

# Private Acts and Resolutions

PASSED BY THE

GENERAL ASSEMBLY

OF THE

STATE OF CONNECTICUT,

AT THE

SPECIAL SESSION,

NOVEMBER, 1863, AND JANUARY, 1864,

AND MAY SESSION, 1864.



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separate parcels, and the same shall be proceeded with in all other respects as hereinbefore provided.

SEC. 11. The occupant of any house, tenement or building who shall take the water of said company shall be liable to the price of the rent of the same; and the agents of said company entrusted with the superintendence of the works may, at all reasonable times, enter the premises so supplied to examine the pipes and fixtures and prevent unnecessary waste.

SEC. 12. If any person or persons shall willfully, wantonly, or maliciously divert the water or obstruct the same, or any part thereof, from or in any aqueduct, reservoir, stream, or spring, or other place which shall be taken or used or constructed by said company, or shall corrupt the same by committing any nuisance therein or otherwise, every person or persons so offending shall be liable to said company in triple damages therefor.

SEC. 13. This act may be altered, amended or repealed, at the pleasure of the General Assembly.

Approved, July 9th, 1864.

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[102.]

INCORPORATING THE ANSONIA WATER COMPANY.

*Resolved by this Assembly:—*SEC. 1. That J. H. Bartholomew, George P. Cowles, D. W. Plumb, Thomas Wallace, Jr., Charles Durand, Robert Hoadley, Abm. Hubbell, Willet Bradley, William B. Bristol, E. Peck, with all such persons as are, or may be from time to time, associated with them, for the purpose of supplying the village of Ansonia, and vicinity, with an abundant supply of pure water, for public and domestic use, their successors and assigns, be, and they are hereby incorporated for said purpose, by the name and style of the "Ansonia Water Company," and by that name shall be, and hereby are, made capable in law to have, purchase, receive, possess, and enjoy to them and their succe-

ors, lands, rents, tenements, hereditaments, goods, chattels, and effects, of what kind and quality soever necessary to give effect to the specified purposes of this company, and for the accommodation of their business, and concerns, and the same to sell, grant, demise, alien and dispose of, to sue and be sued, plead and be impleaded, defend and be defended, in all courts in this State or elsewhere ; to make and have a common seal, and the same to break and renew at pleasure ; also to make, ordain, establish, and put in execution such by-laws, ordinances and regulations, as shall be deemed necessary and convenient for the well-ordering and government of said corporation, not being contrary to this act and the laws of this State, and of the United States ; and to do and execute all and singular the matter, and things which to them may or shall appertain to do, subject to the rules, regulations and provisions hereinafter prescribed.

SEC. 2. The capital stock of said company may consist of fifteen thousand dollars, with liberty to increase the same from time to time, to an amount not exceeding in the whole the sum of fifty thousand dollars ; and such additional stock shall be created only by a major vote of the stockholders of said corporation at a meeting thereof specially called for that purpose ; and that a share of said stock shall be twenty-five dollars, and said shares shall be deemed personal property, and be transferable only on the books of said company, in such form as the directors of said corporation shall prescribe. And said company shall at all times have a lien upon the stock or property of the members of said corporation invested therein for all debts due from them to said company.

SEC. 3. The persons named in the first section hereof, or a majority of them, shall open books to receive subscriptions for the capital stock of said company, at such times and places as they, or a majority of them, shall direct, and shall give such notice of the times and places of opening said books as they may deem reasonable ; and shall receive said subscriptions, under such regulations as they may adopt for the purpose.

**SEC. 4.** The government and direction of the affairs of said company shall be vested in a board of not less than five nor more than nine directors, who shall be chosen by the stockholders of said company, in the manner hereinafter provided, a majority of whom shall be residents of the borough of Ansonia. Said directors shall hold their offices till others are duly elected and qualified to take their places as directors; and the said directors (any three of whom shall be a quorum for the transaction of business,) shall elect one of their number to be president of the board, who shall also be president of said company. They shall also choose a clerk and a treasurer, which treasurer shall give bonds with security, to said company, in such sum as said directors may require for the faithful discharge of his trust.

**SEC. 5.** The persons authorized by the third section of this act to open books for subscription to the capital stock, are hereby authorized and directed, after the books of subscription to the capital stock of said company are closed, to call the first meeting of the stockholders of said company, in such way, and at such time and place, as they may appoint, for the choice of directors of said company, and in all meetings of the stockholders of said company, each share shall entitle the holder to one vote, which may be given by said stockholder in person or by lawful proxy; and the annual meeting of the stockholders of said company for the choice of directors shall be holden at such time and place, and upon such notice as said company, in their by-laws may prescribe; and in case it shall so happen that an election of directors shall not be made on the day appointed by the by-laws of said company, said company shall not for that cause be deemed to be dissolved, but such election may be holden on any day which shall be appointed by the directors of said company; and said directors shall have power to fill any vacancies in their own number, which may occur by death, resignation or otherwise.

**SEC. 6.** The directors shall have full power to make and prescribe such by-laws, rules and regulations as they shall

deem needful and proper, touching the disposition and management of the stock, property, estate and effects of said company, not contrary to the laws and constitution of the United States, and of this State, or the provisions of this act—the transfer of shares, the duties and conduct of their officers and servants; also for the election and meeting of their directors, and other matters appertaining to their business and concerns, and may appoint as many officers and servants with such salaries as shall to them seem necessary; and the said board of directors shall have power to make and declare such dividend and dividends among the stockholders, from time to time, as the profits and earnings of the business of said company shall enable them to do.

SEC. 7. The directors of said company may require the payment of the sum or sums subscribed to the capital stock of said company, at such times and in such proportions, and upon such conditions as they may deem fit; and in case any stockholder shall refuse or neglect to make payment pursuant to the requisitions of the board of directors, the stock of such stockholder, or so much thereof as shall be necessary, may be sold by the direction of said corporation, at public auction, after the lapse of sixty days from the time when the payment became due; and all surplus money, the avail of such sales, after deducting the payments due, and interest thereof, and the necessary expenses of the sale, shall be paid over to such negligent stockholder.

SEC. 8. Said company shall have full power, and they are hereby authorized and empowered, to open the grounds in any streets, lanes, avenues, highways and public grounds, for the purpose of laying down and sinking, or for repairing such pipes or conduits as may be necessary for conducting to and distributing water within the borough of Ansonia or its vicinity, under the direction and by consent and agreement of the warden and burgesses of said borough, and the selectmen of the town of Derby, respectively, and the duration of said openings and excavations shall be regulated from the rules prescribed by the said warden and burgesses, and the selectmen of said town of Derby. And the said company

may, for the purposes aforesaid, carry and conduct any aqueduct or other works by them to be made, and constructed over or under any water-course, street, turnpike road, railroad, highway, or other way or public grounds, provided they put such water-course, street, turnpike road, railroad, highway or other way in as good and perfect condition as before laying or constructing said aqueduct or other works.

SEC. 9. The said company shall have full power, and are hereby authorized and empowered under the provisions of this charter herein named, to construct, repair and maintain such reservoir or reservoirs as they may deem expedient or necessary; to take and use the water of any spring or springs, stream or streams, or other waters, to such extent and in such manner as may be necessary or expedient in carrying into effect the object of this act; to construct, repair and maintain such canals or aqueducts as may be now or may hereafter become necessary or convenient for the conveyance of water to such point as they may desire, in or near the borough of Ansonia, and may take and hold, by purchase or otherwise, any lands or real estate necessary for the purposes of this act, and for laying and maintaining aqueducts for conducting, discharging, disposing of and distributing water, and for forming a reservoir or reservoirs, and for all buildings, structures, machinery, and fixtures necessary to the most perfect and complete supply of said borough of Ansonia with pure water for all public and private uses, and for preserving said lands and waters for the uses of said company, pure and free from all contamination, nuisances, ditches, drains and sewers, and from the erection of any buildings or structures other than those used or employed by said company for the purposes of this act; and they may make, establish, and enforce all necessary and proper regulations and by-laws for the preservation of the same. *Provided*, that such regulations and by-laws shall not be contrary to the laws of this State or of the United states.

SEC. 10. The said company shall be liable to pay all the damages that shall be sustained by any person or persons, or

corporations, in their property or estate, by the taking of any land or real estate as aforesaid, or the constructing or laying of any pipes, aqueducts, reservoirs, or other works, for the purpose of this act. And if at any time it shall appear that any damage has accrued or may be likely to accrue to any person or persons, corporation or corporations, by reason of the taking of their land or estate for the purpose of this act, or in the construction of the works of the said company, and such persons or corporations, have not agreed with said company, in writing, for such damage, land or estate, the said company or such persons, or corporations may apply to the superior court for New Haven County, or to any judge of the superior court who may by law judge between the parties, causing ordinary legal notice, or such notice as any judge of said court may prescribe to be given to the adverse party of such application; and thereupon said superior court, or such judge, shall appoint three disinterested and judicious persons (any vacancies in such number which may occur, to be filled by said court or judge) who shall, after reasonable notice to the parties assess just damages, if any, to the respective owners or parties interested in the premises so required and taken for the purposes of this act; which assessment shall be in writing under the hand of said persons, and shall be final, and shall be returned (with the application) to the clerk of said superior court, who shall record it; and said company shall pay to such owners or parties the damages so assessed, and when so paid, may enter upon the premises, and may proceed to the construction of their said works; or in case the owner or parties aforesaid can not be then ascertained, shall pay the same, within thirty days, to the treasurer of the county of New Haven, to be by him paid to such person or persons as said court shall direct.

SEC. 11. When the lands or other property or estate of any married woman, infant, or person *non compos mentis*, shall be necessary for the purposes of this act, the husband of such married woman, and the guardian of such infant, or person *non compos mentis*, may in such cases be notified, and

may release all damages for any lands or estate necessary or taken as aforesaid, in the same manner as they might if the said land or estate were holden in their own right respectively.

SEC. 12. The occupant of any house, tenement or building, who shall take the water of said company, shall be liable for the price or rent of the same; and the agents of the company, intrusted with the superintendence of the works, may at all reasonable times, enter all premises so supplied, to examine the pipes and fixtures and prevent any unnecessary waste; and if any person or persons shall without consent of said company, use any of the said water, an action of trespass on the case may be maintained against such person or persons by said company for the recovery of damages therefor.

SEC. 13. If any person or persons shall willfully, wantonly, or maliciously divert the water or any part thereof of any of the aqueducts, reservoirs, streams, water or water-courses, which shall be taken, used or constructed by said company, or shall corrupt the same, or render it impure, or commit any nuisance therein, or shall bathe within the limits that may be taken or prescribed by said company, pursuant to the provisions of this act, or shall destroy or injure any aqueduct, pipe, reservoir, conduct, hydrant, machinery, building, structure, or other property, held, owned or used by said company, by the authority or for the purposes of this act, every such person or persons shall be liable to said company in treble damages therefor, and shall be held guilty of a misdemeanor.

SEC. 14. The said company shall cause to be kept proper books of account, in which shall be fairly and truly entered all the transactions of the company, which books shall at all times be open for the inspection of the stockholders of said company.

SEC. 15. And said company shall have power and authority to issue its bonds to an amount not exceeding one half the actual expenditure of said company in the purchase of real estate, easements, machinery, and pipes, and in the erection of buildings and the operations incident to the completion of



its works for the purposes herein specified, said bonds to bear a rate of interest not exceeding six per cent. per annum with interest payable semi-annually, and shall in no case be issued for a less sum than one hundred dollars. Said bonds to be countersigned by the president and secretary of said company, and to be by them certified on their face to be for an amount not exceeding one half of said expenditures; and said bonds when so issued, shall be a lien and incumbrance in the nature of a mortgage, prior to any other incumbrance on said property; and said president and secretary shall annually make return to the town clerk's office of the town of Derby, stating the amount so issued by said company.

SEC. 16. This act shall be subject to be altered, amended, or repealed at the pleasure of the General Assembly.

Approved, July 9th, 1864.

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[ 108. ]

INCORPORATING THE NEW LONDON WATER COMPANY.

Upon the petition of Oliver Woodworth and others, praying for the incorporation of a water company in the city of New London, as by said petition on file, duly served :

*Resolved by this Assembly* :—SEC. 1. That Oliver Woodworth, Thomas Fitch, Robert Coit, Jr., Henry P. Haven, Francis B. Loomis, Jonathan N. Harris, William H. Barns, Enoch V. Stoddard, and Alfred Coit, with all such persons as may be from time to time associated with them, for the purpose of supplying the city of New London with an abundant supply of pure water for public, mechanical, and domestic use, their successors and assigns, be, and they are hereby incorporated for said purpose, by the name and style of the "New London Water Company," and by that name shall be