

LAWS

OF THE

STATE OF NEW HAMPSHIRE

PASSED JANUARY SESSION, 1905.

LEGISLATURE CONVENED JANUARY 4, ADJOURNED MARCH 10.



CONCORD, N. H.

1905.

CHAPTER 191.

AN ACT TO INCORPORATE THE CHARLESTOWN WATER AND SEWER COMPANY.

SECTION

- 1. Corporation constituted; purposes.
- 2. Capital stock.
- 3. Powers; right of eminent domain.
- 4. May construct and purchase sewers.
- 5. Assessment of damages.

SECTION

- 6. Contracts authorized.
- 7. Injury to property, how punished.
- 8. First meeting.
- 9. Takes effect on passage; subject to repeal.

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

SECTION 1. Frank W. Hamlin, Fred H. Perry, William H. Tinker, Henry E. Cowan and Wallace L. Mason, their associates, successors and assigns, be and they are hereby made a body politic and corporate by name of the Charlestown Water and Sewer Company, for the purpose of furnishing to the people of Charlestown a supply of pure water for domestic and public purposes, for the extinguishment of fires, for manufacturing and all other uses; and also to furnish the village of Charlestown such sewers for the public use as may be from time to time required, 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 privileges 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 of one hundred dollars each as may from time to time be determined by the corporation, not exceeding in the whole the sum of one hundred thousand dollars, to be divided between preferred and common stock in such proportions as the corporation may determine, the preferred stock to be subject to retirement if so provided by the corporation. Said corporation may acquire and hold all real estate and personal property necessary and convenient for its purposes. It may also issue bonds for such sums of money as it may borrow not exceeding in the whole the sum of fifty thousand dollars, as its stockholders may from time to time determine, and secure the same by such mortgage or mortgages of its franchise and property as they may direct.

SECT. 3. The said corporation for the purposes aforesaid may take and hold by purchase, or may take as for public uses any real estate or easement therein, including the waters, or so much thereof as may be necessary, of any ponds, springs, streams or wells or of any filter galleries or wells that may be constructed upon the shore of any pond, or near to any spring or stream, and any other rights in said Charlestown, and it may establish reasonable rates, rents and dues for the use of its privileges, and may collect the same from all individuals or

corporations served thereby. Also in like manner it may take and hold by purchase, or may take as for public uses all real estate or rights of way and easements necessary for the location, construction, and maintenance of all dams, reservoirs, conduits, pipes, hydrants and all necessary appurtenances and appliances, for the holding and preserving such waters, and for the conveying and distributing the same in any part of Charlestown or in any village district in said town now or hereafter established. For the distribution thereof it may lay pipes through the land of persons and corporations, and along the streets and ways of said town, having first obtained the permission of the selectmen of said town, and under such regulations and restrictions as they may prescribe, and may lay its pipes under or over any railroad, water course, or private way, and may cross any sewer or drain pipe, in such manner, however, as will not unnecessarily obstruct the same. Said corporation may also acquire, by purchase or lease from any other corporation such power and water rights as it may deem requisite for its purposes.

May construct and purchase sewers.

SECT. 4. Said corporation is also authorized and empowered to construct and maintain a suitable and convenient sewer system for the proper drainage and sewage disposal of the village of Charlestown and in said Charlestown and may acquire by purchase or otherwise, the sewer and sewer rights now owned and operated by any individual in said village. It may acquire by purchase or take as for public uses such real estate or easements therein in said village as may be necessary for its uses. It may lay its pipes through the land of persons and corporations, and along the streets and ways of said village, and over and across any railroad, water course or private way and cross any drain or sewer pipe, *provided* the permission of the selectmen of said Charlestown is first obtained, and no unnecessary damage or obstruction is caused thereby, and in like manner it may put in all manholes, traps, hydrants, and other apparatus, fixtures, buildings and structures necessary for the proper and convenient use of the sewer system it is hereby authorized to acquire, construct and maintain.

Assessment of damages.

SECT. 5. Said corporation shall pay all damages sustained by any person or corporation in property, by taking of any land or easement therein, water course or water right, or by the erection of any dam, building, or structure or any other thing done by it under the authority of this act. In case however, said corporation shall not be able to agree with the owners thereof for the damages that may be done by said company or the owners shall be unknown, either party may apply to the superior court for the county of Sullivan at any 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 of said county, who shall appoint a time and place of

hearing and give notice thereof in the same manner as is now provided by law for the laying out of highways; and the said commissioners shall make report to the court, and said court may issue execution therein accordingly; but if either party shall desire it, upon the 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 the court may prescribe.

SECT. 6. Said corporation may make any contract with the town of Charlestown, or any village district in said town now or hereafter established, or with any persons or corporations, to furnish water, hydrants and other means and apparatus for the extinguishment of fires, for sewers or for such other purposes as may be deemed necessary and said town or village district is hereby authorized to contract with said corporation for the use of said water, hydrants, sewers and other means and apparatus for said purposes, and may raise and appropriate money therefor; and the said corporation is hereby authorized and empowered to sell or lease for a term of years to said town or any fire district or fire precinct now existing or hereafter organized therein, all or any part of its franchise, works structures, or estate of whatever kind or nature, and said town and fire district or precincts are hereby authorized to purchase or lease the same and to borrow upon the credit of such town or districts such an amount as may be necessary to enable them to do so, upon such terms and times as may be deemed expedient.

Contracts
authorized.

SECT. 7. Any person who shall wilfully and maliciously corrupt the waters of any or [of] the sources of supply, or reservoirs of said company, or shall wilfully injure any powerhouse, dam or reservoir, conduit, pipe, hydrant, sewer or sewer-pipe, or other property held, owned or used by said company for the purposes of this act, shall on conviction of either of said acts, be punished by a fine not exceeding five hundred dollars or imprisonment not exceeding one year.

Injury to
property, how
punished.

SECT. 8. Any two of the corporators named in this act may call the first meeting of the corporation, by giving or mailing a notice in writing to each of said corporators of the time and place of meeting, seven days at least before said meeting, and at said meeting or any adjourned meeting thereof or at any subsequent meeting duly called associates may be admitted, directors and all proper officers chosen, the number of shares fixed, and such by-laws and regulations adopted as may be deemed necessary to carry into effect the purposes of this act.

First meeting.

SECT. 9. This act shall take effect upon its passage, and the legislature may alter, amend or repeal the same whenever the public good requires.

Takes effect
on passage;
subject to
repeal.

[Approved February 23, 1905.]