

# Private Acts and Resolutions

PASSED BY THE

GENERAL ASSEMBLY

OF THE

STATE OF CONNECTICUT,

AT THE

SPECIAL SESSION,

NOVEMBER, 1863, AND JANUARY, 1864,

AND MAY SESSION, 1864.



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its works for the purposes herein specified, said bonds to bear a rate of interest not exceeding six per cent. per annum with interest payable semi-annually, and shall in no case be issued for a less sum than one hundred dollars. Said bonds to be countersigned by the president and secretary of said company, and to be by them certified on their face to be for an amount not exceeding one half of said expenditures; and said bonds when so issued, shall be a lien and incumbrance in the nature of a mortgage, prior to any other incumbrance on said property; and said president and secretary shall annually make return to the town clerk's office of the town of Derby, stating the amount so issued by said company.

SEC. 16. This act shall be subject to be altered, amended, or repealed at the pleasure of the General Assembly.

Approved, July 9th, 1864.

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[ 108. ]

INCORPORATING THE NEW LONDON WATER COMPANY.

Upon the petition of Oliver Woodworth and others, praying for the incorporation of a water company in the city of New London, as by said petition on file, duly served :

*Resolved by this Assembly:—*SEC. 1. That Oliver Woodworth, Thomas Fitch, Robert Coit, Jr., Henry P. Haven, Francis B. Loomis, Jonathan N. Harris, William H. Barns, Enoch V. Stoddard, and Alfred Coit, with all such persons as may be from time to time associated with them, for the purpose of supplying the city of New London 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 "New London Water Company," and by that name shall be

and hereby are made capable in law to have, purchase, receive, possess, and enjoy, to them and their successors, lands, rents, tenements, 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.

SEC. 2. The capital stock of said company may consist of ten thousand dollars, with liberty to increase the same, from time to time, to an amount not exceeding in the whole the sum of one hundred thousand dollars, to be divided into shares of twenty-five dollars each, which shares shall be deemed personal property, and shall be transferable in such manner and at such places as the by-laws of said company shall direct.

SEC. 3. The persons named in the first section hereof, or a majority of them, or a majority of the survivors of said persons, 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 or of their survivors shall direct, and shall give such notice of the opening of said 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 nine directors, who shall be chosen by the

stockholders of said company in the manner hereinafter provided, and a majority of said directors shall be residents of said city of New London. Said directors shall hold their offices till others are duly elected and qualified to take their places as directors; and the said directors (any three 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 likewise choose a secretary and a treasurer, and said treasurer shall give bonds with surety to said company, to the satisfaction of said directors, for the faithful discharge of his trust.

SEC. 5. The persons authorized by the third section of this act to open books for subscription to the capital stock are hereby authorized and directed, after the books for subscription to the capital stock of said company are closed, to call the first meeting of the stockholders of said company in such way and at such time and place as they may appoint, for the choice of directors of said company; and in all the meetings of the stockholders of said company, 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 said company shall be held at such time and place, and upon such notice as said company in their by-laws may prescribe; and in case it shall 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 held 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 number, caused 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 proper, touching the business, management and effects of said company; also for the election and meeting of the 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 may 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 the 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 and conduits as may be necessary for conducting to and distributing water within said city of New London and its vicinity. 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 the same in as good and perfect condition as before laying and constructing said aqueduct or other works.

SEC. 9. Said company shall have power, and are hereby authorized and empowered, under the provisions of this charter, to construct, repair, and maintain such reservoir or reservoirs as they may deem expedient or necessary ; to 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 pipes, aqueducts and reservoirs for conducting, holding and distributing water, and for all buildings and structures necessary for the most perfect and complete supply of said city of New London and vicinity 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, nuisances, ditches, drains and sewers, and from the erection of any buildings or structures other than those used or employed by said company for the purposes of this act ; and they may make, establish, and enforce all necessary and proper regulations and by-laws for the preservation of the same : *provided*, that such by-laws and regulations shall not be contrary to the laws of this State, or of the United States.

SEC. 10. 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 construction or laying of any pipes, aqueducts, reservoirs, or other works for the purposes of this act.

And if at any time it shall appear that any damage has accrued, or is likely to accrue, to any person or persons, corporation or corporations, by reason of the taking of their land or estate, for the purposes of this act, or in the construction of the works of said company, and such person or corporation have not agreed with said company in writing for such damage of land or estate, the said company, or persons, or corporations may apply to the superior court for New London 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 court or such judge shall appoint three disinterested persons, (any vacancy or vacancies in such number to be filled by said court, or any judge of said court,) 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 hands of said persons, and shall be final, and shall be returned (with the application) to the clerk of said superior court, in said county, who shall record it; and said company shall pay to such owners or parties the damages so assessed, and when so having paid, may enter upon the premises, and may proceed to the construction of said works; or, in case the owner or parties aforesaid can not be then ascertained, shall pay the same, within thirty days, to the treasurer of the county of New London, to be by him paid to such person or persons as said court shall direct.

SEC. 11. When the lands, or other property or estate of any married woman, infant, or person *non compos mentis* may be necessary for the purposes of this act, the husband of said married woman, and the guardian of such infant or person *non compos mentis*, may in such cases be notified, and may release all damages for any land or estate necessary or taken as aforesaid, in the same manner as they might do if said land or estate were held in their own right respectively.

SEC. 12. The occupant of any house, tenement, or building, who shall take the water of said company, shall be liable to the price of the rent of the same, and the agents of said company entrusted with the superintendence of the works may at all reasonable times enter the premises so supplied, to examine the pipes and fixtures, and prevent any unnecessary waste; and if any person or persons shall, without the consent of said company, use any of said water, either within or without said city, an action of trespass on the case may be maintained against such person or persons by said company, for the recovery of damages therefor.

SEC. 13. If any person or persons shall willfully, wantonly, or maliciously divert the water, or obstruct the same, or any part thereof, from or in any aqueduct, reservoir, stream, or springs, or other place, which shall be taken, or

used, or constructed by said company, or shall corrupt the same, or commit any nuisance therein, or shall bathe within the limits which may be taken or prescribed by said company, pursuant to the provisions of this act, or shall destroy or injure any aqueduct, pipe, reservoir, conduit, hydrant, machinery, building, structure, or other property held, owned, or used by said company by the authority of this act, every such person or persons shall be liable to said company in triple damages therefor.

SEC. 14. This act may be altered, amended, or repealed, at the pleasure of the General Assembly.

Approved, July 9th, 1864.

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[120.]

INCORPORATING THE CENTREVILLE WATER COMPANY.

*Resolved by this Assembly* :—SEC. 1. That C. W. Everest, George W. Bradley, John T. Henry, and John Osborn, with all such persons as may be from time to time associated with them, for the purpose of supplying the village of Centreville, in the town of Hamden, with an abundant supply of pure water for public and domestic use,—their successors and assigns, be, and they are hereby incorporated for said purpose, by the name and style of “CENTREVILLE 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,