

Connecticut Laws, 1871-1880

SPECIAL LAWS

OF THE

STATE OF CONNECTICUT,

COMPILED AND PUBLISHED

BY AUTHORITY OF THE GENERAL ASSEMBLY.

VOLUME VII.

FROM THE YEAR 1871 TO THE YEAR 1875, INCLUSIVE.

HARTFORD, CONN.:
PRESS OF THE CASE, LOCKWOOD & BRAINARD COMPANY.
1880.

the acts of such committee, are hereby validated, any informality in the same to the contrary notwithstanding.

Approved, July 24, 1872.

Incorporating the Salmon Brook Water Company.

Resolved by this Assembly: SECTION 1. That Jairus Case, James N. Loomis, Chester P. Loomis, Samuel Benjamin, Miles G. Gaines, George H. Dibble, James P. Brace, Calvin B. Dibble, and Edmund Holcomb, with all such persons as may hereafter associate with them, for the purpose of supplying pure water for public, domestic, and manufacturing purposes to the village of Salmon Brook, in the town of Granby, be, and they are hereby, incorporated under the name and style of the Salmon Brook 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, and hereditaments, goods, chattels, and effects of whatever kind and quality necessary to give effect to the specified purposes of said company and for the accommodation of their business; 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 have a common seal, and the same to change and renew at pleasure. Also to make, ordain, and establish such by-laws as shall be deemed necessary and convenient for the well-ordering and government of said corporation, not being contrary to 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 shall appertain, subject to the provisions hereinafter contained.

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 hereof, 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 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 three nor more than seven directors, who shall be chosen by the stockholders of said company in the manner hereinafter provided. Said directors shall hold their offices 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 be president of said company; they shall also choose a clerk and a treasurer.

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 this state and of the United States, 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 and employ such officers and servants as they shall deem necessary: and the said directors shall have power to make and declare 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. Said company shall have full power, and they are hereby authorized and empowered, to open the ground in any streets, lanes, avenues, highways, and public ground, 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 village of Salmon Brook as aforesaid, provided they put such streets, lanes, avenues, highways, and public grounds in as good condition as before the laying or constructing of said aqueduct or other works.

SEC. 8. 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 construct, repair, and maintain a dam or dams across such 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 points as they may desire, in or near said village of Salmon Brook. The said company shall be liable to pay all the damages that shall be sustained by any person or persons, corporation or corporations, in their property or estate by the taking of any land or real estate as aforesaid, or the laying or building 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 oc-

cur, to any person or persons, corporation or corporations, by the reason of taking their land or estates for the purposes of this act, or in construction of the works of said company, and such persons or corporation have not agreed with said company for such damage, land, or estate, the said company, persons, or corporation may apply to the superior court of Hartford county, or to any judge of the superior court, who may by law judge the parties, causing reasonable 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, 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 said works, or in case the owners 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. 9. The occupant of any house, tenement, manufactory, 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 the said company, use any of the 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. 10. 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 shall be taken or prescribed by said company under 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 purpose of this act, every such person or persons shall be liable to said company in treble damages therefor.

SEC. 11. This resolve may be altered, amended, or repealed at the pleasure of the general assembly.

Approved, July 24, 1872.

Authorizing the Fitchville Manufacturing Company to hold certain Real Estate.

Resolved by this Assembly: SECTION 1. That the Fitchville Manufacturing Company, a corporation created by the laws of the state of Rhode