

CHARTERS

OF THE

NEW HAVEN, FAIR HAVEN, AND WEST HAVEN WATER COMPANIES

WITH THE

AMENDMENTS

ALSO

A HISTORICAL SKETCH OF THE NEW HAVEN WATER COMPANY
AND ITS BY-LAWS AS ADOPTED APRIL 4, 1907

NEW HAVEN :
THE TUTTLE, MOREHOUSE & TAYLOR COMPANY
1907

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HISTORICAL.

Compiled by David Daggett, Secretary.

The original charter of the New Haven Water Company was granted by the General Assembly of the State of Connecticut in 1849 and the original incorporators were Henry Peck, Ezra C. Read, Henry Hotchkiss, James Brewster and Wooster Hotchkiss. The population of New Haven at that time was about 22,000 and many of its citizens felt that some kind of a public water supply was imperative.

In 1852, three years after the incorporation of the present company, a meeting of citizens was called to consider the advisability of a municipal rather than a private plant and a committee of nine were appointed to enquire and report. Of these nine, it is interesting to note that two were also incorporators of the proposed private plant and it was evident that the incorporators of the original company were quite willing to surrender their rights if the city would undertake the construction of a plant. This committee of nine completed surveys and made a report in March of 1853, when the citizens voted by ballot in favor of a petition to the General Assembly for an amendment to the charter of the city authorizing an issue of bonds to build the works and, the amendment having been passed by the Legislature, a ballot was taken in July following accepting the amendment.

A Board of Water Commissioners was organized in August, 1853, and a contract made with Mr. Eli Whitney in January, 1854, for the sale of the Clock Factory privilege with water rights and land where the present first bridge across Whitney Lake is located. Mr. Whitney was to take his pay in New Haven city bonds at a premium of ten per cent.

But at a city meeting held the 4th of January, 1854, to arrange the details for the issuing of the bonds, great opposition developed to the project of a municipal plant and at an adjourned meeting in February, 1854, it was voted that a petition be sent

to the Legislature for another amendment to the charter of the city, restricting the total outlay to \$325,000 and also that the whole subject be again presented to the citizens for their decision by ballot; in the meantime the Commissioners were to stay proceedings.

June 12th, 1854, a petition was presented to the Legislature signed by a large number of citizens praying for the repeal of the act authorizing a municipal water plant and a bill was finally passed ordering a new ballot on the project and requiring a three-fifths vote in its favor to make it binding, and appointing the City Treasurer an agent to issue the bonds. On July 17th, 1854, this vote was taken and the municipal project was defeated by a majority of six hundred and eight.

Books to receive subscriptions to the capital stock of the private company were opened by the original incorporators and a contract was made with Mr. Eli Whitney and Charles McClallan & Son in July, 1859, for the construction of the works.

In the Spring of 1860, \$250,000 had been subscribed and the construction of the works had commenced. Of this subscription, \$75,000 was subscribed by the contractors and \$25,000 by Mr. Eli Whitney.

The present Whitneyville Dam and the Prospect Street Reservoir were constructed and a water pump installed at the foot of the dam, and water was first distributed to consumers on New Year's Day, 1862. The first steam pumps at the Whitney station were started May 5th, 1871.

In 1875 the works and franchises of the Fair Haven Water Company and the Mountain Water Company were absorbed by the present company. This added the Maltby Lake and the Wintergreen Lake supplies to the New Haven Water Company.

In 1882 a pumping station was established at Lake Saltonstall, a reservoir built in the Annex and water was distributed from this source to the lower portions of the city.

In 1889 a dam was thrown across West River in Woodbridge, forming Dawson Lake, and distributing pipes laid to the city; this supply was further enlarged in 1891 by a dam across Sargent River, forming Lake Chamberlain, and in 1894 West River was again impounded by a dam in Bethany called the Bethany Dam, five miles north of the Dawson Dam. The impounded waters of both Lakes Chamberlain and Bethany flow into Lake Dawson

by gravity. This Woodbridge supply was again increased in 1907 by a second dam across Sargent River near Dawson Lake and by a piping system around Dawson Lake connected directly with the distribution to the city. This last dam increases the storage which can be distributed directly to the city if for any reason the West River supply becomes turbid.

In 1900 the works and franchises of the West Haven Water Company came under the control of the New Haven Water Company, but these reservoirs are held as a reserve supply and West Haven is connected directly with the Maltby Lakes.

In 1901 a tunnel six feet in diameter was bored through the mountain at the upper end of Lake Saltonstall with the intention of eventually collecting the flood waters from Farm River and thus increasing the Saltonstall storage.

In 1904-6 a sand filter plant was erected south of the Armory Street Pumping Station in Whitneyville, which filters all of the Lake Whitney supply; this was put into operation March 17th, 1906.

In 1907 a standpipe was erected upon Mill Rock into which Lake Whitney water can be pumped and distributed to Prospect Street in case of any accident to the Wintergreen Lake supply, and work was commenced upon a water supply for Cheshire and towns south of Cheshire under an amendment to the company's charter obtained at the 1907 session of the General Assembly, allowing the company to use the water of Ten Mile Brook in the town of Prospect.

The company owns valuable water privileges upon Pine River in East Wallingford and upon the Wepauwaug River and Race Brook in Orange and Milford; the former will eventually be distributed as an adjunct to the Saltonstall supply and the latter conducted by a conduit into the Maltby Lakes.

Elevations of the several reservoirs of the company are as follows:

Prospect Street	129
Wintergreen Lake	241
Dawson Lake	159
Maltby Lakes (from dam No. 1)	156 130
Annex Reservoir	140

The first published report of the Board of Directors was made in 1863, when the following composed the Board:

E. C. Scranton	Henry S. Dawson
James F. Babcock	Minott A. Osborn
Henry G. Lewis	David Cook

David J. Peck

E. C. Scranton was President, Henry G. Lewis Vice President and Henry D. Smith Secretary. The Treasurer, David Cook, was elected in 1860.

The following gentlemen have served at one time or another upon the Board of Directors of the New Haven Water Company since its incorporation in 1849:

E. C. Scranton	Eli Whitney
James F. Babcock	W. J. Atwater
Henry G. Lewis	W. O. Armstrong
Henry White	Daniel Trowbridge
Henry S. Dawson	Morris Tyler
O. F. Winchester	George H. Watrous
Minott A. Osborn	John B. Carrington
Asahel Pierpont	Henry O. Hotchkiss
David Cook	John W. Mansfield
B. Silliman, Jr.	C. S. Maltby
W. S. Charnley	J. B. Sargent
David J. Peck	Henry B. Harrison
W. W. Boardman	James E. English
Henry Ives	Edward T. Carrington
Abner Austin	C. B. Bowers
Charles McClallan	A. L. Chamberlain
Burton Mallory	John H. Leeds
Henry Hotchkiss	E. Hayes Trowbridge
Henry Peck	James D. Dewell
L. Candee	Samuel E. Merwin
William Lewis	Charles W. Hemingway
Ezra C. Read	William R. Tyler

This does not include the names of the present Board, who are:

Eli Whitney	Winston J. Trowbridge
James English	Max Adler
Richard M. Everit	Samuel Hemingway
George D. Watrous	Burton Mansfield

W. Perry Curtiss

In the list of former Directors of the company, printed on the preceding page, but one gentleman named therein is living at this time (1907).

EXECUTIVES OF THE COMPANY SINCE ITS INCORPORATION.

Presidents

1851-4 Ezra C. Read
 1854-7 W. W. Boardman
 1857-8 W. S. Charnley
 1859-60 E. C. Scranton
 1861-3 David Cook
 1863-7 W. W. Boardman
 1867-93 Henry S. Dawson
 1893-4 Eli Whitney
 1894- Eli Whitney, Jr.

Vice Presidents

1859-63 Henry G. Lewis
 1863-67 Henry S. Dawson
 1867-93 Eli Whitney
 1893-95 A. L. Chamberlain
 1895- James English

Secretaries

1851-4 Lucius Hotchkiss
 1854-7 Ezra C. Read
 1857-8 Francis Bradley
 1858-9 Eli Whitney
 1859-65 Henry D. Smith
 1865-82 D. Goffe Phipps
 1882-99 E. I. Foote
 1899- David Daggett

Treasurers

1851-4 Henry Hotchkiss
 1854-60 Ezra C. Read
 1860-1 David Cook
 1861-78 Minott Osborn
 1878-92 Henry S. Dawson
 1893 Eli Whitney
 1894- Eli Whitney, Jr.

Assistant Treasurers

1879-91 E. I. Foote

1891- A. F. Hemingway

The present officers of the Company (1907) are

Eli Whitney, *President and Treasurer*
 James English, *Vice President*
 David Daggett, *Secretary*
 Arthur F. Hemingway, *Assistant Treasurer*
 Edward Dillon, *Superintendent*

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 prop-

erty, 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 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 will 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 cancelling 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.

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

AMENDMENT PASSED 1860.

[Approved June 23, 1860.]

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 bed 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. $52^{\circ} 1-4'$, w. from the southwesterly corner of Eli Dickerman's dwelling-house, and 80 links therefrom; the line runs from thence n. $67^{\circ} 1-2'$, 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.

AMENDMENT PASSED 1863.

[Approved June 10, 1863.]

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.

FROM GENERAL STATUTES 1864.

Every person who shall take any fish from the Whitneyville lake or pond, or from the 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.

AMENDMENT PASSED 1866.

[Approved June 30, 1866.]

Resolved by this Assembly:

SECTION 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.

AMENDMENT PASSED 1871.

[Approved June 2, 1871.]

Resolved by this Assembly:

SECTION 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, canceling 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.

AMENDMENT PASSED 1876.

[Approved June 22, 1876.]

Resolved by this Assembly:

SECTION 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.

AMENDMENT PASSED 1880.

[Approved March 19, 1880.]

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.

AMENDMENT PASSED 1881.

[Approved April 14, 1881.]

SECTION 1. The city of New Haven has the power to purchase, take, hold, and operate the franchises, property, and assets of the New Haven Water Company, pursuant to the terms of the contract between said city and said water company, of date of February twentieth, 1862; and said the New Haven Water Company has power to make such sale, and to transfer its franchises, property, and assets, to said city.

SEC. 2. Said water company shall, on or before the first day of August, 1881, deliver to the auditor of said city an itemized

statement, verified by the oath of the President or Secretary of said water company, of the amount which would be claimed by said water company under the said contract of February twentieth, 1862, in the event of the purchase of said franchises, property, and assets by said city, and of the amount actually paid in by the stockholders of said water company under each call, and the amount of such money expended in the construction of the works of said company, the amount of dividends declared by said company, with date of each, and also a statement of all bonds and other liabilities of said water company.

A committee, composed of one alderman, to be appointed by the board of aldermen, one councilman, to be appointed by the board of councilmen, and two citizens, not members of the city government, to be appointed by the board of aldermen, has power to employ an accountant, and shall have access to, and power, with the assistance of said accountant, to inspect the books, records, papers, and vouchers of said water company from time to time, and make abstracts thereof; and said company has power to subpoena and examine witnesses.

SEC. 3. The question whether said city shall purchase said franchises, property, and assets, shall be submitted to the freemen of said city, by order of the court of common council, at such time and in such form as said court may determine; and said court shall so submit said question on or before the first day of November, 1881, upon the written request of one hundred taxpayers resident in said city: *provided*, that the vote thereon shall be by ballot; and, so far as applicable, all provisions of law touching other city elections shall apply to such meeting of said freemen. At least six days' notice of such meeting shall be given by the mayor of said city.

If at such meeting the freemen of said city determine to purchase said franchises, property, and assets, the mayor shall immediately notify said water company that said city has elected to make such purchase, and thereupon said franchises, property, and assets shall vest in said city, pursuant to said contract, as soon as the same are paid for.

SEC. 4. To provide money to pay for such purchase the court of common council of said city are authorized to issue, under the corporate name and seal and upon the credit of said city, bonds

or other certificates of debt, to an amount not exceeding in the whole the par value of two million dollars, which bonds shall be designated "Water Company Bonds"; and the avails thereof, when sold as hereinafter authorized, shall be appropriated for said purpose.

Said bonds may be issued in such sums, and on such time, and at such rate of interest, not exceeding five per cent. per annum, payable semi-annually, and shall be prepared and authenticated in such form and manner, with coupons or otherwise, as said court of common council may determine; and the same may be sold from time to time under the direction of the mayor and board of aldermen of said city, at any rate not less than par value and accrued interest; and said bonds or certificates, when issued as aforesaid, shall be obligatory upon said city of New Haven to all intents and purposes, and may be enforced and collected in the same manner and to the same extent that debts lawfully contracted by municipal corporations in this State are enforced.

SEC. 5. If said city and said water company fail to agree touching any question that may arise concerning said purchase and sale, or the transfer of said franchises, property, and assets to said city, as to the amount to be paid therefor, or the amount to be assumed by said city, either party may apply to the Superior Court in New Haven County, and said court, having given reasonable notice to the other party, shall appoint a committee of three disinterested freeholders of this State to determine the matters in controversy; and the determination of said committee, having been returned to said court and accepted and recorded, shall be final and conclusive. But said court shall have power to reject the doings of said committee for improper or irregular conduct, and submit said question to said committee, or to another committee, to be appointed in the same manner.

Either party has the right to revise questions of law by motion in error or for a new trial to the supreme court of errors.

SEC. 6. This act shall take effect from its passage.

AMENDMENT PASSED 1882.

[Approved March 22, 1882.]

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:

SECTION 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.

AMENDMENT PASSED 1889.

[Approved March 19, 1889.]

Resolved by this Assembly:

SECTION 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, canceling, 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.

AMENDMENT PASSED 1895.

[Approved March 12, 1895.]

Resolved by this Assembly:

SECTION 1. That the Fair Haven Water Company is hereby authorized, by a two-thirds vote of its stockholders, at a meeting duly warned and held for that purpose, to consolidate with the New Haven Water Company, upon such terms as may be agreed upon between the Directors of said corporations.

SEC. 2. Upon such consolidation, the said Fair Haven Water Company shall be merged in the New Haven Water Company, and all the privileges and powers of either of said corporations are hereby conferred upon said New Haven Water Company.

AMENDMENTS PASSED 1897.

[Approved April 5, 1897.]

Resolved by this Assembly:

SECTION 1. That the New Haven Water Company be and hereby is authorized to increase its capital stock from time to

time by an amount not exceeding three million dollars; provided, that such stock be paid for in cash or its equivalent.

SEC. 2. Said company is further authorized, by vote of its Board of Directors, to issue its bonds, secured by a mortgage of its property and franchises, to an amount not to exceed at any time one-half of the amount of its capital stock then outstanding.

[Approved April 23, 1897.]

Resolved by this Assembly:

That the New Haven Water Company is hereby authorized to extend its mains in and through the town of Branford, and to supply said town and the inhabitants thereof with water, in the same manner in which said company is now authorized to furnish water to the city of New Haven; *provided, however*, that the powers hereby conferred shall be exercised only with the approval of the voters of the town of Branford at a town meeting duly warned for that purpose, and with the consent of such corporation as has heretofore been or may be duly authorized at the present session of the General Assembly to supply said town with water.

[Approved May 13, 1897.]

Resolved by this Assembly:

That the State Board of Health is hereby authorized, after due notice to the mayor of the city of New Haven and to the selectmen of the town or towns in which any source of water supply used by the New Haven Water Company is located, and hearing thereon, to pass orders regulating or prohibiting fishing, skating, and boating, or either of them, on any of the lakes, ponds, streams, or reservoirs of said company, in whole or in part; *provided*, that such notice shall not be construed as affecting any existing rights of said company. Said orders may be enforced by injunction at the suit of said company in any court of competent jurisdiction, and any person who shall violate any such order, after notice thereof, shall forfeit and pay to said company the sum of twenty-five dollars, to be recovered in any proper action; *provided, however*, that any person having any vested right to use any of said waters for any of the purposes aforesaid, may

apply to the Superior Court in and for New Haven County, or to any judge thereof, for the appointment of appraisers to estimate the damage due to such person by reason of such regulation or prohibition. And said court or judge, upon proof of such vested right, shall appoint such appraisers, and the damages due to such person shall be appraised and the same shall be paid by said company, in the same manner provided by the charter of said company and its amendments for appraising the damages due by reason of the taking by said company of lands and water rights.

AMENDMENT PASSED 1903.

[Approved June 1, 1903.]

Resolved by this Assembly:

SECTION 1. That the terms of a certain contract entered into by and between the city of New Haven and the New Haven Water Company on the seventeenth day of February, 1902, concerning the supplying of water for the use of said city and its inhabitants, be and they are hereby made obligatory upon the said city of New Haven and the said New Haven Water Company as though specifically authorized in their respective charters.

SEC. 2. A certain stipulation executed and delivered by the New Haven Water Company to the city of New Haven on the seventeenth day of February, 1902, concerning the construction of the contract referred to in section one hereof, is hereby made obligatory upon the said New Haven Water Company whenever said city shall exercise its option to claim the construction, or any part thereof, in said stipulation particularly set forth.

AMENDMENT PASSED 1905.

[Approved June 22, 1905.]

Resolved by this Assembly:

That the New Haven Water Company is hereby authorized to lay its mains and supply water for public and domestic use in the towns of Bethany, Woodbridge, Cheshire, Hamden, North Haven, Prospect, North Branford, Milford, and Branford; provided, however, that if any other corporation, public or private, shall be lawfully engaged in supplying water to any one of such towns or its inhabitants, said New Haven Water Company may

lay mains and supply water in such town only with the written consent of such corporation engaged in supplying water to said town or its inhabitants.

AMENDMENT PASSED 1907.

[Approved July 27, 1907.]

Resolved by this Assembly:

SECTION 1. That the New Haven Water Company be and it hereby is authorized and empowered to take and use so much of the water of Ten Mile Brook, so called, at a convenient point upon the land now owned by it in the town of Prospect and formerly owned by Gerald and Lawton, as may flow from the watershed above said point, not exceeding, however, one and seven-tenths square miles, said point of taking to be about one-half mile southerly of the point where said brook is crossed by the tracks of the Middletown, Meriden, and Waterbury branch of the New York, New Haven and Hartford Railroad Company, for the purpose of furnishing water for public and private use pursuant to its charter, in the town of Cheshire and the towns southerly thereof; and at no time shall the minimum water pressure in said town of Cheshire be less than forty pounds to the square inch, extraordinary conditions and accidents excepted; and, if such pressure shall not be maintained as aforesaid, the rights herein granted to said company shall be forfeited and void.

SEC. 2. In case said corporation cannot agree with the owners of any of the lands, water rights, interests, or property to be taken as hereinbefore provided or likely to be damaged by reason of such taking, compensation shall be made by said corporation in the manner provided by section 2601 of the General Statutes.

SEC. 3. In case the rights and franchises hereby granted and the property acquired hereunder by the New Haven Water Company, in the town of Prospect, are sold to or acquired by any municipal corporation, such municipal corporation shall be liable to pay taxes to said town of Prospect on said property so acquired, in the same manner and to the same extent as if said property continued to be owned by the New Haven Water Company.

SEC. 4. Any water taken under the provision of section one of this resolution shall be used for the purpose of supplying the

citizens of the towns of Cheshire and Hamden with water, and no water taken under the provisions of this resolution shall be diverted for use in any other town unless there shall remain a surplus of water over and above such amount as may reasonably be needed for the supply of the citizens of said towns of Cheshire and Hamden.

SEC. 5. Unless said company shall furnish water to the inhabitants of the town of Cheshire within two years after the approval of this resolution, the rights herein granted shall be forfeited and void.

BY-LAWS
OF
THE NEW HAVEN WATER COMPANY.

[Adopted by the Board of Directors, April 4, 1907.]

SECTION 1. The annual meeting of the Stockholders of the company shall be held 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. Notice thereof shall be mailed to every Stockholder of record ten days before the date of the meeting. The Directors may by vote call special meetings of the Stockholders, and the President shall do so on written request of not less than twenty Stockholders, owning not less than five hundred shares; notice in each case shall be mailed to the Stockholders at least five days before the proposed date of the special meeting.

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.

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, and shall call such meeting 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.

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 and a Vice President.

At the same meeting, or as soon thereafter as may be, said Board shall also appoint a Secretary, a Treasurer, an Assistant Treasurer, a Superintendent, an Auditor, a Transfer Agent, and the following Committees: Finance; Construction and Repairs; Pipe Extension; Meters and Rates; and Protection of Water Sheds. Each of said Committees shall consist of at least three Directors, of which the President shall be one.

And said Board may appoint an Assistant Superintendent, an Engineer, a Chief Inspector, a Sanitary Inspector, a Superintendent of the Filter, a Chief Pumping Engineer and a Chemist.

In case said Board should not appoint an Engineer, the President is authorized to employ an Engineer as in his judgment may be necessary.

All said officers and agents shall be at all times removable at the pleasure of the Board of Directors.

SEC. 6. The salaries of all the officers elected or appointed by the Board shall be fixed by the Board.

The Secretary, Treasurer and Assistant Treasurer shall each give a bond for the faithful performance of his duties, which bond shall be satisfactory to the Board of Directors. The expense of each of these bonds shall be paid by the company and they shall be kept by the Transfer Agent.

The Secretary's bond shall be for \$10,000, and those of the Treasurer and Assistant Treasurer for \$20,000 each.

SEC. 7. The office of the company shall be at No. 100 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.

SEC. 9. The Vice President shall in 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 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 if requested to do so. 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 day 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.

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 and contracts of any kind to the company to be properly indexed and safely filed; a summary of all contracts and conveyances not upon public records shall be recorded in a book to be kept for the purpose.

He shall warn all meetings of the Stockholders and of the Directors in the manner provided by these By-Laws, and shall have, under the President, general supervision over the business transacted in the office of the company.

SEC. 11. 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 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 make no payment, other than for ordinary current expenditures, except by the written authority 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 and countersigned by the President.

The Assistant Treasurer shall carefully file and preserve all such orders in the office of the company, where he shall also keep all other books and papers belonging to the company, or in which any of the transactions or business of the company are entered. He shall at the regular monthly meeting furnish to the Board of Directors a 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 assist the Secretary in causing bills to be presented and collected.

SEC. 12. The Superintendent shall, under the direction of the President and the advice of the Engineer, have charge of all the works of the company, including reservoirs, 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 from the office, keep an accurate record of all work done, the size and position of all pipes laid and corporation cocks inserted, the turning on and shutting off of services, the height and condition of the water in the reservoirs and lakes, and a written daily record of all cases of contagious diseases upon the water sheds.

SEC. 13. The Assistant Superintendent shall, under the direction of the Superintendent, have the care of all meters, including the setting and reading thereof, of the records of the Superintendent's office and of the labor payroll. He shall make a daily inventory of all material on hand and superintend the distribution of the same as directed by the Superintendent, and during the absence of the latter shall have general supervision of the labor employed by the company.

SEC. 14. The Chief Inspector of the company shall, under the direction of the Secretary, have charge of all sub-inspectors and with them report at the office each day at the beginning of business and shall inspect such premises as may be apportioned to him by the Secretary. He shall be informed of the district to which each sub-inspector is assigned and shall be responsible for all inspections made, whether by him or by the sub-inspectors. All reports shall be made in writing upon blanks furnished by the Secretary.

The Sanitary Inspector of the company shall, in connection with the Superintendent, have oversight of all water sheds and of cases of sickness thereon, of disinfecting appliances and material, of the disposal of all refuse and excreta, and of the patrolmen upon the water sheds.

SEC. 15. The Superintendent of the Filter shall, under the direction of the Engineer and Chemist, have charge of the Filter Plant and keep accurate written records of the condition of each bed and shall make daily written reports upon blanks furnished by the Secretary. These reports shall be signed by him personally and filed at the office of the company.

SEC. 16. The Chief Pumping Engineer shall have charge of the Pumping Stations of the company and of the employees therein and shall keep daily written records of the work done in each Station and data as to the efficiency of each plant as set forth upon the blanks furnished at the office of the company. He shall also make monthly summaries of the entries upon these blanks, which shall be filed at the office.

SEC. 17. The Chemist of the company shall make bacteriological and chemical analyses of the several supplies and of the filtered water at such periods as shall be determined by the President. These reports shall be filed at the office of the com-

pany. He shall also, in connection with the Engineer, have general oversight of operating the Filter.

SEC. 18. The Finance Committee shall examine and audit monthly, or when called upon by the President, all bills against the company; 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 upon all bills they allow and authorize the payment thereof.

SEC. 19. All transfers of shares of 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 of attorney 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 determined 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. 20. The Transfer Agent shall countersign all stock certificates that shall be issued and no stock certificates shall be issued or delivered until duly countersigned by said Agent.

SEC. 21. 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. 22. 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. 23. Whenever the owner of any shares in this company shall apply for a new certificate therefor and shall claim that the outstanding certificate for such shares has been lost, mislaid or destroyed and therefore cannot be surrendered, such application may be granted by the Board of Directors 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, as full a description of said certificate as is practicable, and request all parties having any knowledge of such certificate to communicate the same to said owner.

2d. That such owner before receiving such new certificate shall execute and lodge with the company a bond with surety 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, which bond shall be to the satisfaction of and approved by the President or the Committee on Finance.

SEC. 24. All By-Laws of this Company heretofore existing are hereby repealed.

SEC. 25. These By-Laws may be altered, annulled or repealed by unanimous vote of all the members of the Board at any meeting of the Board, or by motion offered at one meeting of the Board and passed at a subsequent meeting.

CHARTER
OF THE
FAIR HAVEN WATER COMPANY, WITH
AMENDMENTS.

INCORPORATING THE FAIR HAVEN WATER COMPANY.

[Approved July 2, 1861.]

Resolved by this Assembly:

SECTION I. 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 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 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 for 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.

AMENDMENT PASSED 1867.

[Approved July 26, 1867.]

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.

AMENDMENT PASSED 1871.

[Approved May 31, 1871.]

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 canceling 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 with-

out 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 conducting 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.

CHARTER
OF THE
WEST HAVEN WATER COMPANY, WITH
AMENDMENTS.

INCORPORATING THE WEST HAVEN WATER COMPANY.

[Approved March 8, 1881.]

Resolved by this Assembly:

SECTION 1. That D. Goffe Phipps, George R. Kelsey, Daniel Trowbridge, Ellsworth I. Foote, and I. Foote, with such persons as may be associated with them for the purpose of supplying the borough of West Haven with water for public and domestic use, their successors and assigns, are hereby incorporated by the name of The West Haven Water Company, and by that name shall be, and are hereby, made capable in law to have, purchase, possess, and enjoy to them and their successors lands, tenements, and effects of what kind and quality soever necessary for the specified purposes of this company, and the same to sell, grant, demise, and dispose of; to sue and be sued in all courts of this State or elsewhere; also to make such by-laws as may be necessary for the government of said corporation, not being contrary to this act and the laws of this State and of the United States; and to do all and singular the things which to them may or shall appertain to do, subject to the provisions hereinafter prescribed.

SEC. 2. The capital stock of said company may consist of twenty-five thousand dollars, with the privilege of increasing the same to fifty thousand dollars.

SEC. 3. The persons named in the first section hereof, or a majority of them, shall open books to receive subscriptions to the capital stock of said company, and shall receive said subscriptions under such regulations as they may adopt for the purpose, 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 five Directors, a majority of whom shall be a quorum for the transaction of business, and they shall elect one of their number to be President of the Board, who shall also be President of the company.

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 are closed, to call the first meeting of the Stockholders at such time and place as they may appoint, for the choice of 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.

SEC. 7. 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 as may be necessary for conducting the water in manner aforesaid: provided, that such streets and public grounds shall not be injured, but be left in as good condition as before the laying said pipes, and also said corporation shall repair all defects or injuries to said streets, lanes, avenues, highways, and public grounds caused by its use of the same, for the purposes of this act, to the satisfaction of the authorities of the said borough; and provided further, that before using any of the streets and public grounds for the purpose of this act the consent of the borough authorities shall be first obtained; and said company for the purposes of this act may take and use such waters and streams as may be necessary, first obtaining the assent of all persons who have rights in or to the same.

SEC. 8. The said company shall cause to be kept at their office proper books of accounts in which shall be entered truly all the transactions of the company, which books shall be open at all times for the inspection of the Stockholders.

SEC. 9. This act may be amended, or repealed at the pleasure of the General Assembly.

AMENDMENT PASSED 1886.

[Approved March 10, 1886.]

Resolved by this Assembly:

SECTION 1. That the West Haven Water Company be and hereby is authorized and empowered to construct, repair, and maintain, at any point in the area of its water-shed, such canals, reservoirs, and embankments as it may deem expedient or necessary, to take and use the water of any streams, to change the course of any streams that may be objectionable, to remove any nuisances that now exist, and to prohibit the erection of others upon such stream or streams as may be used by said company, in no wise injuring the vested rights of any person or persons without making compensation therefor as follows: When it becomes necessary to carry out any of the aforesaid provisions, the said corporation shall by petition to the Superior Court for New Haven County, 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 damages they may suffer in sinking pipes or carrying the water across the lands of such person or persons, or in exercising any other right authorized by this act; and such committee shall give such notice of the time and place of said meeting to the parties interested as the judge of said Superior Court shall prescribe, and view the lands of such person or persons and assess the damages each individual shall sustain, and make report thereof to said Superior Court; 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 land of such person or persons and carry out any of the provisions of the aforesaid act, 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 said

lands for the purposes of repairing said pipes, canals, reservoirs, and embankments, 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 Superior Court, but if said corporation shall neglect or refuse to pay the sum or sums so assessed, then said Superior 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. 2. The West Haven Water Company is hereby authorized and empowered to increase its capital stock to a sum not exceeding one hundred thousand dollars.

AMENDMENT PASSED 1889.

[Approved May 6, 1889.]

Resolved by this Assembly:

SECTION 1. That the West Haven Water Company be and it is hereby empowered to issue its bonds to an amount not exceeding fifty per centum of its capital stock already issued, for the purpose of paying any debts already incurred by said corporation or for the purchase of real estate, easements, machinery, and pipes, and the erection of buildings, making excavations and embankments, building reservoirs, and performing other operations necessary or incident to the prosecution or completion of its works for the purposes specified in the charter of said corporation, and to secure the payments of said bonds by a mortgage of the whole or any part of its property, which mortgage, from the time of filing the same for record in the office of the town clerk of the town of Orange, shall constitute a lien upon the property of said corporation therein described. Said bonds shall bear a rate of interest not exceeding six per centum per annum, which interest shall be payable semi-annually, and no bonds shall be issued of a less denomination than one hundred dollars. Said bonds shall be signed by the President and countersigned by the Secretary of said company, and shall be by them certified on their face to be for an amount in the aggregate not exceeding fifty per centum of the capital stock of said company already issued.

SEC. 2. This resolution shall take effect when accepted by a vote of the Stockholders of said corporation at a meeting specially warned for the purpose, or at its next annual meeting.

AMENDMENT PASSED 1899.

[Approved June 20, 1899.]

Resolved by this Assembly:

That the West Haven Water Company be and hereby is authorized to increase its capital stock to an amount not exceeding two hundred thousand dollars.

CONTRACT

BETWEEN THE

CITY OF NEW HAVEN AND THE NEW HAVEN
WATER COMPANY.

[Contract signed February 17, 1902.]

THIS AGREEMENT, made by and between the City of New Haven and The New Haven Water Company, witnesseth as follows:

First—Said Company will furnish said City with a full and adequate supply of water for all reasonable present and future public and municipal purposes whatsoever, wheresoever the mains of said Company now are or may hereafter be extended within the present limits of the City and within any future limits thereof, including water for school and fire protection purposes, whenever ordered by the City to do so, in the Thirteenth, Fourteenth and Fifteenth wards, for all time after the twentieth day of February, A. D. 1902, or until the termination of this contract in accordance with the provisions thereof, without cost or charge, in consideration of the promises hereinafter set forth.

Second—If said Company shall wilfully neglect or refuse to supply said City with water in all respects in conformity with the true intent and meaning of these presents, and a loss by fire shall happen within said City to the property of any person or corporation, in consequence of such neglect or refusal, then said Company shall pay said City ten thousand dollars (\$10,000). But said City shall not thereby be precluded from recovering damages actually suffered in its corporate capacity by reason of any breach of this contract.

And if the works of said Company shall at any time prove inadequate for the above named purposes and uses, said City shall have the privilege of annulling this contract, without prejudice to any claims for damages already accrued, or to any

right of purchase in accordance with the provisions hereof; provided, however, that in case such inadequacy shall be due to accident, extraordinary drouth, or other cause beyond the control of said Company, said Company shall not be liable to damages or this contract liable to annulment, if said Company shall use all reasonable means to restore said works to a proper state of efficiency; and if this contract shall be so annulled, said Company shall immediately thereafter purchase all the hydrants of said City connected with the mains of said Company, at their actual cost less a reasonable deduction for decay and damage.

Third—Said Company shall notify said City when about to lay down new mains, and shall put in hydrant branches at the expense of said Company, at points designated by authority of the Common Council of said City; and the opening of streets for the laying of mains and location of hydrants, both public and private, in said streets, shall be under the direction of the Director of Public Works, or such other officer of said City as may at any time hereafter be responsible for the care and management of the streets of said City. Said City shall have the right to connect hydrants, at its own expense, with the mains of said Company, at any and all points, at the option of said City, and said hydrants shall be in the exclusive use and under the exclusive control of said City, without hindrance or obstruction in any manner by said Company, but said hydrants shall be used only for the above named purposes and uses; and whenever a hydrant is to be inserted or removed by said City, a reasonable notice shall be given to said Company, and the flow of water shall be shut off by said Company a reasonable time to allow such change to be made. Said City shall have the right, for the above named uses and purposes, of any hydrant or hydrants which the above named Company may have in use for its own purposes, whenever an engineer of said City Fire Department shall deem it necessary.

Fourth—Said City will from time to time, at the request of said Company (as in course of time the facilities of said Company may be diminished by accident, drouth, or increase of consumption), adopt and enforce reasonable rules and regulations to prevent unreasonable and excessive use and waste of water by its agents and officials. In case of the failure of the City so to do, the Company may adopt such regulations, provided the same be

approved by the highest trial court in the State, or a judge thereof, upon application of said Company, after notice to the City and hearing thereon.

Fifth—Said Company agrees that the rates for water, to be charged to all consumers of water in said City, shall at all times be fair and reasonable; and if said City of New Haven shall at any time consider the rates so charged for water to be unreasonable, and the City and the Company cannot agree with reference thereto, the matter shall be submitted to arbitration as hereinafter provided. It is agreed, however, that said arbitrators shall not fix a rate for water which shall leave to said Company an income insufficient to provide means with which to pay its operating costs, including interest on indebtedness, and all labor, material, salaries, damages, renewals, or extensions, repair and replacement of plant, and all taxes, together with a sum sufficient to pay the present rate of dividend upon its present capital stock, and a reasonable return upon such other capital as shall in the future be invested in additions or extensions of the plant of the Company not exceeding the present rate of dividend. Said arbitrators may provide that any class or classes of service shall be paid for by meter and not by fixture rates. Said arbitration, when confirmed by the Court appointing the arbitrators, shall be final and conclusive upon the parties as to the rates to be paid for water, for a period of at least five years from the date of said arbitration report. Said Water Company agrees that whenever, in the opinion of its Directors, its income exceeds the sum required to properly care for the above mentioned purposes, it will, from time to time, as it may be able, without the necessity of arbitration, reduce its rates for water to the inhabitants of the City of New Haven.

The rates to be charged by The New Haven Water Company to the consumers of water in the City of New Haven, except as said rates may be changed as above provided, from and after May 1st, 1902, are shown by the following schedule, and said rates shall at all times be as low as therein shown, or lower;

SCHEDULE.

ANNUAL WATER RATES OF THE NEW HAVEN WATER COMPANY.

1. *Sinks, Bowls and Faucets:*

For each dwelling occupied by one family, for sink use..... \$5.00

This \$5 rate shall include any number of ordinary household sinks and the use of water for any other household purposes not otherwise rated below.

Occupied by one family, additional for all set-tubs or set-bowls (either or both)	\$0.50
Occupied by two families, sink use for each family	4.50
Occupied by two families or more, additional for all set-tubs or set-bowls (either or both) for each family50

2. *Dwellings Occupied by Two Families or More*, all using same sink, for each family 4.00

For any greater number of families, or separate occupants, such rates as may be fixed by the Directors.

- | | |
|--|-----------------------|
| 3. Large Boarding Houses | \$10.00 and upwards. |
| 4. Hotels | 25.00 " " |
| 5. Stores and Warehouses | 5.00 " " |
| Offices | 3.00 " " |
| 6. Fish Markets and Saloon sinks | 6.00 " " |
| 7. Photograph Galleries | 10.00 " " |
| Meters only for running streams. | |
| 8. Barber Shops | 6.00 " " |
| 9. <i>Water Closets and Urinals:</i> | |
| Water closets for one family, first closet... | 3.00 |
| Each additional closet for same family... | 2.00 |
| Water closet used by more than one family additional | 1.00 for each family. |
| Boarding houses, first closet | 5.00 |
| Each additional closet | 3.00 |
| Hotels, first closet | 6.00 |
| Each additional closet | 4.00 |
| Restaurants and Saloons, first closet..... | 5.00 and upwards. |
| Each additional | 3.00 |
| Restaurant and Saloon urinals (self-closing), first | 4.00 and upwards. |
| Each additional | 3.00 |
| Outside closets | 5.00 and upwards. |
| 10. <i>Bath Tubs:</i> | |
| Bath Tub for one family | 3.00 |
| Each additional for the same family | 2.00 |

Boarding Houses, first tub	\$5.00
Each additional	3.00
Hotels and Public Bath Rooms, first tub...	6.00
Each additional	4.00
11. <i>Beer Pumps</i>	5.00 and upwards.
12. <i>Bottle Washers</i>	3.00 and upwards.
The above rates do not include the use of hose for any purpose.	
13. <i>Hose (Hand use only):</i>	
Street use, 30 feet front or less	\$ 3.00
Each additional lineal foot08
Lawns and gardens, frontage of 30 feet or less.....	2.00
“ “ “ 30 to 50 feet	3.00
“ “ “ 50 to 60 feet	4.00
“ “ “ 60 to 75 feet	5.00
“ “ “ 75 to 100 feet	6.00
For each additional hose fixture for the same frontage.....	1.00
<i>Revolving Sprinklers of any kind</i> , movable fixtures or hose used in any other way than by hand, for use of four hours or less per day	10.00
Flowing fountains on measured service only.	
14. <i>Stables:</i>	
Private stables, including carriage washing, one horse.....	3.00
Each additional horse	2.00
Livery Stables, each horse	2.00
Cow Stables, each cow	1.00
15. <i>Bakeries:</i>	
For the daily average use of flour, in addition to fixtures rates, per barrel	3.00
16. <i>Steam Use:</i>	
Stationary Engine, from 1 to 10 h.p., each h.p.	6.00
“ “ from 10 to 50 h.p., each h.p.	5.00
“ “ from 50 to 100 h.p., each h.p.	4.00
“ “ above 100 h.p.	3.00
17. <i>Building Purposes:</i>	
Brick, per thousand (plain)	0.05
Brick, per thousand (including plastering)10

Plastering, per 100 yards	\$0.30
Stone Work, each barrel of lime06
Stone Work, each barrel of cement03
18. <i>In all cases</i> where water is required for purposes not specified above, the rates shall be fixed by the Board of Directors.	

METER RATES.

	cu. ft.	gal.
1. 134 cubic ft. (1,000 gallons) or less per day, per 100..	13½¢	.018¢
134 cubic ft. to 400 cubic ft. (1,000 to 3,000 gallons)		
per day, per 100	10½¢	.014¢
400 cubic ft. (3,000 gallons) and over per day, per 100	07½¢	.01¢

All metered water will be charged for, whether used or wasted, and a minimum charge per quarter of \$2 will be made on all metered services where the consumption of water is less than the above.

If a meter gets out of order and fails to register, the consumer will be charged at the average daily consumption as shown by the meter when in order.

All meters are set by the Water Company, and a proper charge may be made for the work. All damage to the meter will be charged to the owner or occupant of the premises, and in addition to the service-rate a yearly rental of one dollar for each five-eighths will be collected, larger sizes in proportion.

Any consumer may, subject to the regulations of the Company, be put upon a metered service, if he shall so desire.

And said Company agrees that if ever it shall violate any of its promises or stipulations in this article contained, said City, or any person injured by such violation, shall be entitled to recover from said Company the damages sustained by such person by such violation; and in case of judgment in favor of the plaintiff in any suit brought in such case in the name of said City, the damages shall be fixed at not less than twenty dollars.

Sixth—Said Company agrees to use all reasonable efforts to supply said City and its inhabitants with pure and wholesome water. It being understood that plans for the filtration of the Lake Whitney supply are now under consideration by the Company.

Seventh—Said Company shall not refuse to supply water to any person or persons who shall be ready and willing to pay the

established rates therefor, if there shall be a water main in the street adjacent to the property owned or occupied by such person or persons, or if such persons shall be ready and willing to lay from any main a suitable pipe or pipes for that purpose; and in case of such refusal, every person who may be injured thereby shall be entitled to recover just damages therefor, which damages shall be fixed at not less than twenty dollars.

Eighth—If at any time it shall be finally determined in or by judicial proceedings that said Company has not complied with the terms hereof, either with respect to the supply or the quality of the water furnished to said City and its inhabitants, or if at any time said Company shall have refused to abide by the result of the arbitration or arbitrations in the matters hereinbefore provided to be arbitrated between them, then said City shall thereupon have the right to purchase all the property, assets and franchises of said Company, upon paying to it a just and fair compensation therefor, which compensation, if said parties cannot agree, shall be determined by a committee to be appointed by the Superior Court in the manner provided by the Act passed by the General Assembly at its January session, 1881, or, if said Superior Court does not then exist, by the highest trial court then in existence in the State; but the City shall commence to take steps for such purchase within four months from such judicial determination or refusal.

Ninth—Whenever it shall be claimed by said City that cause exists for the annulment of this contract by reason of any breach thereof, and said City shall desire that said contract be annulled, it may, through its proper officers, prefer its application to the highest court of original jurisdiction, alleging such breach, and praying that said contract be annulled by reason thereof. Wherever arbitration is provided for in this contract, except the Eighth Article hereof, said arbitration shall be made by a committee composed of three persons to be appointed by such court.

Tenth—Said Company shall pay such taxes as may be levied according to law upon its tangible property, including pipes, mains and reservoirs, within the City of New Haven and other towns in which such property may be located. In case any franchise or other tax, except upon its tangible property, shall be assessed against said Company, said City shall save said Company

harmless from such part thereof as shall be measured by the ratio of the gross revenue received from consumers within the City of New Haven, to the gross revenue of said Company from all its consumers. Said City may, at its option, refuse to save said Company harmless, as heretofore provided, and in case of its failure so to do, it shall, without other liability to said Company by reason thereof, pay, during such period of failure, for water for fire protection the sum of twenty dollars per year for each hydrant, and for all other water used by said City at the lowest meter rates to private consumers, as per schedule then in force, less a discount of twenty-five per cent. (25%) therefrom.

Eleventh—At the end of twenty-five years from the 20th day of February, A.D. 1902, and at the end of every successive period of twenty-five years thereafter, if said City shall determine to purchase the property, assets and franchises of said Company, said Company will then sell and convey the same to said City upon said City paying a just and fair compensation therefor, which said compensation, if said parties cannot agree, shall be determined by a committee to be appointed by the Superior Court, in the manner provided by the Act passed by the General Assembly at its January session, 1881.

Twelfth—In case said Company shall sell or transfer its property and franchises to any other person or corporation, or in case the Board of Directors of said Company shall at any time be so constituted that a majority of its members shall not be residents of said City, or in case said Company shall become a member of any trust or syndicate, the said City shall thereupon have the right to purchase the property, assets, and franchises of said Company in the manner set out in Article Eighth hereof.

Thirteenth—Said City agrees to take and use the water so to be furnished by said Company, and in case of its failure to save said Company harmless from taxation, as provided in Article Tenth, to pay for said water according to the provisions of said Article Tenth.

Fourteenth—Neither of the parties hereto shall be at liberty to avoid or set aside this contract, without the consent of the other, notwithstanding any breach thereof, except in the manner provided herein.

Fifteenth—Said City and said Company will unite in an application to the General Assembly, at its next session, for the pass-

age of an act making the terms of this contract obligatory upon both parties as though specifically authorized in their respective charters.

IN WITNESS WHEREOF, said parties have severally caused their respective corporate names to be signed, and their respective corporate seals to be affixed to this instrument, and to a duplicate and triplicate instrument of the same tenor and date, this 17th day of February, A.D. 1902; said City acting herein by its Mayor, the Honorable John P. Studley, hereunto duly authorized; and said Company acting herein by its committee, Eli Whitney, James English, and George D. Watrous, who are hereunto duly authorized and empowered by a vote of the Directors of said Company.

THE CITY OF NEW HAVEN,

[CITY SEAL.]

By JOHN P. STUDLEY, *Mayor.*

THE NEW HAVEN WATER COMPANY,

[COMPANY SEAL.]

By ELI WHITNEY

JAMES ENGLISH

GEORGE D. WATROUS

Its Committee hereunto duly authorized.

Contract approved as to form.

LEONARD M. DAGGETT

Corporation Counsel.

ADDITIONAL STIPULATION TO CITY CONTRACT.

THE NEW HAVEN WATER COMPANY hereby stipulates that, at the option of the City of New Haven, the contract this day entered into between said Company and said City may be so construed that nothing therein contained shall prevent said City from sinking or driving wells in its parks, squares, and other public property, and pumping water therefrom to be used upon the premises where pumped and such part of the highway as is immediately adjacent thereto; provided, however, that water shall

not be distributed by the City either for public or private purposes, in pipes or mains.

And further so construed that in no case shall any person be charged any higher price for a continuance of his present service, than he has heretofore been charged for the same service, unless changed by arbitration as provided in said contract.

It is further stipulated that application shall, at the option of said City, be made to the General Assembly for the confirmation hereof, at the same time when said contract is presented for confirmation.

Dated at New Haven, this 17th day of February, 1902.

THE NEW HAVEN WATER COMPANY,

By ELI WHITNEY

[LS.]

J. ENGLISH

GEORGE D. WATROUS

Its Committee hereunto duly authorized.

REPORT OF THE COMMITTEE ON WATER DE
EXTENSION OF SERVICE TO THE 13TH, 14TH,
AND 15TH WARDS.

*To the Honorable Court of Common Council of the City of
New Haven:*

Your Committee on Water to whom was referred the Resolution de Water supply for school and fire purposes in the Thirteenth, Fourteenth and Fifteenth Wards, beg leave to report that they have attended to the business assigned, and on due examination are of the opinion that the prayer of said petitioner should be granted.

They therefore respectfully recommend the passage of the following order.

All of which is respectfully submitted,

EDWARD FERTMAN, *Chairman.*

Ordered that the New Haven Water Company be and is hereby ordered and required to furnish a full and adequate supply of water for fire protection and school purposes in the Thirteenth.

Fourteenth and Fifteenth Wards, in accordance with the provisions of Paragraph First of the Contract, recently entered into between the City of New Haven and the New Haven Water Company.

Board of Aldermen, April 7, 1902.

Read, accepted and order passed.

HENRY E. NORRIS, *City Clerk*.

Board of Councilmen, April 14, 1902.

Concurred.

JAMES B. MARTIN, *Assistant City Clerk*.

City of New Haven, April 23, 1902.

Approved,

JOHN P. STUDLEY, *Mayor*.