

MAINE STATE LEGISLATURE

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SEVENTY-FIFTH LEGISLATURE

HOUSE

NO. 424

House of Representatives, March 3, 1911.

*Reported by Mr. Chase from Committee on Judiciary and
ordered printed under joint rules.*

C. C. HARVEY, Clerk.

STATE OF MAINE

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

AN ACT to incorporate the Cherryfield Water Company.

Be it enacted by the People of the State of Maine, as follows:

Section 1. Charles A. Stewart, William F. Campbell, Albert M. Mathews, James W. M. Nash, Wm. A. Van Wart, Frank C. Nash, Winfield S. Davis, George G. Truman, Frank Stewart, John Monahan, Jr., Fred S. Nichols, Obadiah C. Ward, all of Cherryfield in the county of Washington, and Charles N. Taylor of Wellesley in the commonwealth of Massachusetts, their associates, successors and assigns, are hereby made a corporation by the name Cherryfield Water Company, for the purpose of supplying the village of Cherryfield in the county of Washington and the inhabitants of said town with pure water for domestic, sani-

12 tary and municipal purposes, including the extinguishment
13 of fires, with all the rights and privileges, and subject to all
14 the liabilities and obligations of similar corporations under
15 the laws of this state.

Sect. 2. Said company for said purposes may retain, col-
2 lect, take, store and distribute water from any springs or
3 wells that it may acquire by purchase of the owners thereof,
4 or from any ponds, streams or other sources in said town
5 of Cherryfield, and may locate, construct and maintain cribs,
6 reservoirs, dams, stand-pipes, gates, hydrants, pipes and all
7 other necessary structures to conduct and distribute the same
8 through said town of Cherryfield. This act shall not de-
9 prive owners of springs from continuing to sell water.

Sect. 3. The place of business of said corporation shall be
2 at Cherryfield in the county of Washington and state of
3 Maine, and its business shall be confined to said town of
4 Cherryfield 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 town, 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
8 such reasonable restrictions and conditions as the selectmen
9 of said town may impose. It shall be responsible for all
10 damage to persons and property occasioned by the use of

11 such highways, ways and streets, and shall further be liable
12 to pay to said town all sums recovered against said town
13 for damages for obstruction caused by said company, and
14 for all expenses including reasonable counsel fees incurred
15 in defending such suits with interest on the same, provided
16 said company shall have notice of such suits and opportunity
17 to defend the same.

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

8 corporation cannot mutually agree upon the sum to be paid
9 therefor, either party on petition to the county commissioners
10 of Washington county, may have the damages assessed by
11 them; and subsequent proceedings and rights of appeal
12 thereon, shall be had in the same manner and under the same
13 conditions, restrictions and limitations, as are by law pro-
14 vided in case of land taken for railroads.

Sect. 7. Said corporation may hold real and personal es-
2 tate necessary and convenient for all its said purposes to the
3 amount of fifty 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 fifty thousand dollars, and
4 secure the same by mortgage of the franchise and property
5 of said company.

Sect. 9. The capital stock of said corporation shall be fifty
2 thousand dollars, said stock to be divided into five hundred
3 shares of one hundred 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. Said corporation is hereby authorized to make
2 contracts with said town of Cherryfield, and with other cor-
3 porations and individuals, for the purpose of supplying
4 water, for municipal and other purposes; and said town by
5 its selectmen, is hereby authorized to enter into contract with

6 said company for the supply of water, with such exemption
7 from public burden as said town and said company may
8 agree upon, which, when made, shall be legal and binding
9 upon all parties thereto.

Sect. 12. Said town of Cherryfield at any time after the
2 expiration of five years from the opening for use and ser-
3 vice of a system of water works constructed by said corpo-
4 ration and after a vote in a legal town meeting to that effect
5 has been passed, shall have the right to purchase, and by
6 this act said corporation is required to sell to said town said
7 system of water works including everything appertaining
8 thereto, and if said town and corporation cannot agree upon
9 the terms, upon such terms and price as shall be determined
10 and fixed by the chief justice of the supreme court of the
11 state of Maine, after due hearing of the parties interested,
12 and from the decision of said chief justice there shall be no
13 appeal.