

THE PUBLIC

Statute Laws

OF THE STATE OF

CONNECTICUT.

BOOK I.

PUBLISHED BY AUTHORITY OF THE GENERAL ASSEMBLY.



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1808.

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.

the proprietors aforesaid, and not according to the number of shares to be subscribed by said proprietors.

A restriction. § 3. *And be it further enacted,* That no branch or aqueduct except such as are already in operation shall be taken from the main branch or aqueduct described in this act, until it shall have passed the dwelling house of the said Charles Taintor; unless to some out house or barn appertaining to the dwelling-house of some of the proprietors before-named, without the consent of each individual member of said corporation.

First meeting. § 4. *And be it further enacted,* That the first meeting of said proprietors shall be holden at such time and place as said proprietors, or a majority of them shall appoint, by setting up a notification on the public sign-post in Windham, first society, at least six days before such meeting; and the subsequent meetings of said proprietors shall be holden in said Windham, as shall from time to time be agreed on by vote of said proprietors in legal meeting assembled.

Officers how chosen. § 5. *And be it further enacted,* That said proprietors in any legal meeting shall have power to appoint a chairman, treasurer, and clerk, and also three directors to manage the prudential business of said proprietors, and make such by-laws, and regulations as shall be thought necessary for the due use and improvement of the water aforesaid. And said officers shall continue in office until others are chosen in their place; said clerk shall be sworn faithfully to discharge the duties of his said office, and he shall record the votes, orders and proceedings of said proprietors; and also all transfers of the stock or interest of said proprietors in said aqueduct, and give true copies of such records when thereto requested.

Shares and votes. § 6. *And be it further enacted,* That the stock of said proprietors shall be divided into shares of five dollars each, and each proprietor shall have right either in person or by attorney, at the meeting of said proprietors to give in a number of votes, equal to his number of shares; and all questions in said meeting shall be decided by plurality of votes.

Company may open the ground in streets, &c. § 7. *And be it further enacted,* That said proprietors be, and they are hereby authorized, to open the ground in the streets and highways in said town of Windham, for the purpose of sinking and repairing pipes and conduits necessary for the conveyance of water in manner aforesaid—*Provided* such highways shall not be opened in such manner, as to prevent the passage of teams therein with convenience, and that said proprietors, shall be holden to put the same again in good repair, under the same penalty as is provided by law in case of nuisance.

Taxes how assessed, and collected. § 8. *And be it further enacted,* That the members of said corporation in legal meeting assembled, shall have power from time to time, by their votes, to assess taxes to be paid by the several members in proportion to their number of shares in said corporation, to be applied for the effecting of the aforesaid purpose; and if any member shall neglect to pay any tax so assessed, within twenty days after said tax shall become

payable, the directors or any two of them shall have power to call on a justice of the peace, for said county of Windham for a warrant to collect the same, in the same manner that town and society taxes are collected in this state; and it shall be legal for any justice of the peace aforesaid to sign a warrant for the purpose aforesaid, upon application of said directors, they producing to him an attested copy of the votes assessing such tax, signed by the clerk of said corporation.

§ 9. *And be it further enacted,* That the emoluments arising to said corporation from the sale of the water to be brought into said town of Windham in the manner aforesaid, after deducting the necessary charges and expences, shall be divided among the members of said corporation, at such times as said members shall appoint in legal meeting assembled, according to the number of shares subscribed for by each individual member of said corporation. Emoluments how divided.

TITLE XII. Arbitration.

An Act for the more easy and effectually finishing of controversies by Arbitration.

[Enacted in October, 1753.]

§ 1. **B**E it enacted by the Governour and Council and House of Representatives in General Court assembled, That all merchants and others desiring to end any controversy (for which they have no other remedy but a personal action, or suit in equity) by arbitration, may agree that their submission of the suit to the award or umpirage of any persons, shall be made a rule of any of the superior or county courts, which the parties shall choose, and may insert such their agreement in their submission, or the condition of the bond, or promise; and on producing an affidavit of such agreement, and upon reading and filing the same in the court so chosen, the same may be entered of record in such court, and a rule of court shall be thereupon made that the parties shall submit to, and finally be concluded by such arbitration, or umpirage, and on the award of such arbitrators being returned into the court so chosen, in case of disobedience of either parties, the said court may grant execution to levy, and collect the sum awarded by said arbitrators, with cost.

Controversies by arbitrators how managed.

§ 2. *And be it further enacted,* That if any merchant, or other person desiring to end any controversy, as aforesaid, by arbitration, shall personally appear before any superior, or county court, and acknowledge before such court, that they have mutually agreed to refer all their matters of difference, or any particular thing to the arbitrement of certain persons by them agreed on, naming the persons so chosen, and desiring the same may be made a rule of court; the same may be entered of record: and a rule of court shall be thereupon made that the parties shall submit to, and finally be concluded by such arbitration, or umpirage, and on the award of such ar-

Merchants, or others may end controversies by arbitration, if appearing before any superior or county court, &c.