

# LAWS

OF THE

# STATE OF NEW HAMPSHIRE,

PASSED JANUARY SESSION, 1893.

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## CHAPTER 289.

## AN ACT TO INCORPORATE THE NEWMARKET WATER WORKS.

## SECTION

1. Corporation constituted.
2. Capital.
3. Meetings.
4. Privileges granted.
5. Eminent domain.
6. May make contracts, establish tolls, and borrow money.
7. Town may purchase works—conditions.

## SECTION

8. First meeting.
9. Town may construct water-works; proviso.
10. Control of works vested in water commissioners.
11. Town may make regulations and borrow money.
12. Subject to repeal; takes effect.

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

SECTION 1. That Charles V. Doe, Samuel H. Greene, Benjamin F. Haley, Ambrose J. Nichols, Charles H. Smith, Charles E. Tasker, Woodbridge W. Durell, Alanson G. Haines, George O. Hodgdon, Milton S. Laine, Bradford S. Kingman, William H. Paine, and Albert M. Priest, their associates and assigns, shall be and hereby are made a body politic and corporate by the name of The Newmarket Water Works, for the purpose of bringing water into the village of Newmarket in the county of Rockingham, for domestic uses, the extinguishment of fires, and such other purposes as may be deemed necessary, and by that name may sue and be sued, prosecute and defend to final judgment and execution, and are hereby vested with all the powers and subject to all the liabilities incident to corporations of a similar nature.

SECT. 2. The capital stock of said corporation shall consist of such number of shares, not exceeding fifty dollars each, as may be from time to time determined by the directors of said corporation, not exceeding in the whole the sum of one hundred thousand dollars.

SECT. 3. The annual meeting of said corporation shall be holden at such time and place as may be prescribed by the by-laws or appointed by the directors, at which meeting not less than three nor more than seven directors shall be chosen by ballot. The directors may call special meetings whenever they shall deem it necessary, giving such notice as the by-laws may prescribe.

SECT. 4. Said corporation is empowered to purchase and hold, in fee simple or otherwise, any real and personal estate necessary for the carrying into effect the purposes of this act, not exceeding in value forty thousand dollars at the time of the purchase; and said corporation is authorized to levy [enter] upon and break ground, dig ditches, and make excavations in any street, place, square, passageway, or highway in said town 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, water-works, and such other material as may be deemed necessary

for building said water-works, and to relay and repair the same, subject to such regulations as to the safety of the citizens and security of the public travel as may be prescribed by the selectmen of the town of Newmarket.

Eminent domain.

SECT. 5. Said corporation is authorized to enter upon and appropriate any springs, streams, or ponds not belonging to any aqueduct company, and to secure such streams, springs, or ponds by fences or otherwise, and dig ditches, make excavations and reservoirs, through, over, in, or upon any land or enclosure in said town of Newmarket through which it may be necessary for said pipes and water to pass, or said excavations, reservoirs, and water-works to be or exist, for the purpose of obtaining, holding, preserving, or conducting said water, and placing such pipes, other materials, 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 springs, streams, or ponds, or any land, for the purpose aforesaid, or to raise or lower the level of the same, and said corporation shall not be able to agree with the owners thereof for the damages that may be done by said corporation, or the owners shall be unknown, either party may apply to the supreme court at a trial term in the county of Rockingham, to have the same laid out and 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 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.

May make contracts, establish tolls, and borrow money.

SECT. 6. Said corporation may contract with individuals and corporations for supplying them with water, establish such tolls and charge such rents for the use of water as shall be deemed reasonable; and said corporation is authorized to borrow money to defray the cost of such water-works, and to issue the notes, bonds, or obligations of said corporation therefor, payable at such times and at such rate of interest, not exceeding six per cent., as they may determine, and may, if they deem it expedient, secure such notes, bonds, or obligations by a mortgage of all their estate, real and personal, which mortgage shall be recorded in the office of the register of deeds for the county of Rockingham.

Town may purchase works—conditions.

SECT. 7. The town of Newmarket, or any village district that may be organized therein, is hereby authorized to contract with said corporation for water for fire purposes or other public use, and to subscribe for stock in said corporation, or become the owner of said stock, notes, bonds, or obligations by purchase, and to raise by taxation and appropriate money, or issue notes, bonds, or obligations in payment therefor, when thereto authorized by a major vote of those present and voting at any meeting legally called and holden for that purpose, and the treasurer of said town or any other duly appointed agent may vote upon said stock,

casting one vote for each share of stock so held by them at any meeting of the corporation; and said town of Newmarket is hereby authorized and invested with the right, at any time after five years from the date of the organization of said corporation, to take and hold all the stock by purchase, if the parties agree, or at the appraisal of three disinterested men, who may be appointed by the supreme court upon a proper application therefor.

SECT. 8. Any two of the corporators named in this act may <sup>First meeting.</sup> call the first meeting of the corporation by giving a notice in writing to each of the corporators of the time and place of meeting at least seven days before the day of meeting, or by notice published in the "Advertiser," a newspaper printed at said Newmarket, at least fourteen days before said meeting; and at said meeting, or any adjourned meeting thereof, or any subsequent meeting duly called, associates may be admitted and all proper officers chosen, the number and par value of shares fixed, and such by-laws and regulations adopted as may be deemed necessary to carry into effect the business of the corporation.

SECT. 9. Said town of Newmarket in its corporate capacity is hereby authorized and empowered to construct said water-works, <sup>Town may construct water-works; proviso.</sup> and is hereby invested with all the rights, privileges, and liabilities prescribed in this act, provided the said town of Newmarket shall, on or before the fifteenth day of April, 1898, at any meeting legally called and holden for that purpose, by a major vote of those present and voting, vote to construct said water-works and vote to pay the fee required to obtain this charter or act, and a reasonable sum for the expense of obtaining the same.

SECT. 10. Said town having voted to construct said works, as <sup>Control of works vested in water commissioners.</sup> provided in section 9 of this act, is authorized and empowered to contract with any individual or corporation to pump water, and to make other contracts, and establish such regulations and tolls for the use of water, as may from time to time be deemed proper; and for the more convenient management of said water-works, the said town shall, before the construction of the same, place them under the direction and control of a board of water commissioners consisting of nine suitable persons, not more than five of whom shall belong to the same political party; and the selectmen of said town are hereby authorized and empowered to appoint such board of commissioners, three of whom shall be appointed for three years, three for two years, three for one year, and three each succeeding year, and said commissioners shall be paid a reasonable sum for their services. It shall be the duty of said commissioners to construct said water-works according to the terms of this act, fix and collect water rates, appoint a superintendent and such other officers as may be necessary and fix the salary of the same, and perform such other duties as said town may from time to time prescribe.

SECT. 11. Said town is also authorized, at any annual or special meeting, by a major vote of those present and voting, to <sup>Regulations; town may borrow money.</sup> 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.

Subject to  
repeal; takes  
effect.

SECT. 12. This act may be altered, amended, or repealed whenever the public good requires, and shall take effect upon its passage.

[Approved March 31, 1893.]

## CHAPTER 290.

### AN ACT TO INCORPORATE THE HANOVER WATER WORKS COMPANY.

#### SECTION

1. Corporation constituted.
2. Capital.
3. Privileges granted; eminent domain.
4. Village precinct may take stock, make contracts, and borrow money.

#### SECTION

5. Dartmouth college may take stock in company.
6. Water-works may borrow money and issue bonds.
7. Takes effect.

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

Corporation  
constituted.

SECTION 1. That Benjamin A. Kimball, Newton S. Huntington, William J. Tucker, Edward P. Storrs, Carleton P. Frost, George Hitchcock, Frank W. Davidson, Charles P. Chase, and Frank S. Streeter, their associates, successors, and assigns, are made a body politic and corporate by the name of The Hanover Water Works Company, to be located at Hanover in this state, for the purpose of bringing water into the village of Hanover to be used for domestic, fire, and other purposes, and are hereby vested with all the powers and made subject to all the liabilities incident to corporations of a similar nature.

Capital.

SECT. 2. The capital stock of said corporation shall consist of such number of shares, of the par value of one hundred dollars (\$100) each, as may be from time to time determined by the directors of said corporation, not exceeding in the whole the sum of seventy-five thousand dollars (\$75,000).

Privileges  
granted;  
eminent  
domain.

SECT. 3. Said corporation is authorized to enter upon and break ground, dig ditches, and make excavations in any street, highway, or other place through which it may be deemed necessary for the pipes and water-works of said corporation to pass, for the purpose of placing said pipes, water-works, and such other material as may be deemed necessary for building said water-works, and to relay and repair the same, subject to such regulations for the security of