

SPECIAL ACTS AND RESOLUTIONS

PASSED BY THE

GENERAL ASSEMBLY

OF THE

STATE OF CONNECTICUT,

AT THE

JANUARY SESSION, 1886.

35308



PUBLISHED BY AUTHORITY.

HARTFORD, CONN.:

PRESS OF THE CASE, LOCKWOOD & BRAINARD COMPANY,

1886.

[House Joint Resolution No. 195.]

[111.]

INCORPORATING THE CITIZEN'S WATER COMPANY OF BRIDGEPORT.

Resolved by this Assembly: SECTION 1. That Henry N. Beardsley, James Staples, Dr. I. DeVer Warner, E. C. Bassick, Alonzo J. Beardsley, Charles B. Hotchkiss, John L. Wessels, B. H. Hull, Charles A. Read, D. F. Hollister, Wheeler Beers, William F. Pinkham, Emory F. Strong, William F. Bishop, John N. Near, William R. Palmer, Frank Armstrong, Benjamin Root, F. A. Bartram, William R. Hinkley, Charles A. Hotchkiss, with all such persons as may hereafter associate with them for the purpose of supplying pure water for public, domestic, and manufacturing purposes to the town and city of Bridgeport, and the borough of West Stratford, and town of Fairfield, be and they hereby are incorporated under the name and style of the Citizens' Water Company of Bridgeport, 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, tenements and hereditaments, goods, chattels, and effects of whatever kind and quality necessary to give effect to the specified purposes of said corporation, and for the accomplishment of their business; and the same to grant, use, sell, devise, and dispose of; and to exercise the powers enumerated in section one, chapter three of the public acts of 1883 (page 232), and such other rights and powers as belong to corporations.

SEC. 2. The capital stock of said corporation shall be five hundred thousand dollars, with privilege of increasing the same to the sum of seven hundred and fifty thousand dollars, divided into shares of twenty-five dollars each, which shares shall be deemed personal property, and be transferable only on the books of the corporation, as provided by its by-laws.

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 corporation, 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 such subscriptions under such regulations as they may adopt for the purpose; and shall have the right and power to reject any subscription or subscriptions for stock when they shall deem it for the interests of the company so to do; and in case an amount not less than one hundred thousand dollars shall be subscribed, may proceed to the organization of said corporation, as hereinafter provided.

SEC. 4. The government and direction of the affairs of said corporation shall be vested in a board of not less than three nor more than seven directors, who shall be chosen by the stockholders of said corporation, in the manner hereinafter provided. Said directors shall hold their offices till others are duly elected to take their places as directors; and the said directors, a majority 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 corporation, and they shall also choose a secretary and treasurer.

SEC. 5. The persons authorized by the third section of this resolution to open books of subscription to the capital stock are hereby authorized and directed, after the amount required in said section shall have been subscribed, to call the first meeting of the stockholders of said corporation, in such way and at such time and place as they may appoint, for the choice of directors in said corporation; 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 shall prescribe; and in case it shall so happen that an election for 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 shall be holden on any day which shall be appointed by the directors of said company; and said directors shall have power to fill any vacancy 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 of this state, and of the United States, or the provisions of this act; the transfer of shares; the duty 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 and employ such officers and servants as they shall deem necessary; and the said directors shall have power to make and declare dividend or dividends among the stockholders from time to time, as the profits and earnings of the business of the said company shall enable them to do.

SEC. 7. Said company shall have full power, and is hereby authorized and empowered to excavate and open the ground in any streets, lanes, avenues, highways, and public grounds, and under or across any river or stream, for the purpose of laying down and constructing, or for repairing such aqueduct, pipes, or conduits as may be necessary and convenient for conducting to and distributing water within the town and city of Bridgeport, the borough of West Stratford, and the town of Fairfield, as aforesaid; *provided*, they put and leave such streets, lanes, avenues, highways, and public grounds in as good condition as before the laying or constructing of such aqueducts, conduits, or other works; *and provided further*, that in case it shall be necessary for the purpose of carrying out successfully the business and objects contemplated by this act to change or alter in any respect the location or grade of any public highway, street or lane, in either of said towns, or in said city, or said borough, then such alteration or change shall be made under the supervision and to the approval of the selectmen of said towns, or the authorities of said city or said borough having the proper jurisdiction, respectively, of the streets, highways, etc., where and in which any such change or alteration shall be made; and generally, wherever the streets and highways shall be opened and excavated for the purposes of this charter, the same shall be done under the supervision and to the approval of the respective authorities having control and jurisdiction of said streets, highways, etc.

SEC. 8. The said company shall have full and exclusive power, and is hereby authorized and empowered, under the provisions of this charter.

to build, construct, repair, and maintain such dam or dams across Mill river and its tributaries, in the towns of Easton and Fairfield, and to construct, repair, and maintain such reservoir or reservoirs as they may deem expedient or necessary, and to construct, repair, and maintain such aqueducts, canals, pipes, and conduits as may now or hereafter be necessary or convenient, and said company shall have the right to conduct and convey water to such points as they may desire in or near the said town and city of Bridgeport, and to the said borough of West Stratford and town of Fairfield, and may take, store, convey, distribute, and deliver the water of such stream or streams therein and therefrom. The said company shall be liable to pay all damages which shall be sustained by any person or persons, corporation or corporations, by the taking of any land or real estate, including riparian and mill rights belonging to them, for the purposes contemplated in this resolution; and if, at any time, it shall appear that any damage has occurred, or is likely to occur, to any person or persons, corporation or corporations, by reason of taking their land or estate for the purposes contemplated in this act, or in the construction of the works of said company, and such persons or corporations have not agreed with said corporation for such damage, land, or estate, the said company, persons, or corporation 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 reasonable notice of such application or such notice thereof as any judge of said court may prescribe, to be given to the adverse party; and thereupon said superior court, or such judge, shall appoint three disinterested, judicious persons, who shall, after reasonable notice to the parties, assess just damages, if any, to the respective owners or persons interested in the premises so required and taken for the purposes of this resolution, which assessment shall be in writing, under the hands of said persons, and shall be final, and shall be returned with the application to the clerk of said superior court, who shall record the same, and said company shall pay to such owner or parties the damages so assessed, and when so paid may enter upon the premises and proceed to the construction of said works; or, in case the owners or parties aforesaid cannot then be ascertained, and will not accept and receive said damages, then said company 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. 9. The occupant of any house, tenement, manufactory, or building, and any person or corporation who shall take the water of said company, shall be liable for the price, rate, or rent of the same, and the agents of said company intrusted with the superintendence and management 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 shall, without the consent of said company, use any of said water, an action may be maintained against such person or persons for the recovery of damages therefor.

SEC. 10. If any person or persons shall wilfully, wantonly, or maliciously divert the water, or any part thereof, from any of the aqueducts, reservoirs, dams, pipes, streams of water, water courses, 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 which shall be taken or prescribed by said company under the provisions of this resolution, or shall injure or destroy any aqueduct, dam, pipe, reservoir, conduit, hydrant, gate, machinery, building, structure, or other property held, owned, or used by said company by the authority or for the purpose of this resolution, every such person or persons shall be liable to said company in treble damages therefor.

SEC. 11. If said company shall neglect or refuse to supply its customers or any person or persons or corporation on the lines of the streets where its water mains extend, where the proper service pipes have been provided by the applicant, with an abundance of pure water for the purposes and uses contemplated by this resolution, at a reasonable rate and price, payment therefor having been made, tendered, or secured to said company, any aggrieved person or corporation may apply to the superior court for Fairfield county, which court, after due and reasonable notice to said company, shall proceed to hear the complaint of such aggrieved person or corporation, together with the testimony in support or in refutation thereof, and shall make such order in the premises as such court shall deem just and proper, and said company shall comply with such order, or in default thereof all its rights and privileges under this charter shall at once become forfeited, and shall determine and cease, and thereupon said court may make such order relative to the winding up of the business and affairs of said company as said court shall deem just and proper, which said order shall be final and conclusive.

SEC. 12. It shall be lawful for said company to sell and transfer to the city of Bridgeport all its rights and properties acquired by and under this charter, if and whenever said city shall desire and be empowered to purchase the same by a vote of the city at a meeting legally called for such purpose, and if the parties cannot agree as to the price to be paid therefor, then either party may apply to the superior court for Fairfield county, after giving to the other party reasonable notice of such application, and said court shall thereupon appoint three disinterested freeholders, non-residents of Bridgeport, who shall appraise and value said property and rights of said company, and such appraisal shall be final and conclusive, and upon payment or tender of such sum so fixed as the value thereof, said city shall be authorized and empowered at once to enter into possession as the legal and rightful owner thereof.

SEC. 13. It shall not be lawful, and said company shall have no power, to sell or transfer its property and rights acquired by virtue of this charter to, or to consolidate with, any other corporation, except its right to sell to the city as before provided.

SEC. 14. Said company shall be, and hereby is, authorized to issue its bonds of the face value of not less than one hundred dollars and not more than one thousand dollars, bearing interest at a rate of not more than six per cent. per annum, payable semi-annually, to an amount not exceeding at any one time the amount of cash actually paid in on the stock of said company, and in the whole, stock and bonds, not exceeding the amount of capital authorized by this resolution; and the clerk of the superior court for Fairfield county is hereby authorized and empowered and it shall be his duty to supervise the issuing of all bonds issued under the provisions of this resolution, and to certify under his hand and seal to the genuineness and legality of their issue, and to

countersign the same before they are negotiated or placed upon the market; and for that purpose and to that end he shall have full power and authority to examine all the books and accounts of said company, and he shall be entitled to receive the sum of fifty cents for each and every bond so issued which does not exceed the sum of five hundred dollars, and one dollar for each and every bond so issued which is for a sum exceeding five hundred and not exceeding one thousand dollars, to be paid to him by said company as such bonds shall be issued. Bonds when so issued shall be a lien in the nature of a first mortgage on all the rights and property of said company.

SEC. 15. The said company shall cause to be kept at its office proper books of accounts, in which shall be fairly and truly entered all the transactions of the company, which said books shall at all times be open for the inspection of the stockholders of said company.

SEC. 16. All acts and parts of acts inconsistent herewith are hereby repealed.

Approved, March 16, 1886.

[Substitute for House Joint Resolution No. 151.]

[112.]

DISCONTINUING THE SIXTH SCHOOL DISTRICT OF TOLLAND.

Resolved by this Assembly: That school district number six of the town of Tolland is hereby discontinued, and all the real estate now owned by Sherman Babcock, James W. Green, and Frederick W. Newcomb, in said district, with all residents upon the same, now or hereafter, are annexed to and made a part of the ninth school district of the town of Willington, and all the remaining portion of said sixth school district, with all residents upon the same, now or hereafter, are annexed to and made a part of the sixth school district of the town of Mansfield.

Approved, March 16, 1886.

[House Joint Resolution No. 190.]

[113.]

EXTENDING TIME FOR COMPLETING THE BUILDING OF THE NEW YORK AND CONNECTICUT AIR LINE RAILROAD.

Resolved by this Assembly: That the time for completing the building of The New York and Connecticut Air Line Railroad, and for taking lands therefor, be extended for the term of three years from the twenty-second day of October, 1886; *provided, however,* that nothing herein contained shall affect suits now pending or be construed as conferring any rights on said railroad company which they do not possess under the provisions of the general railroad law, except as to time of completing the same as herein provided.

Approved, March 12, 1886.