

Private Acts and Resolutions
OF THE
GENERAL ASSEMBLY
OF THE
STATE OF CONNECTICUT,
MAY SESSION, 1859.

PUBLISHED IN CONFORMITY WITH A RESOLUTION OF THE
GENERAL ASSEMBLY.



State of Connecticut, ss.

OFFICE OF THE SECRETARY OF STATE, AUGUST, 1859.



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tuck River, nor from any stream or springs of water or other water course which flows to or through Riverside cemetery, unless said corporation shall acquire the same by negotiation and purchase from the owners thereof, or other parties having the right to grant the same.

SEC. 16. This resolution may be altered, amended or repealed by the General Assembly.

Approved, June 16th, 1859.

INCORPORATING THE STAMFORD WATER COMPANY.

*Resolved by this Assembly :—*SEC. 1. That William Skiddy, James H. Hoyt, John W. Leeds, Matthew F. Merritt, Edwin Bishop, Sands Seely and George A. Hoyt, with all such persons as are or may be, from time to time, associated with them for the purpose of supplying the village of Stamford with an abundant supply of pure water, for public and domestic use, their successors and assigns, be, and they are hereby incorporated for said purpose by the name and style of the "Stamford 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 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 grant, sell, 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; to make and have a common seal, and the same to break and renew at pleasure; also to make, ordain, establish and put in execution such by-laws, ordinances and regulations, as shall be deemed necessary and convenient for the well ordering and government of said corporation, not being contrary to this act, and the laws of this state, and 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 shall consist of thirty-five thousand dollars, to be divided into shares of twenty-five dollars each ; which shares shall be deemed personal property, and be transferable only on the books of the company, as provided by the by-laws of the company.

SEC. 3. The persons named in the first section hereof, or a majority of them, shall open books to receive subscriptions for the capital stock of said company, at such times and places as they or a majority of them shall direct, and shall give such notice of the 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 twenty-five thousand dollars shall be subscribed to the capital stock of said company, they may, at their discretion, before the remainder of the capital stock of said company shall be subscribed, proceed to the organization of said company, as hereinafter provided.

SEC. 4. The government and direction of the affairs of said company shall be vested in a board of not less than five nor more than seven directors, who shall be chosen by the stockholders of said company in the manner hereinafter provided, a majority of whom shall be residents of Stamford. Said directors shall hold their offices till others are duly elected 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 the board, who shall also be president of said company. They shall also choose a clerk and a treasurer ; which treasurer shall give bonds, with security to said company, in such sum as said directors may require, for the faithful discharge of his trust.

SEC. 5. The persons authorized by the third section of this act to open books for subscription to the capital stock, are hereby authorized and directed, after the amount required in said section shall have been subscribed, to call the first meeting of the stockholders of said company, in such way and at

such time and place as they may appoint, for the choice of directors of said company; and in all meetings of the stockholders of said company, each share shall entitle the holder to one vote, which may be given by said stockholder in person or by lawful proxy; and the annual meeting of the stockholders of said company, for the choice of directors, shall be holden at such time and place, and upon such notice as said company in their by-laws may prescribe; and in case it shall so happen that an election of directors shall not be made on the day appointed by the by-laws of said company, said company shall not for that cause be deemed to be dissolved; but such election may be holden on any day which shall be appointed by the directors of said company; and said directors shall have power to fill any vacancies in their own number, which may occur by death, resignation or otherwise.

SEC. 6. The directors shall have full power to make and prescribe such by-laws, rules and regulations as they shall deem needful and proper, touching the disposition and management of the stock, property, estate and effects of said company, not contrary to the laws and constitution of the United States and of this state or the provisions of this resolve, 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 directors shall have power to make and declare such dividend and dividends among the stockholders, from time to time, as the profits and earnings of the business of said company shall enable them to do.

SEC. 7. The directors of said company may require the payment of the sum or sums subscribed to the capital stock of said company, at such times and in such proportions, and upon such conditions, as they may deem fit; and in case any stockholder shall refuse or neglect to make payment pursuant to the requisitions of the board of directors, the stock of such stockholder, or so much thereof as may be necessary, may be

sold by the direction of said directors at public auction, after the lapse of sixty days from the time when the payment became due ; and all surplus money, the avails of such sales, after deducting the payments due, and interest thereon, and the necessary expenses of the 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 Stamford, or its vicinity, under the direction and by the consent and agreement of the warden and burgesses of the borough, and the selectmen of the town of Stamford respectively ; and the duration of said openings and excavations shall be regulated from the rules prescribed by the said warden and burgesses of the borough, and said selectmen of the town of Stamford. And the said company may, for the purposes aforesaid, carry and conduct any aqueduct, or other works to be by them made and constructed, over or under any water course, street, turnpike road, railroad, highway or other way or public grounds, *provided*, they put such water course, street, turnpike road, railroad, highway or other way, in as good and perfect condition as before laying or constructing of said aqueduct or other works.

SEC. 9. The said company shall have full power, and are hereby authorized and empowered, under the provisions of this charter hereinafter named, to construct, repair and maintain such reservoir or reservoirs, as they may deem expedient or necessary ; to take and use the water of the stream running from north to south through said Stamford, called " Mill River " ; and to construct, repair and maintain such dam or dams across said Mill river, as they may deem expedient or necessary ; and to construct, repair and maintain such canals or aqueducts as may be now or may hereafter become necessary or convenient for the conveyance of water to such point as

they may desire in or near the village of Stamford ; in no wise injuring the vested rights of any person or persons, or corporation or corporations, without making compensation therefor.

SEC. 10. The said company shall be liable to pay all the damages that shall be sustained by any person or persons, or corporations, in their property or estate, by the taking of any land or real estate as aforesaid, or the constructing or laying of any pipes, aqueducts, reservoirs, dams, or other works for the purpose of this act. And if, at any time, it shall appear that any damage has occurred, or may be likely to occur, 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 persons or corporations have not agreed with said company, in writing, for such damage, land or estate, the said company, or persons, or corporations, may apply to the superior court for Fairfield 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 judicious persons, (any 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 owner or parties the damages so assessed, and when so paid, may enter upon the premises, and may proceed to the construction of their 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 Fairfield, 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*, shall be necessary for the purposes of this act, the husband of such married person, 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 as aforesaid, in the same manner as they might if the said land or estate were holden 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 for the price or rent of the same; and the agents of the company intrusted with the superintendence of the works, may, at all reasonable times, enter all premises so supplied, to examine the pipes and fixtures, and prevent any unnecessary waste. And if any person or persons shall, without consent of said company, use any of the water of said company, either within or without the village of Stamford, 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 any part thereof, of any of the aqueducts, reservoirs, streams, water or water sources, which shall be taken, used or constructed by said company, or shall corrupt the same or render it impure, or commit any nuisance therein, or shall bathe within the limits that may be taken or prescribed by said company, pursuant to the provisions of this act; or shall destroy or injure any aqueduct, pipe, reservoir, dam, conduit, hydrant, machinery, building, structure or other property held, owned or used by said company, by the authority, or for the purposes of this act, every such person or persons shall be liable to said company in treble damages therefor.

SEC. 14. The said company shall cause to be kept at their office proper books of account, in which shall be fairly and truly entered all the transactions of said company, which

books shall at all times be open for the inspection of the stockholders of said company, and of commissioners that may be appointed by the General Assembly.

SEC. 15. This resolve may be altered, amended, or repealed at the pleasure of the General Assembly.

Approved, June 7th, 1859.

INCORPORATING THE DANBURY AQUEDUCT COMPANY.

Resolved by this Assembly :—SEC. 1. That Eli T. Hoyt, George W. Ives, Edgar S. Tweedy, John W. Bacon, William Montgomery, Abijah E. Tweedy, William R. White, Samuel C. Wildman, George Hull, Henry Benedict, with all such persons as may be, from time to time, associated with them for the purpose of supplying the borough of Danbury with an abundant supply of pure water for public and domestic use, their successors and assigns, be, and they are hereby incorporated for said purpose, by the name and style of the “Danbury Aqueduct Company ;” and by that name shall be, and are hereby made capable in law to have, purchase, receive, possess and enjoy, to them and their successors, lands, rents tenements, hereditaments, goods, chattels and effects, of what kind soever, necessary to give effect to the specified purposes of said company, and for the accommodation of their business and concerns ; and the same to sell, grant, demise, alien and dispose of ; to sue and be sued, plead and be impleaded, defend and be defended, in all courts in this state and elsewhere ; to make and have a common seal, and the same to break and renew at pleasure ; also, to make, ordain, establish and put in execution such by-laws, ordinances and regulations, as shall be deemed necessary and convenient for the well-ordering and government of said corporation, not being contrary to this act, and the laws of this state and the United States ; and to do and execute, all and singular, the matters and things which to