

LAWS

OF THE

STATE OF NEW HAMPSHIRE,

PASSED JANUARY SESSION, 1895.

LEGISLATURE CONVENED JANUARY 2, ADJOURNED MARCH 29, 1895.



CONCORD:

EDWARD N. PEARSON, PUBLIC PRINTER.

1895.

his absence the special justice, shall be clerk as to all business before them respectively transacted in the court, and such clerk or justice shall keep a full record of the proceedings.

SECT. 4. All fines and costs imposed by said court shall be for the use of the city of Franklin, and shall be paid over to the treasurer of said city by any person collecting the same. Fines and costs to be paid to city treasurer.

SECT. 5. This act shall take effect upon its passage. Takes effect.
 [Approved February 13, 1895.]

CHAPTER 169.

AN ACT TO ESTABLISH WATER-WORKS IN THE TOWN OF NEWPORT.

SECTION

- 1. Town may construct and own water-works; privileges granted.
- 2. Eminent domain.
- 3. May make contracts; water commissioners.

SECTION

- 4. May borrow money; previous action of town ratified and confirmed.
- 5. Takes effect.

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

SECTION 1. The town of Newport is hereby authorized and empowered to construct, manage, maintain, and own suitable water-works, for the purpose of introducing into and distributing through the villages in said town an adequate supply of pure water in subterranean pipes, for extinguishing fires and for the use of its citizens, and for other purposes; and for that purpose may take, purchase, and hold, in fee simple or otherwise, any real or personal estate, and any rights therein, and water-rights necessary for carrying into effect the purposes of this act, and to excavate and dig canals and ditches in any street, place, square, pass-way, highway, common, or other place through which it may be deemed necessary and proper for building said water-works, and re-lay, change, and repair the same at pleasure, having due regard for the safety of its citizens and security of the public travel. Town may construct and own water-works; privileges granted.

SECT. 2. Said town is authorized and empowered to enter upon, take, and appropriate any streams, springs, ponds, or water-rights, and to secure by fence, or otherwise, such streams, springs, ponds, or water-rights, and dig ditches and canals, make excavations or reservoirs, through, over, in, or upon any land or enclosure through which it may be necessary for said aqueduct to pass, or said excavations, reservoirs, and water-works to be or exist, for the purpose of obtaining, holding, preserving, or conducting such water, and placing such pipes or other materials or works as may be necessary for building and operating such aqueduct and water-works, or for repairing the same: *Provided*, if it shall be necessary Eminent domain.

to enter upon and appropriate any land or water-rights, or any stream, spring, or pond, for the purpose aforesaid, or to raise or lower the level of any stream, spring, or pond, and if said town shall not agree with the owners thereof for the damage that may be done by said town, or such owners shall be unknown, said town, or said owner or party injured, may apply to the trial term of the supreme court for the county within which such stream, spring, pond, water-rights, or land is situate, to have the same laid out and the damages determined, and the 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 is now provided by law for laying out highways, and said commissioners shall make report to said court, and said court may issue execution accordingly; if either party shall desire, they shall be entitled to trial by jury in such manner and under such regulations as the court may prescribe, in the same manner as appeals from the award of damages in the case of laying out highways.

May make contracts; water commissioners.

SECT. 3. Said town is authorized and empowered to contract with individuals and corporations for supplying them with water, and to make such 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 may, either before or after the construction of the same, place them under the direction and control of a board of water commissioners, with such powers and duties as may from time to time be prescribed by said town.

May borrow money; previous action of town ratified and confirmed.

SECT. 4. Said town is also authorized, at any annual or special meeting, by a major vote of those present and voting, to raise and appropriate, and to borrow or hire, such sums 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 rights as aforesaid, and for constructing, maintaining, and operating said water-works, payable at such times and at such rate of interest as may be thought proper. The purchase of real estate and water-rights already made by said town, and the issue of bonds for the payment of the same, are hereby ratified and confirmed.

Takes effect.

SECT. 5. This act shall take effect upon its passage.
[Approved February 13, 1895.]