

[CHAPTER 45.]

*State of
New Hampshire.* }

AN ACT TO INCORPORATE CERTAIN PERSONS BY THE NAME OF THE PROPRIETORS OF THE DOVER AQUEDUCT.

[Approved July 2, 1823. Original Acts, vol. 28, p. 16; recorded Acts, vol. 22, p. 399. See acts of July 2, 1870, Session Laws, 1867-71, p. 470; July 20, 1887, id., 1883-87, p. 550; August 24, 1887, id., p. 600; July 11, 1889, id., 1889-91, p. 154, and July 30, 1889, id., p. 184.]

Section 1. Be it enacted by the Senate and House of Representatives in General Court convened that Asa Freeman, Jesse Varney, John Williams and William Hale, and their associates and successors, be and hereby are constituted a body corporate and politic forever by the name of the Proprietors of the Dover Aqueduct, and for the purpose of conveying water by subterraneous pipes into the Village of Dover.

Section 2. And be it further enacted, that besides the powers incident to corporations and not herein enumerated, said corporation shall have power to take and hold real estate to the amount of two thousand dollars, and personal estate to the amount of ten thousand dollars, and no more, and may enforce the payment of all assessments duly made on the shares of the proprietors by advertizing and selling the shares of any delinquent proprietor in the manner to be prescribed by the bylaws of said corporation.—

Section 3. And be it further enacted, that said corporation is hereby authorized to enter upon and break up the ground and dig ditches in any land or enclosures or any streets or highways, through which it may be necessary for said Aqueduct to pass, for the purpose of placing such pipes as may be necessary for building and completing said aqueduct, or of repairing the same when requisite; provided, that in case the said proprietors and the owners of the land through which said aqueduct must pass shall not agree on the compensation to be made for the damage done to said land, the Superior Court of Judicature upon application of said proprietors, or of the owners, may appoint a committee who shall ascertain the same and make report to said Court, and if either of said parties shall be dissatisfied, with the report of said Committee, on application to the Superior Court for that purpose, a trial by Jury for the purpose of assessing said damages shall be had in the same way and manner as other trials are had at said Court, and the said Court are authorized to render judgment on said report or verdict of said jury and issue execution accordingly, and provided also that the said streets or highways shall not be dug up or opened by said proprietors in such manner as to obstruct or hinder the citi-

zens of the State from passing therein with their teams and carriages with convenience.—

Section 4. And be it further enacted that any person who shall maliciously or wantonly injure said aqueduct and be convicted thereof upon indictment before the Superior Court of judicature shall be punished by fine not exceeding three hundred dollars, and shall be liable to pay treble damages to said corporation to be recovered in any proper action.—

Section 5. And be it further enacted that said Asa Freeman, Jesse Varney and John Williams, or any two of them, may call the first meeting of said proprietors by giving such public notice thereof as they may think reasonable.

[CHAPTER 46.]

State of }
New Hampshire. }

AN ACT IN ADDITION TO AN ACT PASSED JUNE 20TH A.D. 1811. ENTITLED "AN ACT TO PREVENT THE DESTRUCTION OF SALMON SHAD AND ALEWIVES IN MERRIMAC RIVER, AND THE SEVERAL STREAMS FALLING INTO THE SAME, AND FOR REPEALING CERTAIN LAWS HERETOFORE MADE FOR THAT PURPOSE

[Approved July 2, 1823. Original Acts, vol. 28, p. 17; recorded Acts, vol. 22, p. 401. Session Laws, 1823, Chap. 48. Laws, 1824 ed., p. 125; id., 1830 ed., p. 246. The act referred to is printed in Laws of New Hampshire, vol. 8, p. 45. See also acts of June 23, 1818, id., p. 685; December 16, 1820, id., p. 937, and June 20, 1827, *post.* Repealed by act of June 28, 1831, Session Laws, 1831, Chap. 27.]

Section 1. Be it enacted by the Senate and House of Representatives in General Court convened, that from and after the passing of this Act so much of the Act aforesaid to which this is in addition, as prohibits the erecting, building or constructing any mill dam ware or other obstruction upon or across any of the streams falling into the said river Merrimac, so as to prevent the free passage of said fish in said streams or as requires the keeping open a sufficient passage way for the fish aforesaid, through any mill dam which has been or may hereafter be built across any of the rivers or streams falling into the said river Merrimac from the tenth day of May to the twentieth day of June and from the twentieth day of August to the twentieth day of September annually, so far as the provisions of the Act aforesaid relate to the rivers Nashua and Winnipisiogee be and the same are hereby repealed.