

LAWS

OF THE

STATE OF NEW HAMPSHIRE

PASSED JANUARY SESSION, 1911.

LEGISLATURE CONVENED JANUARY 3, ADJOURNED APRIL 15.



CONCORD, N. H.

1911.

CHAPTER 289.

AN ACT TO PERMIT THE TOWN OF CLAREMONT TO ELECT AN ASSISTANT MODERATOR AND TO DEFINE HIS POWERS.

SECTION

- 1. Assistant moderator provided for.
- 2. Appointment by selectmen.

SECTION

- 3. Repealing clause; act takes effect on passage.

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

Assistant moderator provided for.

SECTION 1. The town of Claremont may choose an assistant moderator in the same way as is now provided for choosing moderators and such assistant moderator shall, under the direction of the moderator, have the powers and duties of the moderator in receiving ballots, counting them and declaring the votes thereon, and shall, in the absence of the moderator, perform all the duties and have all the powers of the moderator.

Appointment by selectmen.

SECT. 2. The selectmen of said town are hereby authorized to appoint an assistant moderator who shall hold office in accordance with the provisions of section 1, until an assistant moderator may be elected.

Repealing clause; act takes effect on passage.

SECT. 3. All acts and parts of acts inconsistent herewith are hereby repealed and this act shall take effect upon its passage.

[Approved March 9, 1911.]

CHAPTER 290.

AN ACT IN ADDITION AND AMENDMENT TO "AN ACT TO INCORPORATE THE NASHVILLE AQUEDUCT," APPROVED JUNE 19, 1852, AND "AN ACT IN AMENDMENT OF THE CHARTER OF THE PENNICHUCK WATER WORKS," APPROVED SEPTEMBER 7, 1883.

SECTION

- 1. Charter of Nashville Aqueduct amended.
- 2. Charter of Pennichuck Water Works amended.
- 3. Power to hold property; right of eminent domain; contracts authorized.

SECTION

- 4. Pipes across Merrimack river.
- 5. Application of act limited.
- 6. Extension of pipes to Hudson.
- 7. Petitions to superior court.
- 8. Prior act not affected.

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

Charter of Nashville Aqueduct amended.

SECTION 1. That section 1 of said act to incorporate the Nashville Aqueduct approved June 19, 1852, be amended by inserting in the seventh line thereof after the words "Nashville

and Nashua" the following words, viz: also into the town of Hudson, so that section 1 as amended shall read as follows, viz: SECTION 1. Be it enacted by the Senate and House of Representatives in General Court convened, that Charles F. Gove, Aaron P. Hughes, Robert Read, John H. Gage, and Russell E. Dewey, their associates, successors and assigns, be and they are hereby made a body politic and corporate, by the name of the Nashville Aqueduct, for the purpose of bringing water into Nashville and Nashua, also into the town of Hudson, in subterranean pipes, for the supply of the inhabitants thereof, and are hereby invested with all the powers and privileges incident to corporations of a similar nature.

SECT. 2. That section 2 of the said act in amendment of the charter of the Pennichuck Water Works approved September 7, 1883, known as chapter 237 of the session Laws of 1883, be amended by inserting in the third line of said section after the words "other purposes" the following words, viz: also for the use of the town of Hudson, its inhabitants, and for other purposes; also by striking out in the ninth and 18th lines of said section the word "supreme" and inserting in place thereof the word superior, so that said section 2 as amended shall read as follows, viz: SECT. 2. That for the purpose of furnishing an adequate supply of water for the use of the city of Nashua, its inhabitants, and for other purposes, also for the use of the town of Hudson, its inhabitants, and for other purposes, said corporation is authorized to construct, enlarge and maintain such dams, reservoirs, and other works as it may deem necessary and proper across and upon the Pennichuck brook, across or upon any brooks or ponds tributary to the same, and to enter upon and appropriate such land as may be necessary and convenient for the construction and use of the same, upon depositing with the clerk of the superior court for the county of Hillsborough such sum of money as security for the payment of damages for the same as said court in term time or any justice thereof in vacation may order in case said corporation has not agreed with the owners thereof upon the damages and paid the same; and in case said corporation shall not agree with the owners thereof for the damage that has been or may be done by said corporation by reason of the erection of any dam on said brooks and the flowage caused thereby, or in the exercise of any rights hereby granted, or such owners shall be unknown, either party may apply to the superior court at the trial term thereof to have the damages determined, and said court shall refer the same to the county commissioners, who shall appoint a time and place of hearing, and give notice thereof in the same manner as is now required by law for laying out highways, and said commissioners shall make a report to said court, upon which the court may make such order as justice requires. If either party shall desire, upon application to said court before

Charter of
Pennichuck
Water Works
amended.

such reference, they shall be entitled to a trial by jury in such manner and under such regulations as said court may prescribe.

Power to hold property.

SECT. 3. That the following sections be added to said act of 1883 to be known as sections 4, 5 and 6 of said act as amended:

SECT. 4. Said corporation is empowered to purchase and hold, in fee simple or otherwise, any real or personal estate necessary for the carrying into effect the purpose of this act, and to purchase any water-works in said Hudson now constructed or in operation; and said corporation is authorized to enter upon and break ground, dig ditches, and make excavations in any street, place, square, passageway, or highway through which it may be deemed necessary for the pipes and water-works of said corporation to pass, be or exist, for the purpose of placing said pipes, hydrants, water-works, and such other materials as may be deemed necessary for constructing said water-works, and to relay and repair the same, subject to such regulations as to the safety of the citizens and the security of the public travel as may be prescribed by the selectmen of the town of Hudson.

Right of eminent domain.

SECT. 5. Said corporation is authorized to enter upon and appropriate any springs, streams, or ponds, in the town of Hudson, not belonging to any aqueduct or water-works company, and to secure such streams, springs, or ponds by fences or otherwise, and to dig ditches, make excavations and reservoirs, through, over, in, or upon any land or enclosure through which it may be necessary for said pipes and water to pass, or said excavations and reservoirs and water-works to be or exist, for the purpose of obtaining, holding, preserving or conducting said water, and placing such pipes, other material, or works as may be necessary for building and operating such water-works or repairing the same: *provided*, that if it shall be necessary to enter upon and appropriate any streams, springs or ponds, or land for the purpose aforesaid, or to raise or to lower the level of the same, and the said corporation shall not be able to agree with the owners thereof for damages that may be done by said corporation, or the owners shall be unknown, either party may apply to the superior court, at the trial term in the county of Hillsborough, to have the damages determined; and 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 now provided by law for laying out of highways. Said commissioners shall make report to said court, and said court may issue execution therein accordingly; but if either party shall desire it, upon application to said court before reference to said commissioners they shall be entitled to a trial by jury in such manner and under such regulations as said court may prescribe.

Contracts authorized.

SECT. 6. Said corporation may make any contract with said town of Hudson, or with any fire precinct in said town, or with any persons or corporation, to furnish water, hydrants, and other

means and apparatus for extinguishing fires, and for such other purposes as may be deemed necessary; and said town, or any fire precinct therein now existing or hereinafter organized, is hereby authorized to contract with said corporation for the use of said water, hydrants, or other apparatus for said purpose, and may raise or appropriate money therefor. And said corporation is hereby authorized and empowered to sell or lease for a term of years to the town, or any fire precinct now existing or hereafter organized therein, all of its works, structures, and estate, of whatever kind or nature within said town; and said town or fire precinct is hereby authorized to purchase or lease the same.

SECT. 4. That the Pennichuck Water Works for carrying out said purposes of furnishing an adequate supply of water to Hudson, its inhabitants, and for other purposes, be authorized to lay such pipes as are reasonably needful across the Merrimack river between Hudson and Nashua.

SECT. 5. Inasmuch as the Hudson Water Company is now operating a water supply plant in said town of Hudson, now, if said Hudson Water Company shall take necessary steps to improve its water plant in said town by increasing the supply of water, the size of its mains and pipe lines, and by increasing the water pressure, so as to accomplish all such things as are needful to provide said town and takers of water with a sufficient and adequate supply of good and suitable water for domestic, fire and municipal purposes and to accomplish those results shall take substantial steps on or before June 1, 1911, and prosecute such work of improvement and complete the same by October 1, 1911, then this act shall take effect only so far as is hereinafter provided in section 6, but if said company shall not take such substantial steps on or before June 1, 1911, this act shall take effect June 1, 1911, and if, after it shall have taken such steps, it shall not prosecute and complete such improvements by October 1, 1911, this act shall take effect October 1, 1911, and be in full force and effect thereafter.

SECT. 6. If the foregoing sections of this act shall not fully take effect by reason of the contingencies recited in the preceding section five (5), nevertheless they shall so far take effect and shall be so construed as to authorize and empower the Pennichuck Water Works to extend its pipes across the Merrimack river so far into the town of Hudson and upon its streets as will enable said company to furnish water at contract prices to said Hudson Water Company or its assigns.

SECT. 7. For the purpose of determining any controversy that may arise between the Hudson Water Company aforesaid and the town of Hudson as a present or prospective water taker, or any of the present water takers of the water furnished by said Hudson Water Company, or any persons within the district where its pipes are now laid, or where its pipes might reasonably be

Pipes across
Merrimack
river.

Application of
act limited.

Extension of
pipes to Hud-
son.

Petitions to
superior
court.

extended to accommodate prospective water takers, as to whether the said provisions for the improvement of said water plant have been actually complied with, the superior court for the county of Hillsborough is given jurisdiction to try and to finally determine such controversy, when brought before it by petition of any such parties interested, *provided* such petition or petitions shall be brought on or before January 1, 1912, and all such parties so interested shall have right to come into court on their own petition, or be joined as parties to any such petition, on such terms as said court may order, before the same shall have been brought to trial and decided, and not afterwards, and the court may in its discretion order any such petitions to be joined and consolidated so that the same can be tried together as far as they present a common issue.

Prior act not affected.

SECT. 8. This act shall not be held or construed to repeal or affect the authority granted to the city of Nashua or the Pennichuck Water Works by chapter 104 of the act passed at the session of the legislature of 1873, and if said city under that act shall purchase or take the real estate, rights and property of said corporation, and their corporate franchises, powers and privileges under their charter, or any amendment thereof, said city shall have the same right to operate such portion of the plant of said company as is at the time in the town of Hudson as said company shall have right to operate at the time it is purchased or taken, and the same right to furnish water to takers in Hudson and to said town of Hudson and enter into contracts relating thereto as said Pennichuck Water Works shall have.

[Approved March 9, 1911.]

CHAPTER 291.

AN ACT TO AMEND CHAPTER 241 OF THE SESSION LAWS OF 1893,
ENTITLED "AN ACT TO ESTABLISH THE CITY OF LACONIA."

SECTION

1. Council of six members.
2. One councilman from each ward.
3. Salaries of councilmen.

SECTION

4. How elected in 1911.
5. Takes effect on passage.

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

Council of six members.

SECTION 1. Amend section 4 of said act by striking out the word "fourteen" in the third and fourth lines of said section and substituting in place thereof the word six so that said section as amended shall read as follows: SECT. 4. The administration of