

# LAWS

OF THE

# STATE OF NEW HAMPSHIRE

PASSED JANUARY SESSION, 1903.

LEGISLATURE CONVENED JANUARY 7, ADJOURNED APRIL 2.



CONCORD, N. H.

1903.

class two, the remaining members may elect their successors for a term of three years and at the expiration of the term of office of class three, the remaining members may elect their successors for a term of three years and so forth.

Repealing clause; act takes effect on passage.

SECT. 2. Any act or part of any act inconsistent with this act is hereby repealed and this act shall take effect from its passage.

[Approved February 17, 1903.]

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## CHAPTER 207.

### AN ACT TO INCORPORATE THE WALPOLE WATER AND SEWER COMPANY.

#### SECTION

1. Corporation constituted; purposes.
2. Capital stock.
3. Right of eminent domain.
4. May construct and purchase sewers.
5. Assessment of damages.
6. May contract with town; town may contract.

#### SECTION

7. Malicious injuries to property; penalty.
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:*

Corporation constituted; purposes.

SECTION 1. Thomas B. Peck, Oliver J. Butterfield, Charles C. Davis, Frank A. Spaulding, Nathaniel W. Holland, Henry A. Slade, and Copley Amory, all of Walpole in the county of Cheshire and State of New Hampshire, their associates, successors and assigns, be and they are hereby made a body politic and corporate by name of The Walpole Water and Sewer Company, for the purpose of furnishing to the people of Walpole 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 Walpole 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.

Capital stock.

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 fifty thousand dollars.

Said corporation may acquire and hold all real estate and personal property necessary and convenient for its purposes. It may also borrow such sums of money, not exceeding in the

whole one half of the amount of the capital stock then issued, 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 water rights in said Walpole, excepting that part of said town which lies northerly of a line drawn from the southwest corner of the town of Langdon, near Table Rock, so called, on Fall mountain, to the east end of the present stone arch bridge of the Boston & Maine Railroad Company across the Connecticut river at Bellows Falls, Vermont, 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 Walpole, except the village of North Walpole. For the distribution thereof it may lay its 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.

Right of eminent domain.

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 Walpole in said Walpole, 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 Walpole is first obtained, and no unnecessary damage

May construct and purchase sewers.

or obstruction is caused thereby, and in like manner it may put in all man-holes 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 Cheshire 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.

May contract with town; town may contract.

SECT. 6. Said corporation may make any contract with the town of Walpole, or the Walpole village district therein, 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 fire 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.

Malicious injuries to property; penalty.

SECT. 7. Any person who shall wilfully and maliciously corrupt the waters of any of the sources of supply, or reservoirs of said company, or shall wilfully injure any power-house, dam, 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.

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 meet-  
ing.

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 re-  
peal.

[Approved February 17, 1903.]

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## CHAPTER 208.

### AN ACT IN RELATION TO THE TOWN OF NEWMARKET AND THE NEWMARKET WATER-WORKS.

#### SECTION

1. Town invested with rights of corporation.

#### SECTION

2. Takes effect on passage.

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

SECTION 1. The town of Newmarket in the county of Rockingham having taken and being now the holder by purchase of all the stock of the Newmarket Water-Works, is hereby in its corporate capacity empowered and invested with all the rights, powers, privileges, and liabilities prescribed in "An act to incorporate the Newmarket Water-Works," approved March 31, 1893, in like manner as said town would have been empowered and invested had it originally constructed said water-works, under and by virtue of said act. And said Water-works corporation may convey to said town all its real and other property.

Town in-  
vested with  
rights of cor-  
poration.

SECT. 2. This act takes effect upon its passage.

Takes effect  
on passage.

[Approved February 17, 1903.]