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SPECIAL ACTS AND RESOLUTIONS

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1884

PASSED BY THE

GENERAL ASSEMBLY

OF THE

STATE OF CONNECTICUT,

AT THE

January Session, 1889.



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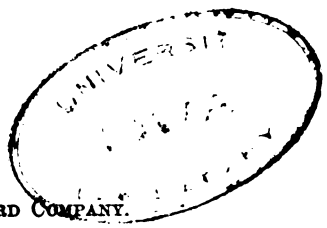
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University of Iowa

HARTFORD, CONN.:

PRESS OF THE CASE, LOCKWOOD & BRAINARD COMPANY.

1889.



corporation may maintain suit thereon in its own name, and shall become liable for and may be sued upon all debts and obligations incurred by said association then outstanding.

Approved, March 7, 1889.

[House Joint Resolution No. 164.]

[31.]

INCORPORATING THE NEW HARTFORD WATER COMPANY.

Resolved by this Assembly: SECTION 1. That R. R. Smith, George A. Spencer, and Walter H. Smith, with all such persons as may hereafter associate with them, for the purpose of supplying the towns of New Hartford and Barkhamsted with pure water for public, domestic, and other uses, their successors and assigns, be and they are hereby incorporated under The name and style of The New Hartford Water Company, and by that name shall be and are hereby made capable in law to have, purchase, receive, possess, and enjoy, to them and their successors, lands, rents, tenements, and goods, chattels, and effects of whatever kind and quality, necessary to give effect to the specified purpose of the said company, and for the accommodation of it, and to grant, sell, convey, and dispose of the same; to sue and be sued, plead and be impleaded, defend and be defended, in all courts in this state or elsewhere, to have a common seal and the same to renew at pleasure.

SEC. 2. Said company shall be located in the town of New Hartford, and its capital stock shall be ten thousand dollars, divided into shares of twenty-five dollars each, twenty-five per cent. of which shall be paid in before said company can exercise the privilege and powers herein conferred. Said capital stock may be increased to thirty thousand dollars at the pleasure of said company, the matter of said increase to be determined by a majority vote of the stock represented at a meeting legally warned for that purpose.

SEC. 3. The persons named in the first section of this act, or a majority of them, shall open books for subscriptions to the capital stock of said company, and shall receive said subscriptions under such regulations as they may adopt for the purpose; and when twenty-five per centum of the capital stock has been subscribed for, the persons authorized by this section to open books for the subscription to the capital stock are hereby authorized and directed to call the first meeting of the subscribers to the capital stock, at such time and place as they may appoint, for the choice of directors of said company; said directors may call in subscriptions to the capital stock, and require the same to be paid by instalments, at such times and places as they may deem proper, giving such notice thereof as the by-laws and regulations of said corporation shall prescribe, and in case any stockholder shall neglect or refuse payment of such instalment or instalments for the term of thirty days after the same shall have become due and payable, and after due notice thereof, the stock of such negligent stockholder, or so much thereof as may be necessary, shall be sold by the directors at public auction on giving at least ten days' notice of such sale, in some

newspaper published in New Hartford or Hartford, and the proceeds of said sale shall be applied toward the payment of said instalment and the expenses attending said sale, and the balance, if any, shall be returned to such negligent stockholder, and such sale shall entitle the purchaser to all the rights of a stockholder to the extent of the shares so purchased.

SEC. 4. If any annual meeting which may be required by the by-laws of said corporations shall not be held at the time fixed, or if directors shall not be elected on the day provided by the by-laws for such election, said corporation shall not, for that cause, be deemed to be dissolved; but such annual meeting and meetings for the election of directors may be held on any day thereafter which the directors may appoint.

SEC. 5. The office of said company shall be located in New Hartford and the stock, property, and affairs of said corporation shall be managed and conducted by not less than three, nor more than seven directors, the number of said directors to be determined by the by-laws of said corporation, to be chosen by ballot from among and by the stockholders, which directors, first chosen, shall hold their offices until the next ensuing annual meeting of said corporation, and until others are chosen in their stead, and all meetings of said corporation shall be held at such times and place as shall be determined by the by-laws of said corporation. In the choice of directors as aforesaid and in the determination of any questions at any stockholders' meeting each stockholder present or represented by his attorney shall be allowed one vote for each and every share of stock by him then held. The directors of said corporation, a majority of whom shall constitute a quorum for the transaction of business, may elect from among their number a president, who shall also be president of said company, and vice-president; and may also appoint from among the stockholders a secretary and treasurer and said treasurer shall be required to give such bonds with sureties, as said directors may require for the faithful discharge of his trust. In case any vacancy shall occur in the board of directors, the remaining directors may choose a director or directors from among the stockholders, to fill such vacancy, who shall hold the appointment until others are chosen in their places.

SEC. 6. The directors shall have full power, unless the same shall be made by said company, 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, effects, and business of said company, and not contrary to the laws of this state or the United States; the transfer of shares, the duty and salaries of their officers, and other matters appertaining to their business and concerns; and may appoint and employ such officers and servants as they shall deem necessary, and shall have full power to make and declare a dividend or dividends among the stockholders from time to time, as the profits and earnings of the business shall enable them to do.

SEC. 7. Said company shall have full power, and is 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 con-

ducting water to and distributing the same within the towns of New Hartford and Barkhamsted; and said company may, for the purpose aforesaid, carry and conduct any aqueduct or other works by them to be made or constructed, under or over any water-course, street, road, railway, or other way, or public grounds, provided they put such water-course, road, highway, or other way, or railroad, as speedily as possible in as good condition as before laying and constructing said aqueduct or other works, and subject to the approval of the selectmen of the town in which the work lies; and *provided* that any work done upon the grounds of any railroad company shall be done under the supervision and direction of the company owning or operating such railroad.

SEC. 8. Said company shall have full power, and is hereby authorized and empowered under the provisions of this charter, to construct, build, repair, and maintain such reservoir or reservoirs, aqueduct or aqueducts or tanks, and also to take water from any brook or brooks, spring or springs, ponds or lakes, or from any other source as said company may desire, within the towns of New Hartford or Barkhamsted, for the purpose of carrying out the provisions of this act; also for the purpose of preserving said lands and water, for the uses of said company, pure and free from all contamination and nuisances, drains, and sewers; and the said company may make, establish, and enforce, all necessary regulations and by-laws for the preservation of the same; *provided* such regulations and by-laws shall not be contrary to the laws of this state or of the United States.

SEC. 9. Said corporation shall pay all damages that shall be sustained by any person or persons or corporation in their property or estate by the taking of any real estate or easement, by the taking of water from any brooks, springs, ponds, lakes, or from any other source, or by constructing or laying any pipes, aqueducts or reservoirs or other works for the purposes of this act, which damages, unless the same shall be agreed upon by the parties, shall be assessed by a committee to be appointed by the superior court of Litchfield county, upon application made to said court by said corporation or by any person or corporation, sustaining such damages, which application must be accompanied by a summons served upon the owner of the property as in case of civil process before said court.

SEC. 10. The committee appointed by said court shall consist of three disinterested men, who, after being sworn and giving reasonable notice, shall hear the parties, view the property in question, assess just damages, if any, to the respective owners or parties interested in the premises or property so damaged, or required or proposed to be taken for the purposes of this act, as the case may be, and report their doings to the court; and such report may be rejected at the discretion of the court.

SEC. 11. Said court may make any order necessary for the protection of the rights of all persons or corporations interested in said property or sustaining such damages, but said property shall not be taken or interfered with by said corporation until the amount of said judgment shall be paid to the person to whom it is due, or deposited for his use, with the treasurer of Litchfield county, and in case the land or estate which the company may wish to take shall consist of separate

parcels owned by different parties the application made to the superior court or to said judge may include all or any number of said separate parcels, the same being therein specifically described, and said persons so appointed shall assess the damages, if any, separately to the parties owning the separate parcels, and the same shall be proceeded with as hereinbefore provided.

SEC. 12. The occupant of any house, tenement, or building, who shall take the water of said company, shall be liable for the price of the rent of the same, and the agents of said company intrusted with the superintendence of said works may at all reasonable times enter the premises so supplied, to examine the pipes and fixtures and to prevent unnecessary waste.

SEC. 13. Any person living or owning property within the limits of the town of New Hartford shall be entitled to have and use water from the mains of said company upon complying with the rules and regulations of said company and paying a reasonable compensation therefor.

SEC. 14. If any person shall wilfully, 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, such person or persons so offending shall be liable to said company in triple damages therefor.

SEC. 15. Said company shall have power and authority to issue its bonds, secured by a mortgage of its property, to an amount not exceeding one-half of the aggregate amount of the expenditure of said company, in the purchase of real estate and machinery, and in the erection of buildings and the operations incident to the construction of the works of said company, and the thorough completion thereof, said bonds to bear a rate of interest not exceeding six per centum per annum, which interest shall be payable semi-annually. Said bonds shall not be issued for a less sum than one hundred dollars each. Said bonds or mortgages, when recorded in the land records of the town of New Hartford, shall be a valid lien or liens upon the property and franchise of said company.

Approved, March 7, 1889.

[House Joint Resolution No. 32.]

[32.]

INCORPORATING THE NEW HAVEN IMPROVEMENT COMPANY.

Resolved by this Assembly: SECTION 1. That William J. Atwater, Isaac E. Brown, Horace H. Strong, Lucius P. Deming, H. D. Clark, Dwight W. Tuttle, and Harvey F. Hemingway, together with such persons as may hereafter become associated with them, be and they are hereby incorporated by the name of The New Haven Improvement Company. The purpose of said corporation shall be to invest its capital and funds in real estate, buildings, and leasehold and other interests in real