of Tremont is authorized to contract with said corporation, for a water supply for sanitary and municipal purposes.

Authorized to collect tolls.

SECT. 9. The first meeting of this corporation for acceptance of this charter and for organization of this corporation, shall be called at South West Harbor, by a notice signed by any four of the above named corporators, to be published three weeks in succession in the Ellsworth American, stating the time and place of said meeting and the business to be acted on, the last publication to be one week before said meeting.

First meeting, how called.

SECT. 10. The officers of this corporation shall consist of a president, secretary, treasurer and executive committee of four, who, with the president, shall form a board of directors, who shall manage the affairs of the corporation and shall hold their offices until others are chosen and qualified to act in their places. Meetings for business and elections of officers may be called by the secretary or by any four of the charter members of said corporation, by posting up notices in some public places in the city of Ellsworth, at South West Harbor and Somesville, at least seven days previous to the time of holding said meeting, stating the business to be acted on at said meeting.

Officers.

—meetings, how called.

SECT. 11. This corporation is empowered and allowed to make such by-laws not repugnant to the laws of the state, as a majority of the stockholders of said corporation present at any legal meeting, may adopt for the government and regulation of said corporation.

By-laws.

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