

New Hampshire Laws, Statutes, etc.

LAWS

OF

NEW HAMPSHIRE

INCLUDING

PUBLIC AND PRIVATE ACTS, RESOLVES,
VOTES, ETC.

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[CHAPTER 40.]

State of }
New Hampshire. }

AN ACT TO AUTHORIZE DANIEL HUMPHREYS ESQ^R TO SELL AND CONVEY A CERTAIN LOT OF LAND IN PORTSMOUTH BELONGING TO HIS SON GEORGE HUMPHREYS A MINOR—

[Approved December 19, 1797. Original Acts, vol. 15, p. 135; recorded Acts, vol. 10, p. 405.]

Whereas Daniel Humphreys of Portsmouth Esq^r hath petitioned the General Court praying that he may be authorized to sell & convey to Abner Blasdel a Lot of Land in said Portsmouth belonging to the Petitioners Son George Humphreys a Minor, & whereas the proposed sale & conveyance appears by process exhibited in support of the Petition to be for the benefit of said Minor, therefore,

Be it enacted by the Senate & House of Representatives in General Court convened; that the said Daniel Humphreys be, and he is hereby fully authorized enabled & empowered to sell & convey by Deed executed in common form, to the said Abner Blasdel, a Lot of Land in said Portsmouth, lying on Atkinson Street & Pitt Street; which lot was devised to the said George Humphreys, in & by the last Will & Testament of Susanna Atkinson late of said Portsmouth Widow deceased. And the Deed of the said Dan^l Humphreys thereof so executed shall transfer to, & vest in the said Blasdel, his heirs & assigns, all the right & title of the said George, in & to said Lot, his minority or any law to the contrary notwithstanding—Provided the said Daniel Humphreys shall before making such conveyance, become bound to the Judge of Probate for the County of Rockingham with a Surety or Sureties, in such Sum as the said Judge shall direct, to account with said Minor on his arrival at full age, in such manner as Guardians are bound to account with their Wards, for profits arising from the sale of their Real Estate.

[CHAPTER 41.]

State of }
New Hampshire. }

AN ACT TO INCORPORATE CERTAIN PERSONS FOR THE PURPOSE OF BRINGING FRESH-WATER INTO THE TOWN OF PORTSMOUTH BY SUBTERRANEAN PIPES.

[Approved December 19, 1797. Original Acts, vol. 15, p. 136; recorded Acts, vol. 11, p. 18.]

Be it enacted by the Senate and House of Representatives in General Court convened That John Samuel Sherburne, Joshua

Brackett, Samuel Hill, James Sheafe, Joseph Whipple, Ammi Ruhamah Cutter and John Peirce with such other persons as are or may be associated with them be and they and their successors hereby are constituted a body corporate and politic forever by the name of "The Proprietors of the Portsmouth Aqueduct" for the purpose and with the exclusive right of bringing fresh water by subterraneous pipes into the said town of Portsmouth. And the said Proprietors may by their name aforesaid sue and be sued to final judgment and execution, and do and suffer all matters acts and things which bodies corporate can or ought to do and suffer. And the said corporation shall have and use a common seal and the same may break renew and alter at pleasure.

And be it further enacted that the said John Samuel Sherburne or any other person named in this act may call the first meeting of said proprietors by causing a notification thereof to be published in the New Hampshire gazette three weeks successively appointing some suitable time and place therefor: At which meeting said proprietors shall choose a clerk who shall be sworn to the faithful discharge of his duty and shall also agree on a method of calling meetings in future; and at said meeting or at any subsequent meeting may elect such officers and make and establish such regulations and bye-laws as to them shall seem necessary or convenient for carrying into effect the design of said corporation, not repugnant to the constitution and laws of this State; and may cause said regulations and bye-laws to be executed and annex penalties to the breach thereof not exceeding ten dollars for any one breach. And the clerk shall record this act and all the regulations, bye-laws and proceedings of said corporation in a book or books to be provided and kept for that purpose. And the share or shares of any of said proprietors may be transferred by deed duly executed, acknowledged and recorded by the clerk of said proprietors on their records.

And be it further enacted that the said proprietors are hereby empowered to purchase and hold in fee simple any real estate necessary for the purpose of their institution not exceeding in value the sum of Two thousand dollars. And the said proprietors are hereby authorized to enter upon and break up the ground and dig ditches in any land or enclosures or on any streets or highways through which it may be necessary for said aqueduct to pass, for the purpose of placing such pipes as may be necessary for building and compleating said aqueduct or of repairing the same when requisite; provided that in case the said proprietors and the owners of the land through which said aqueduct must pass shall not agree on the compensation to be made for the damage done to said land, the Superior Court of Judicature upon application of said proprietors or of the owners may appoint a committee who shall ascertain the same and make report to said court and the said court are authorized to render judgment on said report and issue execution accord-

ingly. And provided also that the said streets or highways shall not be dug up or opened by the said proprietors in such manner as to obstruct or hinder the citizens of the state from passing therein with their teams and carriages with convenience.

And be it further enacted that the said proprietors may from time to time assess such sum or sums of money on each share as they may judge necessary for compleating or repairing said aqueduct and may sell at vendue the share or shares of any delinquent who may refuse or neglect to pay his proportion of said tax after advertizing the sale of such share or shares in the Newhampshire Gazette or some other news paper printed in the town of Portsmouth fourteen days at least previous thereto, the overplus, if any there be after the payment of such tax and charges of sale to be paid to the delinquent.

And be it further enacted that if any person shall maliciously or wantonly injure said aqueduct and shall be convicted thereof upon indictment before the Superior Court of Judicature he shall be punished by fine not exceeding three hundred dollars and shall be liable to pay treble damages to said proprietors to be recovered by action of the case.

Provided, that this grant shall be void unless said aqueduct be compleated within five years from the passing of this act, and be ever afterwards kept in repair.—

[CHAPTER 42.]

State of)
New Hampshire.)

AN ACT TO GIVE A NEW TRIAL TO JOSIAH SANBORN IN A CERTAIN ACTION COMMENCE AGAINST HIM BY SAMUEL HOLLAND, WHICH HATH BEEN TRIED AND JUDGEMENT ENTERED THEREON BY ACTION OF REVIEW SOME TIME SINCE HELD IN THE COUNTY OF GRAFTON WITHIN THIS STATE.

[Passed December 19, 1797, without the approval of the Governor. Original Acts, vol. 15, p. 137; recorded Acts, vol. 11, p. 59. See act of same title, dated June 20, 1798, id., vol. 11, p. 87.]

Whereas Josiah Sanborn of Rumney in the County of Grafton in said State, hath petitioned the General. Court. setting forth, among other things, that some time since. an Action was commenced against him by Samuel Holland. to recover a certain Tract of Land in said. Rumney. which Land the Said Sanborn held by a vendue-title. that Said Action was carried to the Superior Court—and afterwards. at another term of said Superior Court. held in October 1795 the cause was put to a Jury. who gave a verdict in favour of Said Sanborn. who recovered Judgment thereon for his Cost—that. afterwards on another trial (on review) the Jury gave a verdict in favour