

# MAINE STATE LEGISLATURE

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# SEVENTY-THIRD LEGISLATURE

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SENATE.

No. 189

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## STATE OF MAINE.

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IN THE YEAR OF OUR LORD ONE THOUSAND NINE  
HUNDRED AND SEVEN.

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AN ACT to incorporate the Naples Water Company.

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

Section 1. Llewellyn Barton, Charles L. Goodridge of  
2 Portland, Charles A. Davis of Somerville, Mass., Clarence  
3 L. Barker and John S. Clark of Naples, their associates,  
4 successors and assigns, are hereby made a corporation by  
5 the name of the Naples Water Company, for the purpose  
6 of supplying the village of Naples, in the county of Cum-  
7 berland, and the inhabitants of said town, with pure water,  
8 for domestic, sanitary and municipal purposes, including the  
9 extinguishment of fires, with all the rights and privileges  
10 and subject to all the liabilities and obligations of similar  
11 corporations under the laws of this State.

Sect. 2. Said company for said purposes, may retain,  
2 collect, take, store, use and distribute water from any springs  
3 or wells, that it may acquire by purchase of the owner  
4 thereof, ponds, streams, or other water sources in said  
5 Naples, and may locate, construct and maintain cribs, reser-  
6 voirs, dams, stand-pipes, gates, hydrants, pipes and all other  
7 necessary structures to conduct and distribute the same  
8 through said town of Naples in the usual manner.

Sect. 3. The place of business of said corporation shall be  
2 be at Naples, in the county of Cumberland and State of  
3 Maine, and its business shall be confined to the town of  
4 Naples in said county.

Sect. 4. Said corporation is hereby authorized for the  
2 purposes aforesaid, to lay, construct and maintain in, under,  
3 through, along and across the highways, ways, streets, rail-  
4 roads and bridges in said towns, and to take up, replace and  
5 repair all such sluices, aqueducts, pipes, hydrants and struct-  
6 ures as may be necessary for the purposes of its incorpora-  
7 tion, so as not to unreasonably obstruct the same, under such  
8 reasonable restrictions and conditions as the selectmen of  
9 said town may impose. It shall be responsible for all damage  
10 to persons and property occasioned by the use of such high-  
11 ways, ways and streets, and shall further be liable to pay  
12 to said town all sums recovered against said town for dam-  
13 ages for obstruction caused by said company, and for all  
14 expenses including reasonable counsel fees incurred in de-  
15 fending such suits with interest on the same, provided said

16 company shall have notice of such suits and opportunity to  
17 defend the same.

Sect. 5. Said company shall have power to cross any water  
2 course, private and public sewer, or to change the direction  
3 thereof, when necessary for the purposes of its incorporation,  
4 but in such manner as not to obstruct or impair the use  
5 thereof, and it shall be liable for any injury caused thereby.  
6 Whenever said company shall lay down any fixtures in any  
7 highway, way or street, or make any alterations or repairs,  
8 upon its works in any highway, way or street, it shall cause  
9 the same to be done with as little obstruction to public travel  
10 as may be practicable, and shall, at its own expense, without  
11 unnecessary delay, cause the earth and pavements there  
12 removed by it, to be replaced in proper condition.

Sect. 6. Said corporation shall be held liable to pay all  
2 damages that shall be sustained by any person by the taking  
3 of any land or other property, or by flowage, or by excavat-  
4 ing through any land for the purposes of laying down  
5 pipes and aqueducts, building dams, reservoirs, and also  
6 damages for any other injuries resulting from said acts; and  
7 if any person sustaining damage as aforesaid, and said cor-  
8 poration cannot mutually agree upon the sum to be paid  
9 therefor, either party on petition to the county commis-  
10 sioners of Cumberland county, may have the damages  
11 assessed by them; and subsequent proceedings and rights of  
12 appeal thereon, shall be had in the same manner and under

13 the same conditions, restrictions and limitations, as are by  
14 law provided in case of land taken for railroads.

Sect. 7. Said corporations may hold real and personal  
2 estate necessary and convenient for all its said purposes to  
3 the amount of twenty-five thousand dollars.

Sect. 8. Said corporation may issue its bonds for the con-  
2 struction of its work, upon such rates and terms as it may  
3 deem expedient, not exceeding twenty-five thousand dollars,  
4 and secure the same by mortgage of the franchise and prop-  
5 erty of said company.

Sect. 9. The capital stock of said corporation shall be  
2 twenty-five thousand dollars, said stock to be divided into  
3 shares of ten dollars each.

Sect. 10. The first meeting of this corporation may be  
2 called by written notice, signed by any one of the incorpo-  
3 rators and served upon each of the other incorporators, at  
4 least seven days before the day of said meeting.

Sect. 11. This act shall become null and void in four years  
2 from the time when the same takes effect, unless the corpo-  
3 ration shall have organized and commenced the construction  
4 of its works under this charter.

Sect. 12. Said corporation is hereby authorized to make  
2 contracts with said town of Naples, and with other corpo-  
3 rations and individuals, for the purpose of supplying water,  
4 for municipal and other purposes; and said town by its select-  
5 men, is hereby authorized to enter into contract with said  
6 company for the supply of water, with such exemption from

7 public burden as said town and said company may agree  
8 upon, which, when made, shall be legal and binding upon  
9 all parties thereto.

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

STATE OF MAINE.

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IN SENATE, March 5, 1907.

Reported by Mr. DEASY from Committee on Judiciary, and laid  
on table to be printed under joint rules.

F. G. FARRINGTON, *Secretary*.