

LAWS

OF THE

STATE OF NEW HAMPSHIRE

PASSED JANUARY SESSION, 1905.

LEGISLATURE CONVENED JANUARY 4, ADJOURNED MARCH 10.



CONCORD, N. H.

1905.

SECT. 8. 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 necessary for the purpose of defraying the expense of purchasing real estate, rights in real estate, water-rights, streams, springs, ponds, and other rights and property as aforesaid, and for constructing, maintaining and operating said water-works, and for payment of water-works purchased, or for water supplied by any person or corporation under contract aforesaid, and to issue notes or bonds of the town therefor in such amounts and payable at such times and at such rates of interest as may be thought proper.

Appropriations authorized.

SECT. 9. All votes of the town of Wilton passed at its last town meeting relating to the establishment, maintenance, and governance of a town system of water-works, and the incidents thereto, are hereby ratified and confirmed.

Votes of town ratified.

[Approved February 14, 1905.]

CHAPTER 170.

AN ACT TO AUTHORIZE THE NORTH CONWAY WATER PRECINCT TO PURCHASE AND MAINTAIN A SYSTEM OF WATER-WORKS.

SECTION

1. Prior acts ratified.
2. Acquisition of water-works authorized.
3. Assessment of damages.
4. Right of eminent domain.

SECTION

5. Contracts authorized.
6. Appropriations authorized.
7. Act inoperative unless system acquired.
8. Takes effect on passage.

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

SECTION 1. The acts of the officers of the towns of Bartlett and Conway and the inhabitants and officers of the North Conway Water Precinct, in establishing said water precinct, and all the acts relating thereto, in the election of its officers, in the management and control of its affairs, and all the official acts of the officers of said precinct in the management and control of the same, are hereby legalized, ratified, and confirmed; and the inhabitants of said precinct are hereby made a body politic and corporate under the name of the North Conway Water Precinct, and are hereby vested with all the powers and privileges incident to corporations of a similar nature.

Prior acts ratified.

SECT. 2. The North Conway Water Precinct is hereby authorized and empowered to take, or purchase, at a fair and equitable valuation, the property rights, and franchises of the North Conway Water and Improvement Company consisting

Acquisition of water-works authorized.

of its works, structures, fixtures, property rights, and franchises, and estate of whatever nature, for the purpose of supplying said precinct with an adequate supply of pure water in subterranean pipes, for domestic, fire, park, sewerage, and such other purposes as water may be required in said precinct; and upon taking or purchasing the property of said North Conway Water and Improvement Company said precinct shall be and is hereby invested with the franchises, rights and powers, granted the said North Conway Water and Improvement Company by chapter 196 of the Laws of 1891 or by any other statutes of this state.

Assessment of damages.

SECT. 3. Should said North Conway Water Precinct be unable to agree with said North Conway Water and Improvement Company upon a fair and equitable price for its property, application may be made to the superior court for the county of Carroll, at the trial term thereof, for estimating the value of said property rights and franchises and said court shall refer the same to the county commissioners of said county as provided in section 4 of this act.

Right of eminent domain.

SECT. 4. Said precinct is authorized and empowered to enter upon, take, and appropriate any springs, streams, or ponds not belonging to any water company, to construct reservoirs, to make excavations through, over, in, or upon any land or enclosure, street, highway, or lane through which it may be necessary to pass or lay its pipes, to construct its reservoirs and water-works, or to repair the same. *Provided*, that if it shall be necessary to enter upon and appropriate any stream, spring, or pond, or any land for the purposes aforesaid, or to raise or lower the level of the same, and if an agreement with the owners thereof for the damages that may be done by said precinct cannot be made, or if such owners shall be unknown, said precinct, or the parties injured, may apply to the superior court, at a trial term of the same in Carroll county, 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 in the same manner as is provided by law for the laying out of highways. And said commissioners shall make report to said court and said court may render judgment thereon and issue execution accordingly. If either party shall desire 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.

Contracts authorized.

SECT. 5. Said precinct is authorized and empowered to contract with individuals or corporations for supplying said precinct with water, to make such other contracts, establish such regulations and tolls for the use of water, as may from time to time be deemed proper, and to elect such officers or commissioners as may be necessary, and prescribe their duties.

SECT. 6. Said precinct is also authorized, at any annual or special meeting, duly called, by a major vote of those present and voting, to raise and appropriate, borrow, or hire, such sums of money on the credit of the precinct as may from time to time be deemed advisable, for the purposes of defraying the expense of purchasing the property of said North Conway Water and Improvement Company, said real estate and rights, and for constructing, maintaining, and operating said water works, and to issue notes or bonds of the precinct payable at such times and at such rate of interest as may be thought proper therefor.

Appropriations authorized.

SECT. 7. The said precinct shall not be hereby empowered to establish and maintain a water system until it shall first have purchased the water-works of the North Conway Water and Improvement Company, or acquired that property by exercise of the right of eminent domain as herein provided.

Act inoperative unless system acquired.

SECT. 8. This act shall take effect upon its passage.

Takes effect on passage.

[Approved February 14, 1905.]

CHAPTER 171.

AN ACT TO AMEND CHAPTER 2423 OF THE LAWS OF 1860 ENTITLED
 "AN ACT TO INCORPORATE THE CLAREMONT GAS LIGHT COMPANY."

SECTION

1. Corporation constituted; purposes.
2. Capital stock.
3. Powers.
4. Issue of bonds, etc.

SECTION

5. Laying of pipes.
6. First meeting.
7. Takes effect on passage; subject to repeal.

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

SECTION 1. Substitute in the place of that which follows the enacting clause in said act as follows: SECTION 1. That Frederick H. Rindge, Benjamin Phipps, S. Parker Bremer, Ira Colby, John M. Whipple, Frank P. Vogl, their associates, successors and assigns are hereby constituted a body politic and corporate by the name of the Claremont Gas Light Company for the purpose of the manufacture, sale and distribution of gas for the production of light, heat and power, and for the application and use of the same for all mechanical and useful purposes within the limits of said Claremont. Said corporation shall be vested with all powers and privileges, and be subject to the duties and liabilities incident to such corporations.

Corporation constituted; purposes.

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

Capital stock.