

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

OF THE

SIXTY-SIXTH LEGISLATURE

OF THE

STATE OF MAINE.

1893.

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1893.

PRIVATE AND SPECIAL LAWS
OF THE
STATE OF MAINE.

1893.

the city of Chicago in the year eighteen hundred and ninety-three.

CHAP. 390

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

Approved February 15, 1893.

Chapter 390.

An Act to incorporate the Southwest Harbor Water Company.

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

SECT. 1. Joseph D. Phillips, Auson I. Holmes, J. H. Pease, A. E. Farnsworth, Robert Kaighn, George R. Fuller, and each person as they may associate with themselves in the enterprise, and their successors, are hereby incorporated into a corporation by the name of the Southwest Harbor Water Company, for the purpose of supplying the village of Southwest Harbor and vicinity, in the town of Tremont, in the county of Hancock, and the inhabitants of said village and town with pure water, for domestic, sanitary and municipal purposes, including extinguishment of fires.

Corporators.

—corporate name.

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

May take, etc., water from Long pond.

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 Southwest harbor and vicinity in said town of Tremont, and to take up, replace and repair all such sluices, aqueducts, pipes, hydrants and structures as may be necessary for the purpose of their incorporation, 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 pay to said town of Tremont 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.

May lay down pipes in streets, under restrictions by selectmen.

—company, shall be responsible for all damages.

CHAP. 390

May cross any private or public sewer.

—liability for injuries.

—shall not obstruct public travel.

SECT. 4. Said company shall have power to cross any water course, private or public sewer, or to change the direction thereof when necessary for the purposes of their incorporation, 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 any fixtures in any highway or street, or make any alterations or repairs upon its works in any highway, way or street, shall cause the same to be done with as little obstruction to public travel as may be practicable, and shall at its own expense, without unnecessary delay, cause the earth and pavements then removed by it to be replaced in proper condition.

May take land.

—shall file plan of location in registry of deeds in Hancock county.

SECT. 5. Said company may take and hold any lands necessary for flowage, and also for its dams, reservoirs, locks, gates, hydrants and other necessary structures, and may locate, lay and maintain sluices, aqueducts, pipes, hydrants, and any other necessary structures or fixtures in, over and through any lands for its said purposes, and excavate in and through such lands for such location, construction and maintenance. It may enter upon such lands to make surveys and locations, and shall file in the registry of deeds for said county of Hancock, plans of such location and lands, showing the property taken, and within thirty days thereafter, publish notice of such filing 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 one line of pipe or aqueduct, and not more than two acres by any one reservoir.

Liability for damages, and how ascertained.

SECT. 6. Said corporation shall be held liable to pay all legal damages that shall be sustained by any person, or other corporation, by the taking of any land, water or other property, or by flowage, or by excavating through any land for the purpose of laying down pipes and aqueducts, building dams, reservoirs and other structures, and also damages for any other injuries resulting from said acts. And if any person or other corporation, sustaining damage as aforesaid, and said corporation cannot mutually agree upon the sum to be paid therefor, then such damage may be ascertained 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 railroads.

CHAP. 390

SECT. 7. Said corporation is hereby authorized to make contracts with the United States, and with corporations, and with inhabitants of said Southwest Harbor and vicinity, and said town of Tremont, for the purpose of supplying water as contemplated by this act; and said town of Tremont is hereby authorized to enter into contract with said company for a supply of water for public use, on such terms as the parties may agree, including exemptions from public burdens, which, when made shall be legal and binding on all parties thereto, and said town of Tremont, for these purposes, may raise money in the same manner as for town charges.

May make contracts to supply water.

—town, may contract for water and exempt from taxation.

SECT. 8. Whoever shall willfully or maliciously in any way corrupt the water of said pond, springs or streams, or any tributaries thereto, whether frozen or not, or shall willfully or maliciously, in any way render such waters impure, whether frozen or not, or whoever shall willfully or maliciously injure any of the works of said company, shall be punished by a fine not exceeding one thousand dollars, or by imprisonment not exceeding one year, and shall be liable to said company for three times the actual damage to be recovered in any proper action.

Penalty, for corrupting water or injuring property.

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

Capital stock.

SECT. 10. 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. 11. The first meeting of said company may be called by a written notice thereof, signed by any two incorporators served upon each incorporator by copy in hand or sent by mail seven days before the time of meeting.

First meeting, how called.

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

Approved February 15, 1893.