

PRIVATE  
AND  
SPECIAL LAWS  
OF THE  
STATE OF CONNECTICUT.

COMPILED AND PUBLISHED  
UNDER AUTHORITY OF THE GENERAL ASSEMBLY.

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VOLUME V.

FROM THE YEAR 1857 TO THE YEAR 1865, INCLUSIVE.

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of the service rendered, or other circumstances, shall render such reduction or disallowance, expedient in the view of said court, in the exercise of its sound discretion.

SEC. 2. This act shall take effect whenever the same shall be accepted by the city of New London, as a part of its charter, at a city meeting legally warned.

Approved June 7, 1862.

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### Amending the Charter of the Norwalk Fire Insurance Company.

*Resolved by this Assembly,* That the annual meeting of the Norwalk Fire Insurance Company shall be holden in the month of May or June in each year (the present year included), on a day to be fixed by the directors of said company.

Approved June 7, 1862.

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### Incorporating the Norwalk Water Company.

*Resolved by this Assembly,* SEC. I. That William C. Street, Chester N. Case, George R. Cowles, John A. Moorhead, A. H. Byington, O. S. Ferry, Charles C. Betts, and all such other persons as are or may be from time to time associated with them for the purpose of supplying the villages of the town of Norwalk with pure water for public and private use, their successors and assigns, be and they hereby are incorporated for said purpose, under and by the name and style of the Norwalk Water Company, and by that name shall be and hereby are authorized and empowered to have, purchase, receive, possess, and enjoy and hold to them and their successors, lands, rents, tenements, hereditaments, easements, goods, chattels, and effects, of what kind and quality and term whatsoever, necessary and proper to give full effect to the specified purposes of this company, and for the accommodation and transaction of their business and purposes, and the same to sell, convey, give, grant, aliene, 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, renew, and disuse at pleasure; also, to make and execute such by-laws 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 appertain to do, subject to the provisions hereinafter prescribed.

SEC. 2. The capital stock of said company may consist of fifteen thousand dollars, with the privilege of increasing the same to one hundred thousand dollars, at the option of said company, all to be divided into shares of twenty-five dollars each; which shares shall be deemed personal property, and shall 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, or a majority of the survivors of said persons, shall open books for subscription to the capital stock of said company, at such times and places as they shall by a majority vote of the survivors among said persons direct; and shall give such notice of the opening of 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 three nor more than seven directors, who shall be chosen by the stockholders of said company, from among their own number, in the manner hereinafter provided, and a majority of said directors shall be citizens and residents of Norwalk. Said directors shall hold their offices till others are duly elected and qualified to take their places as directors; and the said directors (a majority of whom shall be a quorum for the transaction of all business) shall elect one of their number to be president of the board, who shall be also the president of the company. The directors shall also chose a secretary and treasurer, which treasurer shall give bonds, with sureties, to said company, in such sum as said directors may require, for the faithful discharge of the trusts committed to or assumed by him.

SEC. 5. The persons authorized in the third section of this act to open the books for subscription to the capital stock, are hereby authorized and directed 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 of stock 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 on such notice, as said company may in their by-laws prescribe; and if it so happen that an election of directors shall not be made on the day appointed by the by-laws of the company, said company shall not for that cause be deemed 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 make by-laws, and to fill, from among the stockholders, any vacancies in their own number which may occur by death, resignation or otherwise.

SEC. 6. The board of directors shall have power to declare and make among and to the stockholders, such dividends, from time to time, as the interests and earnings of said company may, in their opinion, justify; and to appoint such officers and servants, with such salaries and wages, as to them may seem necessary or proper.

SEC. 7. The directors of said company may require the payment of the sum or sums subscribed to the capital stock of said company, in such installments and on such conditions as they may see fit; and in case any stockholder shall neglect to make payment pursuant to the requisitions of the board of directors, so much of the stock of such stockholders as may be necessary may be sold at public auction by the directors, after the lapse of sixty days from the time or times such payment became due, and after deducting and retaining, from the avails of such sales, the payment or payments due, and the interest thereof, and

the necessary expenses of the sale, the surplus, if any, shall be paid over to such negligent stockholders, by the directors.

SEC. 8. Said company are hereby fully authorized and empowered to open the grounds in any street, lane, avenue, highway, and public grounds, for the purpose of laying down and sinking, or for repairing such pipes or conduits as may be necessary or desirable for conducting water to, and distributing it in and through the villages of Norwalk and their vicinity, in said Norwalk, under the direction and by the consent of the warden and burgesses of the borough, and of the selectmen of the town of Norwalk, respectively. And the said company may, for the purposes aforesaid, carry and conduct any aqueducts, or other works to be by them made and constructed, over or under any water course, street, lane, turnpike road, railroad, highway, or other way, or public grounds: *provided*, they put such water course, street, lane, turnpike road, railroad, or other way, in as good and perfect condition as before laying or constructing said aqueduct or other works.

SEC. 9. Said company are hereby fully authorized and empowered, under the hereinafter contained provisions of this charter, to take and use the water of any spring, stream or streams, and to construct, repair, and maintain such canals or aqueducts as may be now, or as may hereafter become necessary or desirable for the conveyance of water to such point or points as they may desire, in or near the villages in Norwalk, or any of them; to remove such nuisances as now exist, and to prohibit the erection of others upon such stream or streams and springs as may be used by the company: but they shall in no wise injure the vested rights of any person or persons, corporation or corporations, without making compensation therefor, either by agreement as to the amount of compensation with the parties in interest, or as hereinafter provided.

SEC. 10. The said company shall be liable to pay the damages that shall be sustained by any person or corporation by the taking of any real estate as aforesaid, or for constructing or laying any works for the purposes of this act; and if the amount of money to be paid for such damages shall not be agreed upon by any person or corporation suffering the same, with this company, in writing, then this company, or such person or corporation, may apply to any judge of the superior court, who shall prescribe a notice to be given to the adverse party or parties to such application; and at a time and place mentioned in said notice, said judge shall appoint three disinterested and judicious men (any vacancies in which number to be filled by said judge), who shall, after reasonable notice to the parties, assess just damages, if any, to the respective parties interested in the premises so required and taken by this company,—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 the superior court for Fairfield county, who shall record it; and said company shall pay to said owner or party the damage so assessed, or deposit the same with the county treasurer, for his or their use, and when the same is paid or deposited may enter upon the premises and construct and keep in repair their works; or, in case the parties aforesaid cannot be ascertained, shall pay the same to the treasurer of Fairfield county, to be by him paid to such person or persons as the superior court may direct.

SEC. 11. When the lands or other estate of any married woman, infant, or person *non compos mentis*, shall be required for the purposes of this act, the husband of such married woman, and the guardian of such infant or person *non compos mentis*, may be notified, and may in such cases release all damages for any lands or estate necessary or taken for the purposes of this act, 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 of rent of the same established by the directors of the company; 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 or unauthorized use. And if any person shall, without the consent of the company, use any of 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 wilfully, wantonly, or maliciously divert the water of the company, or any part thereof, or any of the aqueducts, reservoirs, pipes, streams, water or water courses, which shall be taken, used, or constructed by said company; or shall corrupt the same, or render the same impure, or commit any nuisance therein; or shall destroy or injure any aqueduct, pipe, reservoir, conduit, hydrant, machinery, embankment, masonry, building, 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 company shall cause to be kept, at their proper place of business, 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 the company.

SEC. 15. And said company shall have power and authority to issue its bonds to an amount not exceeding one-half the actual expenditures of said company in the purchase of real estate, easements, machinery and pipes, and in the erection of buildings, making excavations and embankments, and in performing other operations necessary or incident to the prosecution or completion of its works for the purposes herein specified; said bonds to bear a rate of interest not exceeding eight per cent. per annum, with interest payable semi-annually, and shall in no case be issued for a sum less than fifty dollars. Said bonds shall be countersigned by the president and secretary of said company, and shall be by them certified on the face to be for an amount in the aggregate not exceeding one-half of the expenditures as aforesaid to the dates of such bonds respectively; and said bonds, when so issued, shall be a lien and encumbrance in the nature of a mortgage on said property, and take precedence of any other encumbrance on said property; and said president and secretary shall annually make return to the town clerk of said Norwalk, stating the amount so issued by said company.

SEC. 16. This act may be altered, amended or repealed by the general assembly.

Approved June 13, 1862.