

CHAPTER 209.

AN ACT TO ENABLE THE CITY OF PORTSMOUTH TO ISSUE WATER BONDS AND TO MANAGE AND CONTROL ITS WATER SUPPLY.

SECTION

1. Issue of bonds; application of proceeds.
2. Rights of city in property purchased.
3. Eminent domain.
4. Water commissioners.
5. Appointment of commissioners; qualifications; oath; tenure; vacancy; organization and powers.
6. Commissioners for the time being.

SECTION

7. Compensation.
8. Management of water-works; report.
9. Disposition of receipts; separate account.
10. Sale of real estate; application of proceeds.
11. By-laws and ordinances.
12. Repealing clause; takes effect.

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

Issue of bonds; application of proceeds.

SECTION 1. WHEREAS, the city of Portsmouth has acquired by purchase the stock of the several stockholders of the corporation known as the Proprietors of the Portsmouth Aqueduct, and has thereby succeeded to the franchises, rights, estate, and property of said corporation; and,

WHEREAS, the public good requires that the works of said aqueduct should be enlarged and improved, or other water-works constructed and other sources of supply taken so as to enable said city not only to afford better protection against fire but also an adequate supply of water for domestic and mechanical use by the inhabitants of said city; now therefore,

Be it enacted, that said city is empowered and authorized to issue bonds of such denominations and payable at such times, and bearing such rate of interest, not exceeding four per cent per annum, as to the city councils shall seem proper, to an amount not exceeding three hundred and fifty thousand dollars, and the proceeds of the sale of said bonds shall be applied to the management, enlargement, and improvement of said water-works and aqueduct property, or to the construction of other water-works, and obtaining other sources of supply of water if found necessary, and the management of the same, and to the satisfaction and payment of any obligations or promises incurred by said city in the purchase of said stock of the stockholders of said aqueduct.

Rights of city in property purchased.

SECT. 2. Said city shall possess the rights, powers, privileges, franchises, and property of said Proprietors of the Portsmouth Aqueduct in the same manner as if the same had been originally granted to said city.

Eminent domain.

SECT. 3. If it shall become necessary or convenient for said city in the enlargement and improvement of said water-works, or in the construction of other water-works and obtaining other supplies of water, to acquire additional lands, water rights, easements, and privileges, said city may purchase the same of the

owners thereof, or, if unable to agree upon a price to be paid for such lands, water rights, easements, or privileges, with the owner or owners thereof, said city may apply to the supreme court at any trial term thereof in the county of Rockingham, by petition, to appraise the value of such lands, water rights, easements, or privileges in such manner as may seem to said court just and lawful and said court may order. And upon filing such petition, and serving such notice thereof as the court may order upon the owner, such lands, rights, easements, and privileges shall be vested in said city, and said court may issue execution for the value thereof when fixed with interest.

SECT. 4. The immediate management and direction of the water-works of said city shall be vested in a board of water commissioners to consist of four citizens, one of whom shall be the mayor of the city for the time being, who shall *ex officio* be a member of the board.

SECT. 5. The three other members of said board shall be appointed from the two leading political parties, and each of said two parties shall have at least one representative thereon, and if, when the term of any one of them expires, or when a vacancy shall happen for any cause, the two remaining members shall belong to the same political party, the member then to be appointed shall be, at the time of his appointment, a member of the leading opposing political party.

One member of said board shall be appointed by the board of mayor and aldermen of said city, annually, in the month of January, commencing in the month of January, 1894, who shall hold his office for the term of three years from the first day of February subsequent to his appointment. And no member of the city councils shall at the same time be a member of the board of water commissioners; nor shall any member of the city councils be appointed a member of said board. They shall be sworn to the faithful discharge of their duties, and shall hold their offices for the term for which they were appointed and until others are chosen and qualified in their stead, respectively. Whenever a vacancy shall occur in said board from any cause it shall be filled by the mayor and aldermen, and the person so appointed shall fill the unexpired term of the member to whose place he is appointed.

They may choose one of their number as chairman of the board, and may appoint a clerk. They may also appoint a superintendent of the works and such other agents and servants as they may deem necessary, and may fix their compensation. They may make such rules and regulations for their own government and in relation to all officers and agents appointed by them as they may deem proper.

SECT. 6. And whereas it is expedient that the enlargement and improvement of said water-works, or the construction of other water-works and obtaining other supplies of water, be commenced and carried on forthwith under a settled and fixed plan which may be carried on to final completion under the same direction and management, therefore John H. Broughton, Calvin

Page, and Jeremiah A. Farrington, all of said city, are hereby appointed to be, and shall with the present mayor of said city constitute, a board of water commissioners, and shall perform the duties of water commissioners until others are appointed and qualified in their stead, as provided in this act, one of said three persons to hold his office for the term of three years, one for four years, and one for five years from the first day of February, 1891; and they shall determine their respective terms in office by lot; and in case of a vacancy in their number arising from any cause, they may appoint a person to fill such vacancy who shall have all the power and authority of the member he succeeds and shall hold his office in the same manner.

Compensation.

SECT. 7. The members of said board of water commissioners, excepting the mayor, who shall receive no compensation as a member of said board, shall receive in full compensation for their services, the sum of five hundred dollars each per annum, during the first three years after the organization of the board, and three hundred dollars each year thereafter, payable quarterly.

Management of water works; report.

SECT. 8. They shall have the control and management of the construction and enlargement of said works, and may make all such contracts and agreements for and on behalf of the city in relation thereto as they may deem proper and advisable, and shall have full charge and control over the said works when enlarged and constructed. They shall establish rates and tolls and prescribe rules and regulations for the use of water, and may sell and dispose of such articles of personal property connected with said works as they shall deem expedient, and may purchase such property as may be in their judgment necessary for said works and the purposes contemplated by this act; and they shall annually make a report to the city councils of the condition of the water-works and the funds belonging to their department and the expenses and income thereof, which shall be published in the city report of each year.

Disposition of receipts; separate account.

SECT. 9. All moneys received in any way on account of said water-works shall be paid into the city 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 the interest thereon; 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. And the city treasurer shall keep his accounts relating to the water-works, including said bonds, separately and distinctly from all other receipts and payments.

Sale of real estate; application of proceeds.

SECT. 10. And whereas a portion of the real estate composing a part of the property purchased by the city of the stockholders of the Proprietors of the Portsmouth Aqueduct may be found unnecessary for the maintenance and use of the water-works by the city, and it may be advisable to sell the same, the water commissioners, with the approval and consent of the city councils, are hereby authorized and empowered to make sale of the same, and a deed executed by the mayor of said city under

said authority shall pass title to the purchaser of such real estate. The funds derived from such sale shall be applied to the reduction of the bonded debt, hereby authorized; and said commissioners may establish a sinking fund therefrom and from any surplus income arising from the receipt of said works.

SECT. 11. Said city is hereby authorized and empowered through its city councils to establish all needful by-laws and enact such ordinances as may be required to prevent any defilement or pollution of the waters of any springs, ponds, streams, or reservoirs from which it may take water, and of the water that enters its works; and may prevent the use of its hydrants and reservoirs by any person except those duly authorized by the board of water commissioners, and may annex penalties not exceeding twenty dollars for any single violation thereof, to be recovered as provided in section 12 of chapter 48 of the General Laws. ^{By-laws and ordinances.}

SECT. 12. All acts and parts of acts inconsistent with this act, so far as they relate to the city of Portsmouth and said water-works, are hereby repealed; and this act shall take effect from its passage. ^{Repealing clause; takes effect.}

[Approved March 20, 1891.]

CHAPTER 210.

AN ACT TO INCORPORATE THE FARMINGTON PUBLIC LIBRARY ASSOCIATION.

SECTION

1. Corporation constituted.
2. Powers.

SECTION

3. First meeting.
4. Takes effect.

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

SECTION 1. That Isaac E. Pearl, F. W. Doring, Mary E. Parker, Frank Pearl, Eugene P. Nute, Charles W. Talpey, William I. Sweet, James F. Safford, Hannibal P. Wheatley, Frank G. Tebbets, Samuel S. Parker, Edward T. Wilson, George L. White, James E. Davis, and their associates and successors, be and are hereby made a body corporate and politic by the name of the Farmington Public Library Association, of Farmington, for the purpose of establishing and maintaining a public library and reading-room in said Farmington, with all the powers and privileges, and subject to all the duties, restrictions, and liabilities by law incident to corporations of a similar nature. ^{Corporation constituted.}

SECT. 2. Said corporation is authorized to adopt regulations for its own government, not inconsistent with the laws of this ^{Powers.}