

*S. M. Adams*

# SPECIAL LAWS

OF THE

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VOLUME VI.

FROM THE YEAR 1866 TO THE YEAR 1870, INCLUSIVE.

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HARTFORD:

CASE, LOCKWOOD & BRAINARD, PRINTERS.

1872.

SEC. 6. If the president or secretary of the said company shall neglect or refuse to comply with the provisions of the next preceding section, and to perform the duty required of them respectively, they shall be jointly and severally liable to an action for all debts of the company contracted during the period of such neglect or refusal.

SEC. 7. This act shall take effect from the time of its passage, and may at any time hereafter be altered, amended, or repealed by the general assembly.

Approved, July 30th, 1868.

### [Dividing Waterbury into Voting Districts.]

An Act in addition to An Act relating to Electors and Elections.

*Be it enacted by the Senate and House of Representatives, in General Assembly convened,* SEC. 1. That the town of Waterbury is hereby divided into two districts, for the purpose of accommodating the electors of said town, in voting at the electors' [meetings] therein, as follows, to wit: all that part of the territory of said town of Waterbury, lying easterly of a line commencing at the town line between Waterbury and Naugatuck, in the center of the road known as the old Waterbury river turnpike, and running thence northerly in the center of said old Waterbury river turnpike road, so formerly called, and through the center of South Main Street, Exchange Place, North Main street and the Bucks Hill road, so called, running past the houses of Lyman Welton and David Brooks to the northerly line of said town of Waterbury, in the Plymouth line, shall be and remain the first district; all the remaining part of said town of Waterbury lying westerly of said line, shall be and remain the second district.

SEC. 2. This act shall take effect from its passage; and the provisions of section seventy-one of An Act relating to electors and elections, of the general statutes of this state, and the provisions of section seventy-seven of said act, except so far as the same are modified or changed by the laws passed at this session, shall apply to said voting districts.

Approved, July 30th, 1868.

### Incorporating the Simsbury Water Company.

*Resolved by this Assembly,* SEC. 1. That Amos R. Eno, George D. Phelps of the city and state of New York, Jeffery O. Phelps, Salmon C. Eno, Lucius G. Goodrich, Watson Wilcox and Jeffery O. Phelps, Jr., of Simsbury, Connecticut, with all such persons as may be from time to time associated with them, for the purpose of supplying the district of Hopmeadow, and the new districts in said Simsbury, with a 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 Simsbury 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, hereditaments, goods, chattels and effects of what kind and quality soever, necessary to give effect to the specified purposes of said company and for the accommodation of their business and concerns, and the same to grant, sell, demise 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 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 and regulations and provisions hereinafter prescribed.

SEC. 2. The capital stock of said company shall consist of five thousand dollars, to be divided into shares of twenty-five dollars each, which shares shall be deemed personal property, and be transferable only on the books of the company, as provided by the by-laws of the company.

SEC. 3. The persons named in the first section thereof, 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 time and place 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 two thousand five hundred dollars shall be subscribed, proceed to the organization of said company, as hereinafter provided.

SEC. 4. The government and direction of the affairs of the said company shall be vested in a board of not less than five, nor more than seven directors, who shall be chosen by the stockholders of said company in the manner hereinafter provided, a majority of whom shall be residents of Simsbury. Said directors shall hold their office 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 company; they shall also choose a clerk and a treasurer, which treasurer shall give bonds with security to said company, in such sums 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 subscriptions 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 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, one share shall entitle the holder to one vote, which may be given by the 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 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 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 of the United States and of this state, or the provisions of this resolve, 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 as many officers and servants, with such salaries as shall to them seem necessary, and the said directors shall have power to make and declare such 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. 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 neglect or refuse to make payment pursuant to the requisitions of the board of directors, the stock of such stockholder, or so much thereof as may be necessary, may be sold by the direction of said directors at public auction, after the lapse of sixty days after and from the time when the payment became due, and all surplus money, the avails of such sales, after deducting the payments due and interest thereon and necessary expenses of the sale, shall be paid over to such negligent stockholder; and the persons authorized by the third section to open books for subscriptions to the capital stock are hereby authorized and directed to act as a board of directors for one year from and after the date of this act, and no election for directors shall occur until the expiration of such year; and the said persons acting as directors shall have all the powers of directors, as said powers are set forth in this act, and shall be governed by such rules and regulations in all their acts as apply under this act to the directors of this company and the said incorporators, acting as directors, shall elect such officers as in this act provided for to be elected by the directors, who shall have the same powers as those to be elected by the directors, and said incorporators shall, for the space of one year from and after the date of this act, have all the powers and privileges belonging to such directors, and may perform all of their duties.

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 town of Simsbury or its vicinity, under the direction and by the consent of the selectmen of said Simsbury, respectively, and the duration of said openings and excavations shall be regulated by the said selectmen, and the said company

may, for the purposes aforesaid, carry and conduct any aqueduct or other works to be by them 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 condition as before the 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, to construct, repair and maintain such reservoir or reservoirs as they may deem expedient or necessary to take and use the water of the streams on the land of Samuel C. Eno or Watson Wilcox or Jeffrey O. Phelps, in said Simsbury, and to construct, repair and maintain such dam or dams across said streams, as they may deem expedient or necessary, and to construct, repair and maintain such canals or aqueducts as may be now or hereafter may become necessary or convenient for the conveyance of water to such point as they may desire in or near said districts of Hopmeadow and New district. 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 laying of any pipes, aqueducts, reservoirs, dams or other works for the purpose of this act; 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 the reason of taking their land or estate for the purposes 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, persons or corporations, may apply to the superior court of Hartford 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, judicious persons, (and vacancies in such numbers which may occur to be filled by such 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 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 cannot then be ascertained, shall pay the same within thirty days to the treasurer of the county of Hartford, to be by him paid to such person or persons as said court shall direct.

SEC. 10. 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 entrusted 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 shall, without the consent of said company, use any of the said water, either within or without said Simsbury,

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. 11. If any person or persons shall willfully, wantonly or maliciously divert the water or any part thereof of any of the aqueducts, reservoirs, 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 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. 12. The said company shall ~~cause~~ be kept at their office proper books of accounts, in which shall be fairly kept and truly entered all the transactions of the company, which books shall be at all reasonable times open for the inspection of the stockholders of the said company, and of commissioners that may be appointed by the general assembly.

SEC. 13. This resolve may be altered, amended, or repealed, at the pleasure of the general assembly.

Approved, July 30th, 1868.

### Amending the Charter of the New Haven and Renfrew Mining Company.

*Resolved by this Assembly,* That the resolution incorporating the New Haven and Renfrew Mining company, passed May session, 1866, be, and the same hereby is amended after the words "Nova Scotia," in the second section of the resolution, by adding the words "and the United States."

Approved, July 31st, 1868.

### Relating to the Charter of the City of Waterbury.

*Be it enacted by the Senate and House of Representatives, in General Assembly convened,* SEC. 1. An annual meeting of said city shall be held at the voting place in the first ward herein prescribed in said city, on the second Monday in June, in each year. Special meetings of said city may be called and held from time to time, in such manner as the by-laws of said city shall prescribe. The mayor of said city, or in his absence, the senior alderman present, shall at any meeting of said city be, *ex-officio*, moderator thereof; if the mayor and all the aldermen be absent, the meeting shall choose a moderator. Any meeting of said city may be adjourned from time to time, by the vote of the freemen present, and all questions in any such meeting shall be decided by a majority of the freemen present and voting.