

1891, 02

L A W S

OF THE

STATE OF NEW HAMPSHIRE

PASSED JANUARY SESSION, 1891.

Legislature Convened January 7, Adjourned April 11, 1891.

WITH AN APPENDIX,

CONTAINING THE

LAWS PASSED AT A SPECIAL SESSION, DECEMBER, 1890.



CONCORD, N. H. :
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1891.

wires or other means of transmission by agreement, it may apply to the supreme court to have such location made and damages awarded to the parties aggrieved thereby, and the proceedings on such application shall be as prescribed by law for the laying out of highways, so far as the same may be applicable.

Capital. **SECT. 4.** The capital stock of said corporation shall consist of such number of shares, not exceeding the par value of one hundred dollars each, as may from time to time be determined by the directors of said corporation, not exceeding in the whole the sum of one million dollars.

First meeting. **SECT. 5.** Said corporators hereinbefore named, or any one or more of them, may call the first meeting of the corporation by giving fourteen days' notice in writing to each of the corporators, or by due personal notice thereof to each of said corporators, at which meeting, or any subsequent meeting duly holden, by-laws and regulations for the government of the corporation may be made, the necessary officers designated and chosen, the capital stock and the number of shares into which it may be divided fixed, and all other matters and things done and transacted that may be necessary to the organization of said corporation.

Takes effect. **SECT. 6.** This act shall take effect upon its passage.
[Approved March 12, 1891.]

CHAPTER 196.

AN ACT TO INCORPORATE THE NORTH CONWAY WATER AND IMPROVEMENT COMPANY.

SECTION

1. Corporation constituted.
2. Capital.
3. May hold real and personal estate; privileges in highways.
4. Eminent domain.

SECTION

5. May condemn other water companies.
6. Assessment of damages.
7. May borrow money and issue bonds.
8. First meeting.
9. Subject to repeal; takes effect.

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

Corporation constituted.

SECTION 1. That Lycurgus Pitman, Alfred Eastman, Moses A. Davis, Willis A. Weeks, and William B. Tasker, and their associates, successors, and assigns, shall be and are hereby made a body corporate by the name of the North Conway Water and Improvement Company, for the purpose of bringing fresh water into North Conway in subterranean pipes for domestic and mechanical use and for fire purposes, and to construct and maintain a system of sewerage; 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 subject to all liabilities incident to corporations of a similar nature.

SECT. 2. The capital stock of said corporation shall not exceed fifty thousand dollars, and be divided into shares of one hundred dollars each.

SECT. 3. Said corporation is empowered to acquire real estate by purchase or otherwise, as herein provided, not to exceed the amount of its capital stock, and may hold personal estate necessary for the carrying into effect the purposes of this act; and said corporation is authorized to enter upon, break ground, dig ditches, and make excavations in any street, square, passway, highway, or common, through which it may be deemed necessary for said company to lay and maintain its pipes and works, and to re-lay, rebuild, and repair the same, subject to such regulations as to the safety of public travel as may be prescribed by the selectmen of the towns through which said pipes are to be laid.

May hold real and personal estate; privileges in highways.

SECT. 4. Said corporation is authorized to enter upon and appropriate any streams, ponds, or springs, not belonging to any water company, and to secure, by fence or otherwise, such streams, ponds, or springs, and dig ditches, canals, and construct reservoirs through, over, or upon any land or inclosure through which it may be necessary for said company to pass or exist, for the purpose of obtaining, holding, preserving, or conducting such water, and placing its pipes and other material as may be necessary for the construction and maintenance of the company's works: *provided*, if it shall be necessary to appropriate any streams, ponds, springs, or any land for the purposes of this act, or to raise or lower said ponds or streams, and said corporation does not agree with the owners thereof for the damages that may be done by said corporation, or such owners shall be unknown, either party may apply to the supreme court at the trial term thereof, to have the same laid out and damages determined; and the court shall refer the same to the county commissioners for the county, who shall proceed in the same way now provided by law in the laying out of highways, and the court may enter judgment accordingly. If either party desires, upon application to said court before reference to the commissioners, they shall be entitled to a trial by jury, in such manner and under such regulations as such court may prescribe.

Eminent domain.

SECT. 5. Said corporation shall acquire, by purchase, the stock, property, rights, and franchises of any other water company in North Conway, and, as the public good requires a better supply of water in said North Conway for fire purposes and domestic use, if said corporations are unable to agree upon the purchase of such stock, property, rights, and franchises, said North Conway Water and Improvement Company may apply by petition to the supreme court to appraise the value of said water company's stock, property, rights, and franchises, and the interest of the stockholders therein.

May condemn other water companies.

SECT. 6. The said petition shall be referred by said court to a committee consisting of three disinterested persons. After due hearing, said committee shall make report to said court, and the court may order judgment and issue execution thereon; but if

Assessment of damages.

either party, at the term said report is filed, is dissatisfied with said award of damages, then such party shall be entitled to a trial by jury in such manner and under such regulations as said court may prescribe.

May borrow money and issue bonds.

SECT. 7. Said corporation may borrow money for the purpose of carrying into effect the provisions of this act, and issue its bonds or other obligation therefor, and secure the same by mortgage upon the property, rights, and franchises of said corporation.

First meeting.

SECT. 8. Any two of the corporators named in this act may call the first meeting by ten days' notice in writing to each of the corporators of the time and place of such meeting. At said meeting, or any subsequent one, associates may be elected, and such by-laws and regulations adopted as may be necessary to carry into effect the provisions of this act.

Subject to repeal; takes effect.

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

[Approved March 12, 1891.]

CHAPTER 197.

AN ACT TO INCORPORATE THE DERRY ELECTRIC LIGHT COMPANY.

SECTION

- 1. Corporation constituted.
- 2. Powers of the corporation; may hold real and personal estate.

SECTION

- 3. Privileges in highways.
- 4. First meeting.
- 5. Takes effect.

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

Corporation constituted.

SECTION 1. That Warren P. Horne, David B. McGregor, James F. Coburn, Greenleaf K. Bartlett, Alonzo Elliott, Rosecrans W. Pillsbury, and Edmund R. Angell, their associates, successors, and assigns, be and they are hereby made a body politic and corporate by the name of the Derry Electric Light Company, and by that name may sue and be sued, prosecute and defend to final judgment and execution, and shall be and hereby are invested with all the powers, privileges, and made subject to all liabilities under the laws of the state, applicable to corporations of a similar nature.

Powers of the corporation; may hold real and personal estate

SECT. 2. Said corporation is hereby authorized and empowered to establish, manage, and carry on, in the town of Derry, the business of generating, manufacturing, producing, and supplying electricity for purposes of light, heat, and mechanical power, distributing, conveying, and supplying the said electricity by metallic wires, or by any other suitable means of transmitting the same, upon poles erected or obtained for the purpose,