

CHARTERS

YALE UNIVERSITY
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OF THE

NEW HAVEN AND FAIR HAVEN
WATER COMPANIES

WITH THE

AMENDMENTS

ALSO THE

BY-LAWS

AS REVISED, AMENDED AND ADOPTED SEPTEMBER 27TH
AND OCTOBER 12TH, 1893

NEW HAVEN:

TUTTLE, MOREHOUSE & TAYLOR, PRINTERS
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CHARTER.

ACT OF INCORPORATION PASSED IN 1849, BY THE GENERAL
ASSEMBLY OF THE STATE OF CONNECTICUT.

Resolved by this Assembly,

SECTION 1. That Henry Peck, Ezra C. Read, Henry Hotchkiss, James Brewster, and Wooster Hotchkiss, with all such persons as are or may be associated with them, for the purpose of supplying the City of New Haven with 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 "*New Haven 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 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; 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 one hundred thousand dollars, with the privilege of increasing the same to two hundred thousand dollars, to be divided into shares of fifty dollars each, which shares shall be deemed personal property, and be transferred in such manner and at such places as the by-laws of the company shall direct.

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 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, and in case an amount not less than fifty thousand dollars shall be subscribed to the capital stock of said company, they may at their discretion close the books of subscription, and proceed to the organization of said company, as hereinafter provided.

SEC. 4. The government and direction of the company shall be vested in a board of seven directors, who shall be chosen by the stockholders of said company, in the manner hereinafter provided ; said directors shall also be stockholders in said company, and 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 the Company ; they shall also choose a Clerk and a Treasurer, which Treasurer shall give bond 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 the books for subscription to the capital stock are hereby authorized and directed, after the books of 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 meetings of the stockholders of said company, each 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 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 all vacancies in their own number which may occur by death, resignation or otherwise.

SEC. 6. The said 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 and of this State, or 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 shall to them 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 such 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 sale, after deducting the payments due, and interest thereof, and the necessary expenses of the sale, shall be paid over to such negligent stockholder.

SEC. 8. Said corporation shall have full power, and they are hereby authorized to open the grounds in any streets, lanes, avenues, highways and public grounds, for the purpose of laying down and sinking or repairing such pipes or conduits as may be necessary for conducting the water in manner aforesaid; *provided*, that such streets, lanes, avenues, highways and public grounds shall not be injured, but all be left in as good and perfect condition as before the laying of said pipes or conduits. And said company, for the purpose of this act, may take and use such waters and streams as may be necessary, first obtaining the assent of such person or persons, or corporation, if any, that may have rights in or to the same.

SEC. 9. When at any time it shall be thought necessary for the purposes of this act to lay down or sink said pipes or conduits in the grounds of any private person or persons, and to conduct said water across the land, or under the soil of such person or persons, the said corporation shall, by petition to the County Court of New Haven County, at any stated or adjourned session thereof, or at any special court to be convened for that or any other purpose, first giving reasonable notice to the parties interested, pray for a committee to view such lands of such person or persons, and to assess the damage such person or persons may suffer by reason of sinking said water across or under his, her, or their land or soil, which said committee said County Court are hereby authorized to appoint; and said committee shall, as soon as may be, after giving such notice of the time and place of their meeting to the parties interested, as the judge of said County Court for New Haven shall prescribe, view the lands of such person or persons, and assess the damages each individual shall sustain by reason of sinking said pipes, and conducting said water across his, her, or their lands for the purposes aforesaid, and make report thereof to the same or the next County Court for New Haven County; and after said committee shall have viewed the land of such person or persons, and assessed said damages, said corporation may proceed to enter upon the lands of such person or persons, and lay down or sink said pipes or conduits, without being liable to any action of trespass or other action therefor; and if at any time hereafter it shall be necessary for said corporation to enter upon such lands of such persons to repair said pipes, any damage done to any such person or persons shall be paid by said corporation, according to an assessment thereof to be made by three disinterested freeholders, to be appointed by said County Court of New Haven County; but if said corporation shall neglect or refuse to pay the sum or sums so assessed, then said County Court may award execution or executions therefor in the name of the person or persons to whom the said sum or sums shall be so assessed.

SEC. 10. The said company shall cause to be kept at their office, proper books of accounts, in which shall be fairly and truly entered all the transactions of the company, which books shall be open at all times for the inspection of the stockholders.

SEC. 11. This act may be altered, amended, or repealed at the pleasure of the General Assembly.

CHARTER AMENDMENTS.

AMENDMENT PASSED 1851.

Resolved, That the New Haven Water Company be and they hereby are authorized and empowered to construct, repair and maintain along the line of their operations, such reservoir or reservoirs as they may deem expedient or necessary ; to take and use the water of any stream or streams below the point where the water is now used for mill purposes, and to construct, repair and maintain such canal or canals as may be necessary or convenient for the conveyance of the water as aforesaid to such point as they may desire, in or near the city of New Haven ; to construct, repair and maintain such tide-gates as they may require ; 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 nowise injuring the vested rights of any person or persons, corporation or corporations, without making compensation therefor, as follows :

SEC. 2. Whenever it may be necessary or expedient for the said company to take and use the water of any stream or streams, or the land of any person or persons, for the construction of reservoirs, the conveyance of water, and other purposes herein named, the same may be done in accordance with the provisions contained in section 9th of the resolution incorporating said company, passed by the General Assembly, May session, A. D. 1849.

AMENDMENT PASSED 1856.

Resolved by this Assembly, That the New Haven Water Company be and they are hereby authorized and empowered to increase their capital stock to a sum not exceeding four hundred and fifty thousand dollars ; which increase of capital stock may be received according to the provisions of section second of the act incorporating said company, passed May session, A. D. 1849.

SEC. 2. Said company are hereby authorized and empowered, whenever the directors shall deem it expedient for the execution or completion of their works, to borrow money at a rate not exceeding seven per cent. per annum, payable semi-annually, and to secure the payment of the same by their bonds, made payable in the currency of the United States, with the corporate seal of said company attached thereto, and signed by their President and countersigned by their Treasurer, with or without coupons or

certificates of interest, due at the end of every six months, attached thereto ; and such bonds, before being issued, registered in the office of the Comptroller of public accounts, and a certificate thereof shall appear on the face of each bond, and the Comptroller shall, upon the application of the company, cancel any bonds so by him registered, which may be brought to him for that purpose, and shall enter said act of canceling in his register ; and to secure the payment of said bonds, said company may, by a vote of the stockholders, at a meeting called for that purpose, mortgage their property, or any part thereof, and their rights and franchises, by deed duly executed by their President, under their corporate seal, to trustees therein prescribed, in trust for the holders of the bonds of said company, issued, or which may be issued from time to time, not exceeding the amount herein specified under the limitations hereinafter contained ; and said company shall be allowed, as may be provided in said mortgage, to retain possession of the property so mortgaged, whether personal or real, without presumption of fraud ; *provided*, that no bonds so issued by said company shall be for a less sum than one hundred dollars, and provided the amount of bonds so issued shall not exceed at any time fifty per cent. of the amount of *bona fide* capital stock subscribed for and actually paid in and invested by said company. The evidence of which shall be the President and Secretary of said company, under oath or affirmation, to the amount of such subscription ; and that the same is *bona fide*, and has been paid in and invested in the works of said company ; which subscription and acknowledgment of said oath or affirmation appended thereto shall be filed in the office of the Comptroller of the State ; and any person who shall knowingly take any false oath or affirmation under the provisions of this act, shall be deemed guilty of perjury and punished accordingly. And said company are hereby empowered to sell, dispose of and negotiate such bonds or obligations for such prices and on such terms as said company may deem proper.

REPEALED. [SEC. 3. Said corporation are hereby authorized to change the bed or course of such highway or highways as may be necessary or convenient for the purposes of building or erecting their reservoirs ; and they are hereby authorized and empowered to take and occupy such land as may be necessary to change the line of such highway or highways, in accordance with the provisions of the ninth section of the act, passed May session, A. D.

1849, incorporating said company. *Provided*, that before said company shall alter or change the line of such highway or highways, the consent of any corporation or corporations, owning or having an interest in such highway, and of the county commissioners, shall be first had and obtained.]

SEC. 4. This resolution may be altered, amended or repealed at the pleasure of the General Assembly.

AMENDMENT PASSED 1857.

REPEALED. [*Resolved by this Assembly*, That the "New Haven Water Company" is hereby authorized to change the line or bed of such highway or highways as they may deem necessary or convenient for the construction of their reservoir or reservoirs ; *Provided*, that before the line of such highway or highways shall be changed, the company shall obtain the consent of any turnpike corporation or corporations owning or having an interest in such highway, and the consent of the county commissioners for New Haven County.]

RESOLUTION AMENDING THE CHARTER OF THE NEW HAVEN WATER COMPANY.

Upon the petitions of the New Haven Water Company and of Charles Brockett and others, selectmen and other inhabitants of the town of Hamden, the parties thereto appearing,—

Resolved by this Assembly, That the New Haven Water Company be, and hereby are, authorized and empowered to take and hold, by purchase or otherwise, any land or bridges in the town of Hamden, forming any portion of the public highways hereinafter mentioned, if necessary or expedient, for the purpose of constructing any dam, reservoir, or other water-work, in said town, or for the flowage of water consequent upon the construction of any such work ; that is to say, the highway formerly being, and now known as, the Hartford and New Haven turnpike road, the highway formerly being, and now known as, the Cheshire turnpike road, the highway leading in a westerly direction from near the store of James Day, in Whitneyville, and the highway, known as the Clock Factory road, leading from the said Hartford and New Haven turnpike road to, and connecting with, the old town road which passes in rear of Congregational church in said Whitneyville.

Provided, however, that before the highways over said land so taken shall be discontinued, the said New Haven Water Company shall, without cost to the town of Hamden, but at their own expense, and to the acceptance of the county commissioners for New Haven County (due and reasonable notice of any proposed action by such commissioners being given to said town), open and construct, in place of said highways so to be discontinued, the following new highways, with necessary and suitable embankments and bridges; namely, a new highway to be laid out as follows: beginning in Whitneyville, at a point situated in the said Hartford and New Haven turnpike road, and bearing n. 19 1-2°, w. 2 chains and 55 links from the northwesterly corner of a dwelling-house belonging to Eli Whitney, Esq.; the point aforesaid also bears n. 31 1-2°, w. 3 chains 51 links from a large wild cherry tree, standing one rod from the northeast corner of the house aforesaid of said Whitney; from thence the line continues n. 21 1-2°, w. 2 chains 21 links, on the New Haven and Hartford turnpike road; thence n. 21 1-2°, w. 3 chains 50 links, on land of Eli Whitney; thence n. 21 1-2°, w. 0 chains 60 links, across an old highway; thence n. 21 1-2°, w. 2 chains 87 links, on land of said Whitney, and to a point on the slope of the dam; thence n. 42°, w. 1 chain 89 links, on land of said Whitney; thence n. 48 1-2°, w. 1 chain 70 links, on land of said Whitney; thence n. 16 1-2°, w. 4 chains 2 links, on land of said Whitney; to a point in the southerly side of a highway; thence n. 23 3-4°, w. along in the center of an old highway, 3 chains 48 links; thence n. 24°, w. in said highway, 4 chains 8 links; thence n. 3 1-2°, w. 3 chains 20 links, on land of Stephen C. Babcock; thence n. 26 1-4°, e. 2 chains 51 links, on land of said Babcock; thence n. 27°, e. 4 chains 73 links, on land of said Whitney; thence n. 27°, e. 7 chains 53 links, on land of said Whitney; thence n. 21°, e. 4 chains 38 links, on land belonging to the heirs of Joseph Smith; thence n. 21°, e. 60 links, in an old highway; thence n. 1-2°, e. 15 chains 50 links, in said old highway; thence n. 12 1-4°, w. 8 chains 24 links in said highway; thence n. 21°, w. 1 chain 78 links, in said highway; at the northern end of the last named course or line, a large black oak tree bears n. 64°, e. 21 links; thence n. 11°, e. 47 links, in said highway; and from that point by either of the two following described courses, as the said New Haven Water Company may elect, namely, either thence n. 17

1-2°, e. 3 chains 44 links, on land of Jared A. Whiting ; thence n. 76°, e. 1 chain 50 links, on land of Jared A. Whiting, and to the western edge of the river or pond ; thence n. 76°, e. 4 chains 38 links, across said river ; thence n. 76°, e. 1 chain, on land of said Whitney ; thence n. 41°, e. 2 chains 10 links on land of said Whitney, and to the center of the old Cheshire Turnpike, so called ; thence n. 12 1-2°, e. 6 chains, to the red bank, or red rock, so called, in said Cheshire road ; or from said point before mentioned, n. 11°, e. 2 chains 75 links, on land of Harvey T. Moulton ; thence n. 11°, e. 13 chains 40 links, on land of said Moulton ; thence n. 10°, e. 8 chains 55 links, on land of Jared A. Whiting ; thence n. 13°, w. 3 chains 58 links, on land of said Whitney ; thence n. 7°, w. 1 chain 44 links, on land of said Whitney ; thence n. 55°, e. 1 chain 10 links, on land of said Whitney to the river ; thence n. 55°, e. 1 1-2 chains, across said river ; thence n. 58°, e. 7 chains 55 links, to an old highway on land belonging to Moses Ford's heirs ; thence n. 58°, e. 50 links across said highway ; thence n. 58°, e. 4 chains 55 links, on land belonging to the heirs of said Ford, and to the center of the Cheshire turnpike road.

Also a new highway to be laid out as follows : beginning at a point in the center of the Hartford and New Haven turnpike road, so called, bearing s. 52 1-4°, w. from the southwesterly corner of Eli Dickerman's dwelling-house, and 80 links therefrom ; the line runs from thence n. 67 1-2°, w. 6 chains and 60 links, to the eastern edge of the pond ; thence on the same course two chains, to the edge of the eastern channel of the river ; thence on the same course 2 chains and 50 links, to the high bank on the western side of the river ; thence on the same course 4 chains, to the center of the old Hamden road, which passes westerly of the church and school-house ; and thence, in the most feasible route, to its intersection with the first mentioned new highway.

The lines described define the center of said highways, and the opposite sides are to be parallel thereto, and two rods from said center ; but the lines of said highways, and the courses and distances herein specified, may be varied or changed by said company, if the selectmen of said town of Hamden shall consent, in writing, thereto.

And for the purpose of making such new highways, said company are hereby authorized and empowered to take and hold, by

purchase or otherwise, any land or real estate, and to remove to either of said new highways from any part of the present highways, which may be taken as hereinbefore provided, any bridge or bridges suitable for the construction of such new highway.

And upon the opening and construction of said new highways as aforesaid, all such portions of the before mentioned present highways as may have been taken by said company, and all bridges within their limits, shall thenceforth be discontinued as public highways or bridges, and the same shall remain to the free and exclusive use of the New Haven Water Company.

SEC. 2. The said company shall be liable to pay all 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 estate, as hereinbefore provided. And if at any time, before or after the commencement of the works of said company, it shall appear that any damage has accrued, or may accrue, to any person or persons, corporation or corporations, by reason of the taking of their land or estate for the purposes of said company, pursuant to said company's charter, and such person or persons have not agreed with said company, in writing, for such damage, land, or estate, or have not been compensated therefor, pursuant to the provisions of the act incorporating said company, or of the acts amendatory thereof, the said company 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 which may occur, to be filled by said court or judge), who shall, after reasonable notice to the parties (which may be given in the manner aforementioned), assess just damages, if any, to the respective owners or parties interested in the premises so required or taken for the purposes of said company, which assessment shall be in writing, under the hands of said persons, and shall be final, and shall be returned, with the application, to the clerk of the Superior Court, who shall record it; and such company shall pay to such owner or parties the damages so assessed; and when so paid, may proceed to the construction of the said work for which said estate so taken was necessary; or, in case the owner or parties

aforesaid cannot be then 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 the Superior Court for said county shall direct.

SEC. 3. When the lands or other estate of any *feme covert*, infant, or person *non compos mentis*, shall be necessary for the purposes of this act, or of the act incorporating said company, or the several acts amendatory thereof, the husband of such *feme covert*, 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 for the purposes of said company, in the same manner as they might if the said land or estate were holden in their own right respectively.

SEC. 4. It shall be the duty of said New Haven Water Company, so long as their reservoir in the town of Hamden shall be kept up or used as such, at their own expense, to keep and maintain all embankments in the highways, and abutments for the bridges, which may be exposed to the action of the water in such reservoir, in good and safe condition for the public travel thereon : and they shall provide such embankments with a good and sufficient railing or fence on either side of the highway, for the protection of the public travel, and they shall at all times be liable to repair such railing or fence when notified by the selectmen of said town that any repairs thereon are needed. And such company shall be liable to pay just damages to any person who shall suffer in person or property by reason of any neglect on their part in the premises ; *provided*, that said town of Hamden shall not be required to support or maintain any more bridges or bridging, in length, than are now erected and in use within the limits of those portions of the public highways hereinbefore authorized to be discontinued ; but all such additional bridges or bridging shall be supported and maintained by said New Haven Water Company.

SEC. 5. Whenever it shall be necessary, in the construction of any reservoir of said company, to raise the bed of any road or highway, to avoid the flowage from said reservoir, it shall be lawful for said company to raise said road or highway and any bridge therein, *provided* they restore such road thus raised to its former state, to the acceptance of the county commissioners of New Haven County.

SEC. 6. The third section of the act altering the charter of the New Haven Water Company, passed May session, 1856, and the act amending the charter of said company, passed May session, 1857, authorizing in certain cases the change of line of certain highways, are hereby repealed.

SEC. 7. And the said company may make and establish such public hydrants within the town and city of New Haven, and in such places as may from time to time be deemed proper, and prescribe the purposes for and the manner in which they may be used, and may change and discontinue the same ; may distribute the water throughout said town and city, and for this purpose may lay down pipes to any house or building, the owner or owners thereof consenting thereto ; may regulate the use of the said water within and without the said city, and establish the prices or rents to be paid therefor.

SEC. 8. 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 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, an action of trespass on the case may be maintained against such person or persons by the said company, for the recovery of damages therefor.

SEC. 9. If any person or persons shall willfully, wantonly or maliciously divert the water, or any part thereof, of any of the aqueducts, reservoirs, streams, waters, or watersources, 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 therein, or shall destroy or injure any aqueduct, pipe, reservoir, conduit, hydrant, machinery, building, structure or other property, held, owned or used by said company, for the purposes of their incorporation, every such person or persons shall forfeit and pay to the said company three times the amount of the damages that shall be assessed therefor, to be recovered by any proper action.

Approved June 23d, 1860.

GENERAL ASSEMBLY,
MAY SESSION, A. D. 1863. }

AMENDING THE CHARTER OF THE NEW HAVEN WATER
COMPANY.

Resolved by this Assembly :

That the New Haven Water Company be, and they are hereby, authorized to issue bonds, to the amount of two hundred thousand dollars, including those already issued, that being one half of the amount already expended by said company on their works : and that the charter of said company be amended accordingly.

Approved June 10th, 1863.

AMENDING THE CHARTER OF THE NEW HAVEN WATER
COMPANY.

Resolved by this Assembly :

SEC. 1. The New Haven Water Company are hereby authorized to extend their water pipes into and throughout the town of EAST HAVEN, and by means thereof to supply any and all persons in said town with water, in the same manner in which said company are now authorized to lay down and extend their pipes in New Haven and to supply with water the inhabitants of said last named town.

SEC. 2. This act may be altered, amended or repealed at the pleasure of the General Assembly.

Approved June 30, 1866.

AMENDING THE CHARTER OF THE NEW HAVEN WATER
COMPANY.

Resolved by this Assembly :

SEC. 1. The New Haven Water Company is hereby authorized and empowered from time to time to increase its capital stock to a sum not exceeding one million of dollars, to be subscribed and paid for under such regulations as the directors shall provide.

SEC. 2. Said New Haven Water Company is also hereby authorized and empowered to issue its bonds to an amount not exceeding, at any time, one half the sum actually expended in the construction or purchase of their works, and not exceeding in the whole, including those already issued the sum of five hundred

thousand dollars, which bonds, in the making, issuing, registering, cancelling and securing by mortgage thereof and in all other respects shall be subject to the provisions of the amendments to said company's charter relating to the issuing of its bonds passed May session, 1856.

SEC. 3. All provisions of said company's charter inconsistent herewith are hereby repealed and this resolution may be altered or repealed by the General Assembly.

Approved June 2d, 1871.

GENERAL ASSEMBLY,
MAY SESSION, A. D. 1876. }

AMENDING THE CHARTER OF THE NEW HAVEN WATER
COMPANY.

Resolved by this Assembly:

SEC. 1. That the board of directors of the New Haven Water Company, shall hereafter consist of nine persons, to be chosen in the manner provided in the charter of said company: *provided however*, that the two persons added to said board by this amendment may be chosen by the present board of directors, and if so chosen shall hold office until the next annual meeting of said company for the choice of directors.

SEC. 2. This act shall take effect immediately upon its passage.

Approved June 22d, 1876.

GENERAL ASSEMBLY,
JANUARY SESSION, A. D. 1880. }

AUTHORIZING THE NEW HAVEN WATER COMPANY TO
INCREASE ITS CAPITAL STOCK.

Resolved by this Assembly:

The New Haven Water Company is hereby authorized to increase its capital stock by issuing new shares of said stock from time to time, which new shares shall be issued and disposed of in such manner and under such regulations as the stockholders of said company shall prescribe, giving the then stockholders the preference, provided however, that the total amount of the capital stock of said company shall not at any time exceed fifteen hundred thousand dollars as the par value thereof, and provided

further, that no stock shall be issued until the same shall have been paid for in cash or its equivalent.

Approved March 19th, 1880.

GENERAL ASSEMBLY,
JANUARY SESSION, A. D. 1882. }

AMENDING THE CHARTER OF THE NEW HAVEN WATER
COMPANY.

Whereas, in and by a certain contract between the City of New Haven and the New Haven Water Company, dated the 15th day of December, 1881, said company has made sundry promises, agreements and stipulations, and has agreed to apply to this General Assembly for the passage of an act making the terms of said contract obligatory upon said company, in the same manner and to the same extent as if they were fully set forth in the charter of said company as obligatory upon said company, and has also agreed to endeavor to secure the enactment in and by said act of suitable and adequate provisions enabling said city and its citizens respectively to institute and maintain suitable legal proceedings for the enforcement of the terms, and stipulations of said contract ; and, whereas, said company has applied to this General Assembly for the passage of such an act ; now therefore be it enacted by the Senate and House of Representatives in General Assembly convened :

SEC. 1. The terms and stipulations of said contract are hereby made obligatory upon said company in the same manner, and to the same extent as if they were fully set forth in the charter of said company as obligatory upon said company.

SEC. 2. In all cases where said contract provides that said city or any person or persons, shall be entitled to recover damages for a breach of said contract, the said city (or said person or persons, as the case may be), may recover said damages in any proper action and said city and its citizens respectively shall have the right at all times, to institute and maintain all suitable legal proceedings for the enforcement of the terms, and stipulations of said contract.

SEC. 3. This act shall take effect from its passage.

GENERAL ASSEMBLY,
JANUARY SESSION, 1889. }

INCREASING THE CAPITAL STOCK OF THE NEW HAVEN WATER
COMPANY.

Resolved by this Assembly:

SEC. 1. That the New Haven Water Company be and it is hereby authorized to increase its capital stock by issuing new shares of said stock from time to time, which new shares shall be issued and disposed of in such manner and under such regulations as the stockholders of said company shall prescribe, giving the then stockholders the preference; provided, however, that the total amount of the capital stock of said company shall not at any time exceed two million dollars as the par value thereof; provided further, that no stock shall be issued until the par value of the same shall have been paid to said company.

SEC. 2. Said company is hereby authorized and empowered from time to time, whenever it may be deemed necessary by the board of directors, for the construction, enlargement, alteration, or repair of its reservoirs, buildings, and other works, for the payment of the bonds heretofore guaranteed by said company, or for such other purposes as may best increase the facilities of said company for supplying said city with a sufficient quantity of pure water for public and domestic need, to issue its bonds to an amount, not exceeding at any one time, one-half the sum actually expended in the construction or purchase of its works, and not exceeding in the whole the sum of one million dollars; which bonds, in the making, issuing, registering, cancelling, and securing by mortgage thereof, and in all other respects, shall be subject to the provisions of the amendment of said company's charter, relating to the issuing of its bonds, passed at the May session, 1856.

Approved March 19, 1889.

FROM GENERAL STATUTES 1864.

Every person who shall take any fish from the Whitneyville lake or pond, or from any reservoir belonging to the New Haven Water Company, without the written permission of its directors, shall be fined not exceeding seven dollars, or imprisoned not exceeding ten days, or both.

BY-LAWS
OF
THE NEW HAVEN WATER COMPANY.

Adopted September 27th, and October 12th, 1893.

MEETING OF STOCKHOLDERS.

SEC. 1. The annual meeting of the stockholders of the Company shall be held at New Haven on the first Monday in February of each year at eleven o'clock in the morning, for the election of nine directors, and such other business as may be brought before them ; and notice thereof shall be given in a city daily paper at least five days before the time of said meeting ; and the directors may on like notices call special meetings whenever they think best ; and the president shall call special meetings on written request of not less than twenty stockholders, owning not less than five hundred shares.

SEC. 2. No person shall vote at any stockholders meeting by virtue of any power of attorney not executed within one year prior to such meeting, and no such power of attorney shall be used at more than one annual meeting of the company.

DIRECTORS.

SEC. 3. The directors shall make a report in written or printed form to the shareholders at their annual meeting of the condition of the company and its works, during the previous year, and of the income and resources of the company including a schedule of its assets, expenditures and indebtedness ; they shall also appoint two shareholders to be tellers at each annual meeting.

SEC. 4. The directors shall hold regular monthly meetings at the office of the company on the Thursday after the first Monday of each month, unless said day shall be a holiday, in which case such meeting shall be held on the next day ; and the president

may call special meetings at his discretion, or at written request of three directors ; and the secretary shall give to each director written or printed notice of the time and place of each regular and special meeting at least one day before such meeting.

OFFICERS.

SEC. 5. At their first meeting after the annual meeting of the stockholders, the board of directors shall elect by ballot, from among their own number, a president, a first vice-president. At the same meeting or as soon thereafter as may be, said board shall also appoint a second vice-president, a secretary, a treasurer, an assistant treasurer, a superintendent, an engineer and an inspector, and shall appoint a committee on finance ; a committee on pumps, reservoirs and dams ; a committee on pipe-extension, water rates, use and waste of water : committee on meters and a committee on construction and additional supply. Each of said committees shall consist of three members, of which the president shall be one.

All said officers and agents, and all employees of the company shall be at all times removable at the pleasure of the board of directors.

SALARIES.

SEC. 6. The salaries of the president, first and second vice-presidents, secretary, treasurer, assistant treasurer, superintendent, engineer and inspector, shall be fixed by the board of directors at the time when they are respectively chosen.

SEC. 7. The office of the company shall be at No. 78 Crown Street, in the city of New Haven, where all meetings of the stockholders and directors shall be held, until otherwise provided by the board of directors.

SEC. 8. It shall be the duty of the president to preside at all meetings of the stockholders, and of the board of directors.

He shall have and exercise a general supervision and direction over all the property and affairs of the company and over all its officers, servants and employees.

He shall employ at such wages as he shall deem best for the company, all such agents and workmen as he shall judge needful for the efficient and economical operation of the company's works, and the management of its ordinary affairs and shall have power to discharge any such employee at his discretion, subject to such

advice, or direction as the board of directors may from time to time see fit to give him.

He shall also safely keep the bonds given by the secretary, treasurer and assistant treasurer.

SEC. 9. The first vice-president shall, in case of the absence, death or resignation of the president, exercise all the powers and perform all the duties of the president, as defined in Section 8, of these By-Laws.

SEC. 10. The second vice-president shall, in case of the absence, death or resignation of the president and first vice-president, exercise all the powers and perform all the duties of the president, as defined in Section 8 of these By-Laws.

SEC. 11. The secretary shall keep a full and correct record of all doings at the meetings of the stockholders, and of the directors of the company. He shall also act as secretary of all committees. He shall keep, or cause to be kept, a full set of stock books, including a transfer book, certificate book, and a stock ledger. He shall with the assistance of the treasurer and assistant treasurer keep or cause to be kept a full and accurate account list, or schedule of all water takers, and of the rates and prices to be paid by each. He shall, with like assistance, subject to the direction of the president, regularly cause all bills for water to be duly made out and presented for payment on the first days of May and November in each year, and at other times when it may be deemed expedient, or necessary, and shall cause all bills due the company to be promptly collected.

He shall keep, or cause to be kept, an accurate account of all moneys collected, and shall deliver over the same each day to the treasurer or assistant treasurer, for safe keeping.

He shall carefully keep, or cause to be kept, and preserve all books, papers, maps, deeds, contracts, and other documents belonging to said company.

He shall cause all deeds and conveyances of any kind to the company, of land or water rights, to be duly recorded at length (or in substance), in a book which he shall keep for that purpose; shall warn all meetings of the stockholders and of the directors in manner provided by these By-Laws of the company; and shall, before entering upon the duties of his office, give bonds for the faithful performance of his duties, with surety, to the satisfaction of the board of directors, in the sum of ten thousand dollars, and shall have, under the president, general supervision over the business transacted in the office of the company.

SEC. 12. The treasurer and assistant treasurer shall keep or cause to be kept, a full and accurate account of all moneys of the company received by them ; shall deposit the same as soon as received, in such bank in New Haven, as the directors shall direct, to the credit and in the name of the company, and shall have power to endorse in its name, all checks, notes and drafts, payable to the company.

They shall keep a check book for the company, on the back side of the stubs of which they shall enter, or cause to be entered, all sums of money deposited in bank from time to time, and on the face side of said stubs they shall enter or cause to be entered, the amount and date of each check drawn, and the name of the party in whose favor each check is drawn.

They shall make no payment, other than for ordinary current expenditures, except by the written order of the president, or of the committee on finance, or by order of the board of directors. In all cases the bills shall be submitted to the finance committee for approval. All checks shall be signed with the name of the company by the treasurer or assistant treasurer, as the case may be.

They shall carefully file and preserve all such orders in the office of the company, where they shall also keep said check book, and all other books and papers in their hands, belonging to the company, or in which any of the transactions or business of the company are entered. They, or one of them, shall at the regular monthly meeting furnish to the board of directors, a trial balance sheet, and a full statement of the company's financial condition, including all moneys in the bank or vault at the beginning of the next preceding month, all receipts and disbursements during said month, and all moneys in bank or vault at the time said statement is made ; and shall, before entering upon the duties of treasurer and assistant treasurer, each give a bond with surety to the satisfaction of the board of directors, in the sum of twenty thousand dollars, for the faithful performance of all their duties, and for the prompt delivery to their successors in office, of all the books, papers and moneys of the company in their hands, and shall assist the Secretary in causing bills to be presented and collected.

SEC. 13. The engineer, subject to the president and board of directors, shall have charge of all reservoirs, pumps, dams, pump-houses and pipes of the company, and of all employees whose duties are connected therewith.

SEC. 14. The superintendent shall, under the direction of the engineer, have the care and supervision of all the works of the company, including reservoirs, pumps, pipes, dams, the making, laying, repairing and removing of pipes, and shall in addition perform all such other work as shall be required of him by the president or board of directors.

He shall execute all orders which may be entered in the order book, and shall report every morning at the office of the company for such orders, and shall daily record in said book, his doings in regard to the same.

SEC. 15. The inspector shall look after the consumption of water and prevent waste, he shall cause the water to be shut off in unoccupied tenements, shall notify all parties using water without right, or using it in excess of their right, immediately to apply at the company's office for permission to use, or to desist from such use, and shall report all such to the secretary or president, and in the case of non-compliance with such notification, shall cause the water to be shut off.

He shall assist the secretary in distributing and collecting water bills and in serving notices of meetings of the directors, and on consumers of water.

He shall execute all orders which may be entered in the order book, and shall report every morning at the office of the company for such orders, and shall daily record in said book his doings in regard to the same, and shall do and perform whatever else may be required of him by the president or board of directors.

COMMITTEES.

SEC. 16. The finance committee shall examine and audit all bills against the company monthly, or oftener ; shall at least once in six months audit or cause to be audited the accounts of the treasurer and assistant treasurer, and report thereon to the board of directors ; shall certify their approval on all bills they allow, and draw their order on the treasurer or assistant treasurer therefor.

SEC. 17. All matters relating to the pumps, reservoirs, and dams of the company requiring investigation outside the meetings of the board, shall be referred to the committee on pumps, reservoirs, and dams, to inquire and report, or with power to act, as the board shall direct when such reference is made.

SEC. 18. All matters touching the extension of the water mains, service pipes, the kind or size of pipes to be used, the rates to be charged for the water, and the use or waste of water, and requiring to be investigated outside of the meetings of the board, shall be referred to the committee on pipe-extension, water rates, use and waste of water to inquire and report or with power to act as the board shall direct when said reference is made.

SEC. 19. All matters touching the use and introduction of meters, requiring to be investigated outside the meetings of the board shall be referred to the committee on meters, to inquire and report, or with power to act, as the board shall direct, when such reference is made.

SEC. 20. All matters relating to the acquisition of new sources of water supply, and the construction of new works of the company, shall be referred to the committee on construction and additional supply, whose duty it shall be to supervise the construction of said works, pursuant to the plans adopted therefor.

Such reference in matters requiring investigation outside the meetings of the board, shall be for inquiry and report, or with power to act, as the board shall direct when such reference is made.

SEC. 21. All transfers to the capital stock of this company shall be made by the owner thereof, or his duly constituted attorney, in writing upon a book of the company kept by the secretary for that purpose, said power to be witnessed and its genuineness to be established to the satisfaction of the secretary, and upon any such transfer a certificate of the number of shares so transferred, shall be issued to the purchaser signed by the secretary, and countersigned by the president, *provided*, that no such certificate shall be issued until the old certificate has been surrendered and cancelled, or its loss established satisfactorily to the board of directors.

And upon the issue of any such certificate the secretary shall enter upon the stub or margin of the leaf from which the same is taken, the date thereof, the number of shares contained therein, the names of the parties by and to whom said stock was transferred, and the fact of the surrender and cancellation, or loss of said certificate as found by the board of directors.

The company shall have a lien upon the stock of any stockholder for the amount of any sum due the company from such stockholder.

CERTIFICATES OF STOCK.

SEC. 22. An agent to countersign all stock certificates that shall be hereafter issued, shall be appointed by and during the pleasure of the board of directors, and no stock certificate shall be issued or delivered until duly countersigned by such agent.

SEC. 23. No stock certificate shall be countersigned by said agent, except upon previous cancellation by him of a certificate or certificates for as many shares as are described in the certificate to be countersigned.

SEC. 24. Whenever stock of the company has been transferred and the old certificate is surrendered, and a new one applied for, it shall be the duty of the secretary, after duly defacing and annulling said old certificate by stamping or writing across the face thereof, the word "cancelled," and his own signature thereon, to present the same to said countersigning agent for cancellation by him as aforesaid, and when said old certificate has thus been cancelled by himself and said countersigning agent, then to present to said agent said new certificate to be countersigned as aforesaid and said countersigning agent shall keep a record of all his acts in the premises together with a register of all holders of stock in the company, and the number of shares held by each and the number and date of all old certificates surrendered and cancelled, and of all new certificates countersigned and issued as aforesaid.

SEC. 25. Whenever the owner of any stock in this company shall apply for a new certificate therefor, on the ground that the outstanding certificate for such stock has been lost, mislaid or destroyed, and therefore, cannot be surrendered, such application may be granted upon compliance with the following conditions, and not otherwise.

1st. That such owner shall advertise and publish the fact of such loss, or destruction, for not less than one week, in a daily newspaper printed and circulated in the City of New Haven, and shall give in said advertisement, a full description of said certificate as is practicable, and request all parties having any knowledge of such certificate to communicate the same to said owner.

2nd. That such owner before receiving such new certificate, shall execute and lodge with the company, a bond with sufficient surety, for double the amount of the par value of the number of shares for which said new certificate is to be issued; said bond

being conditioned to save this company harmless from all loss, cost, or damage, resulting in any way from the existence or issue of such new certificate or from the finding or presentation at any time of said missing certificate, and to be to the satisfaction of and approved by the president or the committee on finance.

SEC. 26. All By-Laws of this company heretofore existing are hereby repealed.

SEC. 27. No additions to, or alterations or repeal of the By-Laws of this company shall at any time be made unless it be submitted at one stated meeting of the board of directors, and approved at the next stated meeting or by unanimous consent of all the members of the board.

CHARTER
OF THE
FAIR HAVEN WATER CO., WITH AMENDMENTS.

INCORPORATING THE FAIR HAVEN WATER COMPANY.

Resolved by this Assembly:

SECTION 1. That Wm. M. White, Smith G. Tuttle, Charles Ives, George C. Newell, and D. D. Ives, with all such persons as may be from time to time associated with them, for the purpose of supplying the village of Fair Haven, lying east of Mill river, and lying partly in the town of East Haven, and partly in the town of New Haven, with an abundant supply of pure water for public, mechanical and domestic use, their successors and assigns, be and they are hereby incorporated for said purpose by the name and style of the Fair Haven 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 soever, 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, alien and dispose of, sue and be sued, plead and be impleaded, defend and be defended in all courts of this State and elsewhere; to make and have a common seal, and the same to alter or 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, the laws of this State or 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 and regulations hereinafter prescribed; provided, however, that nothing in this act contained shall be so construed as to allow said company to lay any pipes within the limits of the city of New Haven, or do any other act for the purpose of introducing water within the limits of said city.

SEC. 2. The capital stock of this company shall consist of one hundred thousand dollars with the privilege of increasing the same to one hundred and fifty thousand dollars, to be divided in shares of twenty-five 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 major part 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 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.

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 constitute a quorum. Said directors shall hold their offices till others are duly elected and qualified in their places ; and the directors (any two of whom shall be a quorum for the transaction of business), shall elect one of their number to be president of their board, who shall also be president of said company. They shall also choose a secretary and a treasurer, which treasurer shall give bonds, with surety, 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 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 a way, and in 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, for the choice of directors or otherwise, 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 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 the 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 hall 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 business, management and effects of said company not contrary to law ; also for the election and meeting of their directors, and other matters connected with their business and concerns.

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 proper ; 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 stockholders or so much thereof as shall be necessary, may be sold, under the direction of said board, at public auction or otherwise ; after the lapse of sixty days from the time the payment became due ; and all surplus money, the avails of such sales, after deducting the payments due the company, the interest thereon, and necessary expenses of said sale shall be paid over to such negligent stockholder.

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 village of Fair Haven, and said company may, for the purposes aforesaid, carry and conduct any aqueduct or other works by them to be made and constructed under or over 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 and 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 herein 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 spring or springs, stream or streams, or other water, to such extent and in such manner as may be necessary and expedient in carrying into effect the object of this act ; also to construct, repair, and maintain such canals or aqueducts as may become necessary or convenient for the retention or conveyance of water to such point as they may desire ; also to take and hold by purchase or otherwise any lands or real estate necessary for the purposes of this act and for laying and maintaining aqueducts and reservoirs for holding or conducting and distributing water, and for all buildings and structures necessary for the most perfect and complete supply of said Fair Haven with pure water for public, mechanical and private uses, and for preserving said lands and water for the uses of said company, pure and free from all contamination and nuisances, drains and sewers ; and the said company may make, establish and enforce all necessary and proper regulations and by-laws for the preservation of the same, provided such regulations and by-laws shall not be contrary to the laws of this State or of the United States.

SEC. 10. The said company shall be liable to pay all the damages that shall be sustained by any person or persons or corporation in their property or estate, by the taking of any land or real estate, as aforesaid, or the constructing or laying 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 accrued or may be likely to accrue to any person or persons, corporation or corporations, by reason of the taking of their land or estate, for the purpose of this act or in the construction of the works of said company, and such person or corporations have not agreed with said company in writing for such damages, land or estate, the said company, or persons, or corporation, 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 said judge shall appoint three disinterested and judicious persons (any vacancy or 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 owners or parties the damages so assessed, and when so paid may enter upon the premises and may proceed to the construction of said works ; or in case the owner or parties aforesaid cannot be then 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. The occupant of any house, tenement or building who shall take the water of said company shall be liable to the price of the rent of the same ; and the agents of said company entrusted with the superintendence of the works may at all reasonable times enter the premises so supplied, to examine the pipes and fixtures and prevent unnecessary waste.

SEC. 12. If any person or persons shall wilfully, wantonly or maliciously divert the water or obstruct the same or any part thereof from or in any aqueduct, reservoir, stream or spring or other place which shall be taken or used or constructed by said company, or shall corrupt the same by committing any nuisance therein, or otherwise, every person or persons so offending shall be liable to said company in triple damages therefor.

SEC. 13. This act shall be subject to be altered, amended or repealed at the pleasure of the General Assembly.

Approved July 2d, 1861.

AMENDING THE CHARTER OF THE FAIR HAVEN WATER COMPANY.

Resolved by this Assembly :

SECTION 1. That the Fair Haven Water Company be, and hereby is, authorized and empowered to conduct water from the lakes and reservoirs of said company now constructed, or which may hereafter be constructed, in Maltby Park and on West Rock through the highways of the city of New Haven in the most direct route to the village of Fair Haven, and for this purpose may open necessary streets, lanes and avenues in the town of New Haven for the purpose of laying down, sinking or repairing such pipes or conduits for conducting such water to the village of Fair Haven.

SEC. 2. That the Fair Haven Water Company be and hereby is authorized and empowered to supply any part of the town of New Haven with water for the same purposes, and in all respects in the same manner and upon the same conditions that said company is now by law authorized and empowered to supply the village of Fair Haven with water, including the power to open the grounds in any streets, lanes, avenues, highways and public grounds in said town for the purpose of laying down and sinking or for repairing such pipes or conduits as may be necessary for conducting and distributing water within said town of New Haven. *Provided*, that the provisions of this second section shall not take effect, nor be operative until adopted by a vote of the legal voters of the town of New Haven.

SEC. 3. The selectmen of the town of New Haven are hereby directed to call a meeting of the legal voters of the town of New Haven to be held on the first Monday of September next, at which meeting the question of the adoption or rejection of the second section of these resolves, shall be decided by ballot. Those in favor of the adoption shall vote "Yes," and those opposed to the adoption of said section shall vote "No ;" said town meeting shall be held and the votes received in the same way that town meetings for the election of town officers are held in the town of New Haven, and the ballot boxes shall be open for the reception of ballots from eight o'clock in the forenoon, until five o'clock in the afternoon of such day.

SEC. 4. It shall be lawful for the town or city of New Haven to purchase, and the said Fair Haven Water Company is hereby authorized to sell to said town or city of New Haven, all its rights, franchises and property at any time upon the payment to said company of the cost of the same with the addition of ten per cent. on said sum, and a sum which shall be equal to six per cent. interest thereon, and whenever after water shall have been introduced and distributed in the city of New Haven by said company, if the town or city of New Haven shall vote to purchase the same, said town or city shall have the right to purchase the same from said Fair Haven Water Company, and the said Fair Haven Water Company shall sell its said rights, franchises and property to said town or city on demand for the consideration hereinbefore specified. *Provided* that the mayor of the city of New Haven and the first selectman of the town of New Haven shall at all times be allowed to examine into all contracts entered into on the

part of said company; also that they shall be provided with duplicates of all the contracts and vouchers pertaining to the construction of said water works.

SEC. 5. If said second section shall be adopted by the town of New Haven pursuant to these resolves, and water shall be introduced into said city of New Haven, the Fair Haven Water Company shall not furnish or sell its water in said city for a price lower than the price now charged by the New Haven Water Company for the same purposes unless the New Haven Water Company shall reduce its rates and charges; and then said Fair Haven Water Company shall not charge a less sum than the New Haven Water Company shall charge for similar uses. Provided that this act shall not take effect if the city of New Haven, in its corporate capacity, within two years shall vote to purchase the works, franchises and privileges of both the New Haven Water Company and the Fair Haven Water Company at a price to be agreed on by the parties, or provided they cannot agree, by three commissioners (all) to be appointed one by each of the parties, and the third by them jointly, and the city of New Haven, is hereby authorized to make such purchase, provided that the legal voters of said city at a meeting duly warned and held for that purpose shall vote so to do; and provided further that this act shall not take effect until two years from the rising of this General Assembly.

SEC. 6. So much of the charter of the Fair Haven Water Company as is inconsistent with the provisions of these resolutions is hereby repealed.

Approved July 26th, 1867.

AMENDING THE CHARTER OF THE FAIR HAVEN WATER COMPANY.

Resolved by this Assembly:

SECTION 1. The Fair Haven Water Company is hereby authorized and empowered to increase its capital stock from time to time to a sum not exceeding four hundred thousand dollars under such regulations as to the subscription and payment thereof as the directors of said corporation shall provide.

SEC. 2. Said Fair Haven Water Company is also hereby authorized and empowered by a major vote of the stock represented at any stockholders' meeting called for the purpose to issue its

bonds for the payment of any money borrowed for the construction of its works to an amount not exceeding at any time one-half the sum actually expended in the construction of said works and not exceeding in the whole the sum of two hundred thousand dollars, which bonds shall be in such sums and payable in such times as the directors shall determine, with interest at a rate not exceeding seven per cent. per annum payable semi-annually with or without coupons attached and signed by the president and countersigned by the treasurer, and such bonds before being issued shall be registered in the office of Comptroller of Public Accounts, and a certificate thereof shall appear on the face of each bond, and the comptroller shall, upon the application of the company, cancel any bond so by him registered which may be brought to him for the purpose, and shall enter said act of cancelling in his register, and to secure the payment of said bonds said corporation may (by a major vote of the stocks represented at any meeting of the stockholders called for the purpose) mortgage their property or any part thereof, and their rights and franchises by deed duly executed by their president under the seal of the company to trustees therein named, in trust for the holders of said bonds issued or to be issued not exceeding the amount hereinbefore specified; and said corporation shall be allowed to retain possession of the property so mortgaged without prejudice. The oath or affirmation of the president and secretary of the corporation to the amount of money actually expended in the construction of their work, and that said expenditure has been made in good faith with the certificate of the magistrate taking the same, shall be filed in the office of the comptroller before the issuing of any bond, and shall be sufficient evidences to warrant the issuing and registry of an amount of bonds not exceeding one-half of the sum so appearing to have been expended, and any person who shall knowingly take any false oath or affirmation shall be deemed guilty of perjury and punished accordingly. And said corporation are hereby empowered to sell, dispose of and negotiate such bonds for such prices and on such terms as said company may deem proper.

SEC. 3. Said Fair Haven Water Company is hereby authorized and empowered to construct any necessary work and lay any necessary pipe within the limits of the town of Orange and to distribute and supply water within said town; and all the powers granted to said company by its charter for the purpose of con-

ducting and supplying water to the village of Fair Haven are hereby granted to said company for the purpose of constructing any work or supplying water within said town of Orange.

SEC. 4. Said company may at any annual meeting choose as its directors any number of persons not exceeding ten.

SEC. 5. All parts of said company's charter inconsistent with this resolution are hereby repealed, and this resolution may be altered or repealed by the General Assembly.

Approved May 31st, 1871.

BY-LAW OF THE FAIR HAVEN WATER COMPANY ADOPTED
JUNE 5TH, 1871.

A meeting of the stockholders of this company shall be held annually on the second Monday of May in each year, and at such other times as the directors may determine, and that said meetings shall be called by a notice served personally or deposited in the post office, prepaid and addressed to each stockholder.