

To accompany the petition of Henry H. Fuller and others for the incorporation of the Chatham Water Company. Water Supply.

The Commonwealth of Massachusetts.

In the Year One Thousand Nine Hundred and Twenty-Six.

An Act to incorporate the Chatham Water Company.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Joshua A. Nickerson, Oscar C.
2 Nickerson, Heman A. Harding, Augustus M.
3 Bearse, and Henry H. Fuller, their associates and
4 successors, are hereby made a corporation, by the
5 name of the Chatham Water Company, for the
6 purpose of supplying the inhabitants of the town
7 of Chatham, or any part thereof, with water for
8 domestic, manufacturing and other purposes, in-
9 cluding the extinguishment of fires, with all the
10 powers and privileges, and subject to all the duties,
11 restrictions and liabilities set forth in all general
12 laws now or hereafter in force applicable to such
13 corporations.

1 SECTION 2. Said corporation for the purposes
2 aforesaid, may lease, take by eminent domain under
3 chapter seventy-nine of the General Laws, or ac-
4 quire by purchase or otherwise, and hold and con-
5 vey the waters, or so much thereof as may be
6 necessary, of any ponds, brooks, springs or streams,

7 or of any underground sources of supply by means
8 of wells which may be constructed or sunk at any
9 suitable place, and also all lands, rights of way and
10 easements necessary for holding and preserving
11 such waters and for conveying the same to any
12 part of said town; and may erect on the land thus
13 taken or held proper dams, buildings, standpipes,
14 fixtures and other structures, and may make ex-
15 cavations, procure and operate machinery, and pro-
16 vide such other means and appliances, and may do
17 such other things, as may be necessary for the es-
18 tablishment and maintenance of complete and ef-
19 fective water works; provided, however, that no
20 source of water supply for domestic purposes or
21 lands necessary for preserving the quality of such
22 water shall be acquired under this act without the
23 consent of the department of public health and that
24 the location of all dams, reservoirs, wells or other
25 works for collecting or storing water shall be sub-
26 ject to the approval of said department.

1 SECTION 3. Said corporation, for the purposes
2 aforesaid, may construct, lay and maintain aque-
3 ducts, conduits, pipes and other works, under or
4 over any lands, water courses, canals, dams, rail-
5 roads, railways and public or other ways, and along
6 any highways or other ways in the town of Chat-
7 ham, in such a manner as not necessarily to ob-
8 struct the same and for the purpose of construct-
9 ing, laying, maintaining and repairing such aque-
10 ducts, conduits, pipes and other works, and for all
11 purposes of this act, said corporation may dig up,
12 raise and embank any such lands, highways, or
13 other ways in such manner as to cause the least hin-

14 drance to public travel; but all things done upon any
15 public way shall be subject to the direction and ap-
16 proval of the selectmen of said town. The said cor-
17 poration shall not enter upon, construct or lay any
18 pipes, conduits or other works within the location
19 of any railroad corporation, except at such time
20 and in such manner as it may agree upon with
21 such railroad corporation, or, in case of failure
22 so to agree, as may be approved by the depart-
23 ment of public utilities.

1 SECTION 4. Any person sustaining damages in
2 his property by any taking under this act or any
3 other thing done under authority thereof may re-
4 cover such damages from said corporation under
5 said chapter seventy-nine; but the right to damages
6 for the taking of any water, water right or water
7 source, or for any injury thereto, shall not vest
8 until water is actually withdrawn or diverted un-
9 der authority of this act.

1 SECTION 5. Said corporation may distribute
2 water through the town of Chatham, or any part
3 thereof, may regulate the use of the same, and may
4 establish and fix from time to time, subject to the
5 approval of the department of public utilities, the
6 rates for the use of said water and may collect
7 the same; and may make such contracts with the
8 said town or with any fire district now or here-
9 after established therein, or with any person or
10 corporation, to supply water for the extinguish-
11 ment of fires, or for such other purposes as may
12 be agreed upon.

1 SECTION 6. Said corporation, may, for the pur-
2 poses set forth in this act, hold real estate
3 not exceeding in value thirty thousand dollars,
4 and the capital stock of said corporation shall
5 not exceed one hundred fifty thousand dollars, to be
6 divided into shares of one hundred dollars each.
7 If it be necessary for the purposes of said corpo-
8 ration, an increase of capital stock may be author-
9 ized by the department of public utilities as pro-
10 vided by law.

1 SECTION 7. Said corporation may issue bonds,
2 and may secure the same by a mortgage of its
3 franchise and other property to an amount not ex-
4 ceeding its capital stock actually paid in. The pro-
5 ceeds of all bonds so issued shall be expended only
6 in the extension of the works of the corporation
7 and in the payment of expenditures actually made
8 in the construction of the works over and above
9 the amount of the capital stock actually paid in.

1 SECTION 8. Whoever wilfully or wantonly cor-
2 rupts, pollutes, or diverts any water taken or held
3 under this act, or injures any structure, work or
4 other property owned, held or used by said cor-
5 poration under authority of this act, shall forfeit
6 and pay to said corporation three times the amount
7 of damages assessed therefor, to be recovered in
8 an action of tort; and, upon being convicted of
9 any of the above wilful or wanton acts, shall be
10 punished by a fine of not more than three hun-
11 dred dollars or by imprisonment in jail for not
12 more than one year.

1 SECTION 9. The town of Chatham shall have the
2 absolute right, at any time during the continuance
3 of the charter hereby granted, to purchase the fran-
4 chise, property and all the rights and privileges
5 of said corporation, on payment to it of the market
6 value of said franchise, corporate property, rights
7 and privileges, as mutually agreed upon, or as here-
8 inafter determined, on the date which said town
9 shall fix for such purchase; provided, that said
10 town shall give said corporation written notice of
11 its intention to purchase as aforesaid at least sixty
12 days before said date. If said town and said cor-
13 poration shall be unable to agree within sixty days
14 after said date upon the market value of said fran-
15 chise, corporate property, rights and privileges,
16 said town shall appoint one arbitrator and said cor-
17 poration shall appoint a second arbitrator, and the
18 two arbitrators so appointed shall appoint a third
19 arbitrator. Said board of arbitration shall deter-
20 mine the market value of said franchise, corporate
21 property, rights and privileges, and the finding of
22 said board on all matters of fact shall be final.
23 The hearing before said board shall be commenced
24 within thirty days after the date of the appoint-
25 ment of the third arbitrator, and concluded within
26 ninety days after his appointment, and the pro-
27 cedure before said board shall be in accordance
28 with the provisions of chapter two hundred and fif-
29 ty-one of the General Laws, except that the supreme
30 judicial court shall have exclusive jurisdiction in
31 equity to enforce by appropriate orders or decrees,
32 or otherwise, the findings of said board and the
33 right of said town to take possession of said fran-

34 chise, corporate property, rights and privileges
35 upon payment to said corporation of the sum
36 awarded by said board.

1 SECTION 10. This act shall take effect upon its
2 passage, but any action thereunder shall be void
3 unless water is actually withdrawn or diverted un-
4 der authority thereof within three years from the
5 date of its passage.

