

LAWS

OF THE

STATE OF NEW HAMPSHIRE,

PASSED JANUARY SESSION, 1893.

LEGISLATURE CONVENEED JANUARY 4, ADJOURNEED APRIL 1, 1893.



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CHAPTER 220.

AN ACT TO ENABLE THE TOWN OF EXETER TO ACQUIRE AND MAINTAIN
WATER-WORKS.

SECTION

1. May purchase and maintain water-works, and hold real and personal estate.
2. Eminent domain.

SECTION

3. May make contracts; board of water commissioners.
4. Moneys received—how used.
5. May borrow money and issue bonds.
6. Takes effect.

Be it enacted by the Senate and House of Representatives in General Court convened:

May purchase and maintain water-works, and hold real and personal estate.

SECTION 1. That the town of Exeter be and hereby is authorized, for the purpose of furnishing and distributing through the village of Exeter an adequate supply of pure water in subterranean pipes for extinguishing fires and for the use of its citizens, and for such other purposes as water may be required in said town, to take or purchase the franchises and property of the Exeter Water-Works Corporation, including the pumps, engines, boilers, mains, and all other machinery and apparatus used in the operation of said water-works, and the lands and buildings connected and used therewith; and in addition thereto said town may likewise take or purchase the property, rights, and franchises of any or all other aqueduct or water companies now chartered and doing business in said Exeter; and should said town and any such aqueduct or water company be unable to agree upon what should be a fair and equitable price for their said property, either party may apply to the supreme court for the county of Rockingham, at a trial term thereof, for an appraisal of the value of said property, rights, and franchises, and said court shall refer the question to three referees, to be selected and appointed by a judge of said court for that purpose; and said board of referees shall report their findings to the supreme court, which shall issue its decree thereon. And said town, for the purpose aforesaid, may take, purchase, and hold, in fee simple or otherwise, any real or personal estate, and any rights therein, and water rights necessary for carrying into effect the purposes of this act, and erect, construct, and maintain such dams, reservoirs, standpipes, and buildings as may be necessary for such water-works; and to excavate and dig canals and ditches in any street, place, square, passway, highway, common, or other place through which it may be deemed necessary and proper to construct said water-works; and to relay, change, and repair the same at pleasure, having due regard for the safety of its citizens and security of the public travel.

Eminent domain.

SECT. 2. And in addition thereto, said town is also authorized and empowered to enter upon, take, and appropriate any streams, springs, or ponds in the towns of Exeter and Stratham, and to secure, by fence or otherwise, such streams, springs, or ponds, and dig ditches and canals, make excavations or reservoirs through,

over, in, or upon any land or inclosure through which it may be necessary for its water pipes to pass, or said excavations, reservoirs, and water-works to be or exist, for the purpose of obtaining, holding, preserving, or conducting such water and placing such pipes or other materials or works as may be necessary for building and operating such water-works, or for repairing the same: provided, if it shall be necessary to enter upon and appropriate any stream, spring, or pond, or any land for the purpose aforesaid, or to raise or lower the level of the same, and if said town shall not agree with the owners thereof for the damage that may be done by said town, or if such owners shall be unknown, said town, or said owner or party injured, may apply to the supreme court for the county of Rockingham, at the trial term thereof, to have the same laid out and the damages determined, and the said court shall refer the same to the county commissioners for said county, who shall appoint a time and place of hearing, and give notice thereof in the same manner as provided by law for laying out highways; and said commissioners shall make report to said court, and said court shall issue execution accordingly. If either party shall desire, before reference to said commissioners, they shall be entitled to a trial by jury in such manner and under such regulations as the court may prescribe.

SECT. 3. Said town is authorized and empowered to contract with any individual or corporation to pump water, and to make such other contracts and to establish such regulations and tolls for the use of water as may from time to time be deemed proper. The said water-works shall be under the direction and control of a board of three water commissioners, to be chosen at an annual or special meeting of said town, one to hold office until the next annual meeting thereafter, and one until the second and one until the third annual meeting after such choice; and at each annual meeting, after the choice of the first board, one such commissioner shall be chosen, by ballot and by major vote, who shall hold office for the term of three years, and until his successor is chosen and qualified. Any vacancy occurring in said board may be filled by the selectmen, and their appointee shall hold office until his successor shall be chosen by the town at an annual meeting and duly qualified; and the said town is hereby authorized and empowered to choose such board of commissioners, with such powers and duties as may from time to time be prescribed by said town.

SECT. 4. All moneys received in any way on account of said water-works shall be paid into the town treasury, and shall be kept and applied exclusively for the uses of said water-works, including the payment of the bonds issued under this act and of the interest thereon, and of incumbrances existing upon property acquired under this act; and all bills and claims for expenditures connected with said works shall be approved by the board of water commissioners before they are paid by the treasurer. The town treasurer shall keep his accounts relating to the water-works, including said bonds, separate and distinct from all other receipts and payments.

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SECT. 5. Said town is also authorized, at any annual or special meeting, by a major vote of those present and voting, to make regulations for the management of said water-works, to borrow or hire such sum of money on the credit of the town as may from time to time be deemed advisable for the purpose of defraying the expense of purchasing real estate, rights in real estate, water rights, streams, springs, ponds, and all other rights as aforesaid, and for constructing, maintaining, and operating said water-works, and to issue notes or bonds of the town therefor, payable at such times and at such rate of interest as may be thought proper.

Takes effect.

SECT. 6. This act shall take effect upon its passage.
[Approved March 9, 1893.]

CHAPTER 221.

AN ACT IN AMENDMENT OF THE CHARTER OF THE TRUSTEES OF THE
MINISTERS AND WIDOWS' CHARITABLE FUND.

SECTION

1. Empowered to hold funds; amount limited.

SECTION

2. Takes effect.

Be it enacted by the Senate and House of Representatives in General Court convened :

Empowered to hold funds; amount limited.

SECTION 1. That said institution be and it hereby is empowered to hold funds given for the support of aged or necessitous clergymen, and the necessitous widows of clergymen, to an amount not exceeding one hundred thousand dollars.

Takes effect.

SECT. 2. This act shall take effect on its passage.
[Approved March 9, 1893.]