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OF THE

STATE OF CONNECTICUT.

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VOLUME V.

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9.5.

Annexing William Wilkinson of North Stonington, to the Twelfth School District in Preston.

Resolved by this Assembly, That William Wilkinson, of the town of North Stonington, in the county of New London, be and he hereby is, with the land by him owned in the Eighth School District, in said town, separated from said Eighth District, and annexed to the Twelfth School District of the town of Preston, in said county, for all school purposes. Said land is bounded and described as follows, to wit: commencing at a bound near the dwelling house of Eloise Leonard; thence running easterly on the highway to the land of William Wilkinson; thence north, thirty rods, to the north-west corner of house lot; thence easterly, eighty rods, to a bound between the Eighth District of North Stonington and North West Corner District; thence southerly, on line of said district, thirty-five rods, to a bound on the highway; thence southerly, on line of said district, forty rods, to corner bound; thence westerly, seventy-five rods, to a bound line between the said Eighth District and the Hewitt District in said North Stonington; thence northerly, twenty rods, to first mentioned bound; containing in all about sixty acres.

Approved June 22, 1859.

Incorporating the Danbury Aqueduct Company.

Resolved by this Assembly, SEC. 1. That Eli T. Hoyt, George W. Ives, Edgar S. Tweedy, John W. Bacon, William Montgomery, Abijah E. Tweedy, William R. White, Samuel C. Wildman, George Hull, Henry Benedict, with all such persons as may be, from time to time, associated with them for the purpose of supplying the borough of Danbury 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 Danbury Aqueduct 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 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 sell, grant, demise, aliene and dispose of; to sue and be sued, plead and be impleaded, defend and be defended, in all courts in this state and 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 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 rules, regulations and provisions hereinafter prescribed.

SEC. 2. The capital stock of this company shall consist of forty

thousand dollars, with the privilege of increasing the same to seventy-five thousand dollars, to be divided into shares of fifty dollars each; which shares shall be deemed personal property, and 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, 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 such 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 fifteen thousand dollars, shall be subscribed to the capital stock of said company, they may, at their discretion, close the books of said company and proceed to the organization thereof as hereinafter provided.

SEC. 4. The government and direction of the affairs of said company shall be vested in a board of not less than five, nor more than nine 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 borough of Danbury. Said directors shall hold their offices till others are duly elected and qualified in their place; and the said directors (any two 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 secretary and a treasurer; which treasurer shall give bonds, with security, 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 books for subscription to the capital stock, are hereby authorized and directed, after the books for subscription to the capital stock of said company are closed, 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 the meetings of the stockholders of said company each share shall entitle the holder thereof 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 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 and constitution of the United States, or of this state, or of the provisions of this act; the transfer of shares, the duties 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 to them shall seem necessary ; and the said board of directors shall have power to make and declare such dividend and 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 stockholder, 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 said sale, shall be paid over to such negligent stockholder.

SEC. 8. Said company shall have full power, and 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 or without the borough of Danbury, in such manner as least to obstruct or impede travel thereon, causing all damage done thereto to be repaired ; to make and establish hydrants within said borough, which may be regulated by such rules as may be prescribed by said warden and burgesses. And the said company may, for the purposes aforesaid, carry and conduct any aqueduct, 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 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 construct, repair and maintain such reservoir or reservoirs as they may deem expedient or necessary ; to take and use the water of any stream or streams ; and to construct, repair and maintain such canals or aqueducts as may be now or hereafter necessary or convenient for the conveyance of water to such point as they may desire, in or near the borough of Danbury ; 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 corporation, without making compensation therefor, to be agreed upon by the parties prior to the taking of said vested rights.

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 purposes of this act.

SEC. 11. 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, 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 or persons shall, without consent of said company, use any of the said water, either within or without said borough, 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. 12. If any person or persons shall wilfully, 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. 13. The said company shall cause to 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 at all times be open for the inspection of the stockholders of said company, and of commissioners that may be appointed by the general assembly.

SEC. 14. And said company shall have power and authority to issue its bonds to an amount not exceeding one-half the actual expenditure of said company in the purchase of real estate, machinery, and in the erection of buildings and the operations incident to the completion of its works for the purposes herein specified ; said bonds to bear a rate of interest not exceeding seven per cent. per annum, with interest payable semi-annually, and shall in no case be issued for a less sum than one hundred dollars. Said bonds to be countersigned by the president and secretary of said company, and to be by them certified on their face, to be for an amount not exceeding one-half of said expenditures ; and said bonds when so issued shall be a lien and incumbrance in the nature of a mortgage, prior to any other incumbrance on said property ; and said president and secretary shall annually make return to the town clerk's office of the town of Danbury, stating the amount so issued by said company.

SEC. 15. This act shall be subject to be altered, amended or repealed at the pleasure of the general assembly.

Approved June 22, 1859.

[Vol. III, 97, 192.]

Repealing the Charters of the Litchfield and Woodbury Banks.

Resolved by this Assembly, That the charters of the Litchfield Bank of Litchfield, and the Woodbury Bank of Woodbury, be and the same