

Private Acts and Resolutions
OF THE
GENERAL ASSEMBLY
OF THE
STATE OF CONNECTICUT,
MAY SESSION, 1859.

PUBLISHED IN CONFORMITY WITH A RESOLUTION OF THE
GENERAL ASSEMBLY.



State of Connecticut, ss.
OFFICE OF THE SECRETARY OF STATE, AUGUST, 1859.

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1859.

persons shall be liable to said company in treble damages therefor.

SEC. 14. The said company shall cause to be kept, at their office, proper books of account, 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 said company.

SEC. 15. Said company is hereby authorized and empowered to purchase of Fitch Smith, his water works, and his business connected therewith, in said borough of Birmingham, with all the pipes, machinery, property, land and buildings connected therewith, and take proper conveyances of the same, for the purposes herein before set forth in this act.

SEC. 16. These resolutions may be altered, amended or repealed by the General Assembly.

Approved, June 1st, 1859.

INCORPORATING THE WATERBURY WATER COMPANY.

Resolved by this Assembly :—SEC. 1. Nelson J. Welton, Franklin L. Welton, and John Osborn, with all such persons as are or may be, from time to time, associated with them, for the purpose of supplying the city of Waterbury 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 "Waterbury Water Company;" 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, land, rents, tenements, hereditaments, goods, chattels and effects, of what kind and quality soever, necessary to give effect to the specified purposes of this company, and for the accommodation of their business and concerns, and the same to sell, grant, demise, alien 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, ordinances 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 or shall appertain to do, subject to the rules, regulations and provisions hereinafter prescribed.

SEC. 2. The capital stock of said company may consist of twenty-five thousand dollars, with the privilege of increasing the same to one hundred thousand dollars, 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 thereof, or a majority of them, shall open books to receive subscription 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 times and places of opening 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 five directors, who shall be chosen by the stockholders of said company, in the manner hereinafter provided, a majority of whom shall be residents of the city of Waterbury. 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 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 treasurer, which treasurer shall give bonds, with surety, to said company, in such sum 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 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 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 upon such notice, as said company in their by-laws may prescribe; and in case it shall so happen that an election of 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 may 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 board of directors of said company, 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 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 refuse or neglect to make payment pursuant to the requisitions of the board of directors, the stock of such stockholders, or so much thereof as shall be necessary, may be sold by the direction of said corporation, at public auction, after the lapse of sixty days from the time when the payment became due; and all surplus money, the avails of such sales, after deducting the payments due, and interest thereof, and the necessary expenses of the sale, shall be paid over to such negligent stockholders.

SEC. 8. Said company shall have full power, and they are

hereby authorized and empowered to open the grounds in any street, 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 city of Waterbury, or its vicinity, under the direction and by the consent and agreement of the mayor, aldermen and common council of the city and the selectmen of the town of Waterbury respectively; and the duration of said openings and excavations shall be regulated from the rules prescribed by the said common council and the selectmen of the town of Waterbury. And the said company may, for the purposes aforesaid, carry and conduct any aqueducts, or other works by them to be 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 and perfect condition as before 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 hereinafter named, 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 may hereinafter become necessary or convenient for the conveyance of water to such point as they may desire, in or near the city of Waterbury; to remove such nuisances as now exist, and to prohibit the erection of others, upon such stream or streams as may be used by said company; in no wise injuring the vested rights of any person or persons, or corporation or corporations, without making compensation therefor.

SEC. 10. 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 constructing or laying of any pipes, aqueducts, reservoirs, or other works for the purpose of this act.

And if at any time it shall appear that any damage has

occurred or may be likely to occur to any person or persons, corporation or corporations, by reason of taking their land or estate for the purpose 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 damages, land or estate, the said company, or persons, or corporations, may apply to the superior court for New Haven 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 and judicious persons, (any vacancies in such number which may occur to be filled by said 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 so 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 be ascertained, shall pay the same within thirty days to the treasurer of the county of New Haven, to be by him paid to such person or persons as said court shall direct.

SEC. 11. When the lands or other property, or estate of any married woman, infant, or person *non compos mentis*, shall be necessary for the purposes of this act, the husband of such married woman, and the guardian of such infant or person *non compos mentis*, may, in such cases, be notified, and may release all damages for any lands or estate necessary or taken as aforesaid, 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 ; 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.

And if any person shall, without the consent of said company, use any of said water, either within or without the city, 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 willfully, wantonly or maliciously divert the water, or any part thereof, or any of the aqueducts, reservoirs, streams, water or water courses, 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 destroy or injure any aqueduct, pipe, reservoir, conduit, hydrant, machinery, 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.

SEC. 14. The said 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 said company.

SEC. 15. Nothing in this act contained shall hereafter be construed to hinder or obstruct the procurement of any other charter for the like or similar company in said city of Waterbury ; or in any way obstruct, hinder or prevent the flow of water in any aqueduct in said city or town, or hinder or prevent the extension of the same ; or prevent any other company or individual from bringing water into said city by aqueduct or otherwise ; and nothing in this act contained shall be construed to authorize this corporation to take, for the purposes of this corporation, any stream or springs of water, or other water course, which takes its rise or empties into the Naugatuck River, upon the easterly side of said river ; nor any water from said Nauga-

tuck River, nor from any stream or springs of water or other water course which flows to or through Riverside cemetery, unless said corporation shall acquire the same by negotiation and purchase from the owners thereof, or other parties having the right to grant the same.

SEC. 16. This resolution may be altered, amended or repealed by the General Assembly.

Approved, June 16th, 1859.

INCORPORATING THE STAMFORD WATER COMPANY.

*Resolved by this Assembly :—*SEC. 1. That William Skiddy, James H. Hoyt, John W. Leeds, Matthew F. Merritt, Edwin Bishop, Sands Seely and George A. Hoyt, with all such persons as are or may be, from time to time, associated with them for the purpose of supplying the village of Stamford with an abundant 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 "Stamford Water Company;" 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, rents, tenements, hereditaments, goods, chattels and effects, of what kind and quality soever, necessary to give effect to the specified purposes of this company, and for the accommodation of their business and concerns, and the same to grant, sell, demise, alien 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, ordinances 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 or shall appertain