

# LAWS

OF THE

# STATE OF NEW HAMPSHIRE,

PASSED JANUARY SESSION, 1895.

LEGISLATURE CONVENED JANUARY 2, ADJOURNED MARCH 29, 1895.



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## CHAPTER 176.

## AN ACT TO CHANGE THE NAME OF THE TOWN OF SOUTH NEWMARKET.

## SECTION

1. Name changed to Newfields.

## SECTION

2. Takes effect.

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

SECTION 1. That the town of South Newmarket shall hereafter be known and called by the name of Newfields. Name changed to Newfields.

SECT. 2. This act shall take effect upon its passage. Takes effect.

[Approved February 21, 1895.]

## CHAPTER 177.

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

## SECTION

1. Town may construct and maintain water-works; privileges.
2. Eminent domain.
3. May make contracts for use of water; regulations and tolls.
4. Water commissioners, how chosen; to control water-works.

## SECTION

5. Compensation of commissioners; duties; vacancies; annual report.
6. May levy taxes, or borrow money and issue bonds.
7. Interest on notes and bonds, how paid.
8. Takes effect.

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

SECTION 1. That the town of Peterborough in the county of Hillsborough is hereby authorized and empowered to contract, manage, maintain, and own suitable water-works, for the purpose of introducing into and distributing through the villages in said town, or any part of said town, an adequate supply of pure water, in subterranean pipes, for extinguishing fires and for the use of its citizens and others, and for such other public, private, and mechanical purposes as said town may from time to time authorize and direct; 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, and do all other things necessary for carrying into effect the purposes of this act, and to excavate and dig canals and ditches in any street, place, square, passage-way, highway, common, or other land or place, over or through which it may be deemed necessary and proper for building, constructing, and extending said water-works, and may re-lay, change, enlarge, and

extend the same from time to time, whenever said town shall deem necessary, and repair the same at pleasure, having due regard for the safety and welfare of its citizens and security of the public travel.

Eminent domain.

SECT. 2. Said town is authorized and empowered to enter upon, take, and appropriate any streams, springs, or ponds not belonging to any aqueduct company, and to secure, by fence or otherwise, such streams, springs, ponds, or lake, 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 water-works to pass, or said excavations, reservoirs, and water-works to be or exist, for the purpose of obtaining, holding, preserving, or conducting water for said purposes, 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 to enter upon and appropriate any stream, spring, pond, or lake, or any land, for the purposes aforesaid, or to raise or lower the level of the same by dams or otherwise, and if said town shall not agree with the owner or owners thereof for the damage that may be done by said town, or such owner or owners shall be unknown, said town, or said owner or owners or party injured, may apply to the trial term of the supreme court for the county within which such stream, spring, pond, lake, or land is situate to have the same laid out and the damages determined, and that 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 a 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 of highways.

May make contracts for use of water; regulations and tolls.

SECT. 3. Said town is authorized and empowered to contract with individuals and corporations, whether citizens of said town or not, for supplying them with water for any of the purposes herein named or contemplated, and to make such contracts and establish such regulations and tolls for the use of water for any of said purposes as may from time to time be deemed proper and necessary to enjoy the provisions of this act.

Water commissioners, how chosen; to control water-works.

SECT. 4. For the more convenient management of said water-works, the said town may place the construction, management, control, and direction of said water-works in a board of water commissioners, to consist of three citizens of the town, not more than two of whom shall belong to the same political party, said commissioners to be vested with such powers and duties relating to the construction, control, and management of the same as may from time to time be prescribed by said town. Their term of office shall be for three years, and until their successors are elected and qualified. The first board of commissioners may be chosen by the legal voters of the town at the next annual meeting, or at

any special meeting duly called for that purpose, and their successors shall be elected at each annual meeting thereafter: *Provided*, however, that of those first elected, the term of one shall expire at the first annual meeting after the first board is elected, one at the second annual meeting held thereafterwards, and one at the third annual meeting held thereafterwards, and after the first election one shall be elected for three years at each annual meeting to fill the occurring vacancy; *provided*, also, that the term of service of the commissioners first elected shall be designated at the time of their election, or said commissioners may be appointed by the selectmen of said town if the town fail to elect, or if the town at any meeting vote to authorize and instruct the selectmen to appoint said water commissioners.

SECT. 5. The compensation of said commissioners shall be fixed by the town. They shall be sworn to the faithful discharge of their duties. They shall annually organize by choosing one of their number as chairman of their board, and said board shall appoint a clerk and a superintendent of the works, and such other officers and agents as they may deem necessary, and shall thereupon furnish the town clerk a certificate of such organization, and the town clerk shall record the same in the records of the town. The commissioners shall fix the compensation of all officers and agents appointed by them, and all officers and agents shall be sworn to the faithful discharge of their duties. Whenever a vacancy shall occur in said board from any cause, the two remaining members of the board shall fill such vacancy temporarily by appointing a citizen of said town, in writing, which shall be filed with the town clerk and recorded by him on the records of the town; and the person so appointed shall hold the office until the next annual town-meeting after his appointment, when the town shall elect a commissioner to fill out the unexpired term, if any, of the person whose office became vacant and was so temporarily filled by appointment. Said commissioners shall annually make a report to the town, at the same time other town officers report, of the condition of the water-works financially and otherwise, showing the funds belonging to their department, and the expenses and income thereof, with such other facts and information as the town should have, which report shall be published in the annual report of said town each year.

SECT. 6. Said town is also authorized and empowered, at any annual, special, or biennial meeting, by a major vote of those present and voting, to raise by taxation and appropriate, or to borrow or hire, such sums of money on the credit of the town as may from time to time be deemed necessary and expedient, for the purpose of defraying the expenses of purchasing real estate, rights in real estate, water-rights, streams, springs, ponds, lakes, and other rights and property as aforesaid, and for constructing, maintaining, repairing, extending, enlarging, and operating said water-works, such indebtedness not to exceed at any one time sixty thousand dollars, and to issue notes or bonds of the town therefor, in such amounts and payable at such time or times and at such

Compensation of commissioners; duties; vacancies; annual report.

May levy taxes, or borrow money and issue bonds.

rates of interest as may be thought proper, and may exempt such notes or bonds from taxation when held by inhabitants of the town, said notes and bonds to be signed by at least a majority of the selectmen and countersigned by the town treasurer.

Interest on  
notes and  
bonds, how  
paid.

SECT. 7. Said town is hereby authorized and empowered to raise by taxation and pay each year the interest of the notes and bonds so issued, and such part of the principal as the town may determine at any annual meeting.

Takes effect.

SECT. 8. This act shall take effect upon its passage.  
[Approved February 21, 1895.]

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## CHAPTER 178.

AN ACT TO RATIFY AND CONFIRM THE PURCHASE OF PROPERTY ON THE SUMMIT AND AT THE BASE OF MOUNT WASHINGTON BY THE MOUNT WASHINGTON RAILWAY COMPANY.

SECTION

1. Purchase of property, etc., ratified and confirmed.

SECTION

2. Takes effect.

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

Purchase of  
property, etc.,  
ratified and  
confirmed.

SECTION 1. That the purchase of land and other property by the Mount Washington Railway Company, of the residuary legatees of David Pingree, in April, 1894, and the purchase of the Summit House, furniture, fixtures, and other property on the summit and at the base of Mount Washington by said railway company, of the Concord & Montreal Railroad, in May, 1894, be and the same is hereby ratified and confirmed; and the issue of the capital stock of said railway company, sold to pay for said property or taken in payment therefor, is also hereby ratified and confirmed.

Takes effect.

SECT. 2. This act shall take effect upon its passage.  
[Approved February 21, 1895.]