

# L A W S

OF THE

## STATE OF NEW HAMPSHIRE,

PASSED JUNE SESSION, 1871.



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# PRIVATE ACTS.

## CHAPTER LXIX.

### AN ACT TO AUTHORIZE THE CITY OF CONCORD TO ESTABLISH WATER-WORKS IN SAID CITY.

#### SECTION

1. Concord authorized to construct and maintain water-works.
2. May take any stream and pond, raise or lower waters, &c.
3. Damages for injuries caused, to be assessed by county commissioners.
4. Contracts made to effect purposes of act, binding on city.

#### SECTION

5. City may contract with corporations or individuals to supply them with water, may fix rates and establish board of commissioners, &c.
6. May borrow money if necessary in construction of works, and assess taxes—may establish water precinct to be liable for expense of water-works, &c.
7. Act takes effect on its passage.

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

SECTION 1. That the city of Concord, in the county of Merrimack, is hereby authorized and empowered to construct, manage, maintain, and own suitable water-works in said city, for the purpose of introducing into and distributing through the more compact parts of said city, an adequate supply of water, for extinguishing fires, and for the use of its citizens, and for other proper uses ; and for that purpose, to take, purchase, and hold such real estate, and rights in real estate, and water rights, and to construct and maintain such dams, reservoirs, and other works, as may be deemed necessary and proper ; and to dig ditches in the highways and streets in the city, and to place and maintain pipes therein, for conducting water, and to relay, change, and repair the same at pleasure, having due regard for the safety of its citizens and the security of the public travel.

SECT. 2. Said city is also authorized and empowered to take and appropriate any stream and pond in said city, and the right to raise and lower the waters in the same and to dig canals and ditches in any lands through which it may be desirable for its aqueducts to pass, so far as may be deemed necessary and proper, for the purpose of obtaining, accumulating, preserving, and conducting water for the use of said water-works ; and to place pipes, and to make other suitable works

for building, maintaining, operating, and repairing said water-works, with the right to relay, change, and repair the same at any time.

Damages for injuries caused to be assessed by county commissioners.

SECT. 3. In case said city shall take and appropriate any real estate, rights in real estate, water rights, stream, pond, and rights as aforesaid, or shall so make its dams and aqueducts, as to raise or lower the water in any stream or pond, or to affect the supply of water therefrom to any mills or privileges, to the injury of any person having rights in said water, and shall not agree with the owner or party injured, upon the damages to be paid by the city therefor; said city or said owner or party injured may apply to the county commissioners for the aforesaid county of Merrimack for an assessment of said damages, and said commissioners, after due notice to the parties interested, and a hearing, shall assess and award the damages to the party entitled thereto, which assessment and award shall be in writing, and filed in the office of the city clerk of said city; but said city, or any party interested, shall have the right to appeal from said assessment or award, in any case, to the Supreme Judicial Court at its trial term in the county aforesaid, and to an assessment of said damages by the jury on such appeal, by filing in the office of the clerk of said court a petition, in proper form for that purpose, within sixty days after the filing of the assessment and award in the office of the city clerk as aforesaid.

Contracts made to effect purposes of act, binding on city.

SECT. 4. All contracts and obligations made by said city with any persons or corporations, for the purpose of acquiring and securing any real estate, rights in real estate, water rights, stream, pond, or rights as aforesaid, or water, for the uses and purposes of the water-works authorized by this act, or for the purpose of adjusting any damages thereby, shall be valid and binding, according to the terms thereof.

City may contract with corporations or individuals to supply them with water. may fix rules and establish board of commissioners, &c.

SECT. 5. Said city is also authorized and empowered to contract with individuals and corporations for supplying them with water, and to make such contracts, and to 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 city may, either before or after the construction of the same, place them under the direction of a superintendent, or board of water commissioners, or of both, with such powers and duties as may, from time to time, be prescribed by the city council of said city.

May borrow money if necessary in construction of works, and assess taxes—may establish water precinct to be liable for expense of water-works, &c.

SECT. 6. Said city is also authorized to borrow such sums of money, on the credit of the city, as may, from time to time, be deemed advisable, for the purpose of defraying the expense of constructing, maintaining, and operating said water-works, and to issue notes or bonds of the city therefor, payable at such times and with such rates of interest, not exceeding three per cent. semi-annually, as may be thought proper; and also to levy such taxes as may at any time be deemed advisable for the same purpose, or for paying any sums borrowed therefor as aforesaid; and said city, if it shall

so elect, may at any time before commencing the construction of said water-works, establish and fix, by proper boundaries, a water precinct in said city, and including such parts thereof as may be thought proper, which said precinct may be defined, modified, enlarged, and altered from time to time thereafter, as may be deemed advisable; and all taxes levied as provided in this section, during the time said water precinct shall exist, shall be levied and assessed upon the taxable inhabitants and property of said precinct, and not on any other part of said city, in the same manner as provided by law for assessing taxes within the gas precinct in said city; provided, however, that the real estate of any railroad corporations situate in said precinct shall be included in said assessments, and the taxes thereon shall be paid by said corporation accordingly.

SECT. 7. This act shall take effect upon its passage. [Approved June 30, 1871.] [Act takes effect on its passage]

## CHAPTER LXX.

### AN ACT TO ENABLE THE CITY OF MANCHESTER TO ESTABLISH WATER-WORKS.

#### SECTION

1. Manchester authorized to construct and maintain water-works.
2. Location of works to be filed with city clerk before construction entered upon.
3. Damages to be determined by county commissioners.
4. Appeal as in case of highways.
5. City may contract with individuals or corporations to supply them with water—may fix water rates and establish board of commissioners, &c.

#### SECTION

6. May assess taxes, borrow money not exceeding \$600,000, give notes and obligations, &c.
7. May pay interest and part of principal by annual taxation.
8. City may acquire and exercise rights of aqueduct corporations, &c.
9. Act takes effect on its passage.

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

SECTION 1. The city of Manchester is hereby authorized and empowered to construct, manage and own water-works, for the purpose of introducing an adequate supply of water for extinguishing fires, for the use of the citizens of said city, and for such other purposes as may be required; and for that purpose may take, purchase, and hold real estate not exceeding in value at the time when the same shall be so acquired, the sum of two hundred thousand dollars; and erect, construct, and maintain such dams, reservoirs, and buildings as may be necessary for such water-works; and dig ditches and break up ground in the highways and streets of said city, place and maintain pipes therein for conducting water, relay and change the same from time to time, due regard being

Manchester authorized to construct and maintain water works.