

RESOLUTIONS AND PRIVATE ACTS

Of the General Assembly

OF THE

STATE OF CONNECTICUT,

MAY SESSION, 1853.

71-2.

PUBLISHED IN CONFORMITY WITH A RESOLUTION OF THE
GENERAL ASSEMBLY.]



State of Connecticut, ss.

OFFICE OF THE SECRETARY OF STATE, JULY, 1853.



HARTFORD:
ALFRED E. BURR, STATE PRINTER.
1853.

AUTHORIZING A MEETING OF THE CORPORATION OF THE VIL-
LAGE OF LITCHFIELD FOR CHOICE OF OFFICERS, &C.

Resolved, That a meeting of the corporation of the village of Litchfield shall be held on the first Tuesday of September next, at the usual place of holding such meetings, at two o'clock in the afternoon, in conformity with the provisions of their charter, for the purpose of choosing officers for the ensuing year, and doing such other business as may be necessary and proper to be done at said meeting.

Every person residing within the limits of said village, qualified to vote at elector's meetings, may vote in the meetings of the village corporation. All or any acts to the contrary are hereby repealed.

INCORPORATING THE BRIDGEPORT WATER COMPANY.

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

SEC. 1. That Nathaniel Greene, Thatcher T. Payne, Joseph Carpenter, Charles Canda, Jonas W. Thaxter, and James H. Jennings, with all such persons as are or may be, from time to time, associated with them, for the purpose of supplying the city of Bridgeport 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 "Bridgeport 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 successors, 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 matters and things which to them may or shall appertain to do, subject to the rules, regulations and provisions herein after prescribed.

SEC. 2. The capital stock of said company may consist of two hundred thousand dollars, with the privilege of increasing the same to three hundred thousand dollars, to be divided into shares of twenty-five dollars each; which shares shall be deemed personal property, and be transferable in such manner, and at such places as the by-laws of said company shall direct.

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, and in case an amount not less than fifty thousand dollars shall be subscribed to the capital stock of said company, they may, at their discretion, close the books of subscription, and proceed to the organization of said company, as herein after provided.

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 herein after provided, a majority of whom shall be residents of the city of Bridgeport. 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 stockholders, 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 city of Bridgeport, or its vicinity, under the direction and by the consent and agreement of the mayor, aldermen and common council of the city, and the selectmen of the town of Bridgeport respectively, and the duration of said openings and excavations shall be regulated from the rules prescribed by the said common council and the selectmen of the town of Bridgeport. 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 of 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 after 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 stream or streams; and 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 city of Bridgeport; to remove such nuisances as now exist, and to prohibit the erection of others upon such stream or streams as may be used by said company. In no wise injuring the vested rights of any person or persons, or corporation or corporations, without making compensation therefor.

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 occurred or may be likely to occur 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 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 persons or corporations, may apply to the superior court for Fairfield 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 owner 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 Fairfield, 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, either within or without the city, 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 sources, 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, conduit, 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.

SEC. 14. The said company shall cause to be kept at their office, proper books of accounts; 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, and of commissioners that may be appointed by the General Assembly.

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, machinery, 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 seven per cent. per annum, which interest shall be 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 commissioners of said company, that are herein or may hereafter be appointed by the General Assembly, and to be certified by said commissioners on their face to be for an amount not exceeding the one-half said expenditures, and said bonds when so issued by said company shall be and remain a lien and incumbrance, in the nature of a mortgage, prior to any other incumbrance on said property, and said commissioners shall annually make return to the town clerk's office of the town of Bridgeport, 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.

Resolved, That Charles B. Foot and W. H. Noble be commissioners to issue bonds as aforesaid.

SEC. 17. If said company shall fail to comply with, and in all respects to perform the terms, conditions, stipulations

and provisions contained in the proposition of the said Nathaniel Green relative to supplying said city with water, on file in the office of the city clerk of said city, reference there-to being had, then all the rights, powers and privileges conferred by this act shall cease and determine.



STATE OF CONNECTICUT, }
SECRETARY'S OFFICE, August 5th, 1853. }

I HEREBY CERTIFY, That I have compared the Resolves and Private Acts printed in this pamphlet with the originals deposited in this office, and find the same to be correct.

JOHN P. C. MATHER,
Secretary of State.