

THE PUBLIC

Statute Laws

OF THE STATE OF

CONNECTICUT.

BOOK I.

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CHAP. V.

An Act authorizing an Aqueduct in the city of New-Haven.

[Enacted in May, 1804.]

§ 1. **B**E it enacted by the Governour and Council and House of Representatives in General Court assembled, That the city of New-Haven be, and hereby is authorized to conduct water into said city by means of subterraneous pipes, for the use of said city and the preservation thereof from damage by fire, and to make and ordain by-laws, relative thereto, in the same manner, and under the same restrictions and limitations as other by-laws of said city are required to be made and ordained.

City of New-Haven empowered to make by-laws, relative to watering the same.

§ 2. *And be it further enacted,* That said city shall have full powers, and is hereby authorized to open the grounds in any part of the streets or highways of the town of New-Haven, for the purpose of sinking or repairing the pipes or conduits, as may be necessary for conducting the water in manner aforesaid; provided that such streets or highways shall not be so opened, as to obstruct or hinder the passing of teams and carriages therein; and after the grounds in such streets or highways shall be opened as aforesaid, the said city shall repair the same as soon as may be, and shall be liable to pay all damages which any person or persons may sustain by neglect thereof; and if it shall be necessary for the purposes of this act, to sink any pipes or conduits in the grounds of any person or persons, and to conduct the water across the same, the said city shall by petition to the county court, within and for New-Haven county, at any stated, adjourned or special session thereof, pray for a committee to view such grounds, and to assess the damages such person or persons may suffer by reason of sinking such pipes and conducting water across or under his, her or their land or soil; and said court is hereby authorized to appoint such committee, and such committee shall, as soon as may be, view such lands and assess the damage each individual shall sustain, and make report thereof to such court at the same or some future session.—And after the payment of the damages allowed by said court on the report of such committee, the said city may enter upon such lands, and sink such pipes or conduits, and conduct the water across or under such lands or soil, without being liable to any action of trespass or other action therefor; and if at any time it shall be necessary to enter upon such lands to repair such pipes or conduits, said city may enter thereon, and any damage done thereby shall be paid by said city according to an assessment thereof to be made by said court, or a committee to be by them appointed.

To open grounds.

Not to obstruct the passing, &c.

To pay damage for neglect to repair.

May petition county court for committee to view the grounds of priors.

Which shall assess damages.

On payment may enter on lands without being liable in trespass, &c.

§ 3. *And be it further enacted,* That in case said city shall deem it expedient to assign the power, either to conduct water into said city, or any pipes or conduits, which said city shall

City may assign its power.

Powers and privileges of the aqueduct company.

Its laws may be repealed by superior court.

Stock of the company how divided.

Shares assignable.

Meeting of the corporation how warned.

May appoint officers.

Duties of the clerk.

Corporation may assess taxes

upon neglect to pay.

have provided or laid for the purpose aforesaid, the persons to whom said city shall make such assignment, their successors, and assigns, shall thereupon be a body politic and corporate, by the name of "*the New-Haven Aqueduct Company*," and by that name shall be capable in law to have, purchase, receive, possess and enjoy lands, rents, tenements, hereditaments, goods, chattels and effects of what kind or quality soever, and the same to sell, grant, alien and dispose of; and to sue and be sued, plead and be impleaded, answer and be answered, defend and be defended, in all courts in this state and elsewhere; and also to make, ordain, establish and put in execution such by-laws, ordinances and regulations, as shall be deemed necessary for the well ordering and government of such corporation, not being contrary to this act, and the laws of this state, or of the United States; and such by-laws, ordinances, and regulations shall, at all times, be liable to be repealed by the superior court in and for said county, and such corporation shall also be authorized to exercise all the powers and authorities, and enjoy all the rights and privileges given to said city by the second paragraph of this act.

§ 4. *And be it further enacted*, That the capital stock of said corporation may consist of twenty thousand dollars, to be divided into two hundred equal shares, or of such less sum to be divided into shares of one hundred dollars each, as such corporation may direct, to be held and possessed by the members of said corporation in such manner and proportion as by the by-laws of said corporation shall be established; which said shares may and shall be assignable and transferable, subject to the regulations and provisions of said by-laws.

§ 5. *And be it further enacted*, That in case of such assignment, there shall be a meeting of the members of said corporation, at such time, and in such place in the city of New-Haven as the mayor of said city shall appoint, by publishing a notification thereof at least twelve days before said meeting, in a newspaper printed in said city; and the subsequent meetings of said corporation shall be convened in such manner and at such times as shall be agreed on by the votes of said corporation: and the members of said corporation at any legal meeting may appoint a chairman, treasurer and clerk, and also three directors, and such other officers as may be necessary to manage the affairs of said corporation, and all the officers of said corporation shall continue in office until others shall be chosen in their stead; and such clerk shall be sworn to make true entries of the acts and proceedings of said corporation, and shall duly record the votes, orders, rules and regulations of said corporation; and the members of said corporation shall have power in their legal meetings, by their vote to assess taxes to be paid by the members of said corporation in proportion to their stock to be applied for effecting the purposes of this act, and if any member of said corporation shall neglect to pay any such tax within twenty days after the same shall have become payable, the directors of said corporation or any two of them may cause so much of the stock of such

member to be sold at public vendue, at the sign-post in said city, as may be necessary to pay such tax, provided the amount of such tax and the time of such sale, be posted up on such sign-post twenty days before such sale. Stock may be sold.

§ 6. *And be it further enacted,* That each member of said corporation shall have right, either in person, or by his or her attorney, lawfully authorized for that purpose, to vote in the meetings of said corporation according to the number of shares he or she shall hold in said capital stock; provided the number of votes to be given by any one person shall in no case exceed the number of ten; and all questions shall be decided by a plurality of votes given in as aforesaid; and the profits and emoluments accruing to said corporation from the sale of the water to be brought into said city in the manner aforesaid, shall be divided among the members of said corporation according to their stock, at such times as said corporation shall appoint. Members to vote according to shares.
Not to exceed ten.
Profits how to be divided.

CHAP. VI.

An Act to establish an Aqueduct Company in the Town of Windham.

§ 1. **B**E it enacted by the Governour and Council and House of Representatives in General Court assembled, That Jabez Clark, Benjamin Dyer, Elisha White, John Taintor, Charles Taintor, John Staniford, jun. Benjamin Brewster, Samuel Gray, John Byrne, and Henry Webb, and all such persons as have or shall from time to time associate with them for the purpose of bringing water into the town street of said Windham in subterraneous pipes, be and they are hereby incorporated for said purpose, and made a body politic by the name of "*The Windham Aqueduct Company,*" and by that name shall be capable of suing and being sued, and pleading and being impleaded, and may purchase and hold, sell and convey estate, real and personal, to an amount not exceeding two thousand dollars to be holden at any one time. The company constituted.

§ 2. *Be it further enacted,* That the water if taken from a fountain already belonging to the proprietors aforesaid, in a lane by the name of Jennings lane in said Windham, shall be conveyed into the town street, and to the height of land south of the meeting-house in said Windham, in the following manner, viz. from said fountain to John Taintor's, from thence to the houses of Benjamin Dyer and Jabez Clark, and from thence to the barn of Charles Taintor, and from thence to the houses of John Staniford and John Byrne, Henry Webb and Charles Taintor, on the height of land aforesaid, and from thence to the house, or houses of such person or persons as shall hereafter be associated with said proprietors—Always provided, That whatever expence may arise in rebuilding or repairing the cistern in said Jennings lane, or in conducting water into the same, shall be equally borne by To what places water is to be conveyed.