

Consolidated Laws of the State

# SPECIAL LAWS

OF THE

## STATE OF CONNECTICUT,

COMPILED AND PUBLISHED

BY AUTHORITY OF THE GENERAL ASSEMBLY.

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VOLUME VII.

FROM THE YEAR 1871 TO THE YEAR 1875, INCLUSIVE.

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

## Incorporating the Wolcottville Water Company.

*Resolved by this Assembly:* SECTION 1. That Lyman W. Coe, F. N. Holly, Henry J. Allen, Charles Alvord, Achille Migeon, Charles McNeil, B. R. Agard, Ransom Holly, George W. Church, Elisha A. Baldwin, Frederick J. Seymour, Dexter W. Clark, John W. Cook, Walter S. Lewis, Henry Migeon, Julius Wording, O. R. Fyler, N. B. Lathrop, A. F. Brooker, N. W. Coe, and James Alldis, with all such persons as may hereafter associate with them for the purpose of supplying the village of Wolcottville with a supply of pure water for public, domestic, and other uses, their successors and assigns, be, and they are hereby, incorporated under the name and style of "The Wolcottville Water Company," and by that name shall be, and hereby are, made capable in law to have, purchase, receive, possess, and enjoy to them and their successors, lands, rents, tenements, and goods, chattels, and effects, of whatever kind and quality necessary to give effect to the specified purpose of the said company, and for the accommodation of it, and to grant, sell, convey, and dispose of the same; to sue and be sued, plead and be impleaded, defend and be defended in all courts in this state or elsewhere, to have a common seal, and the same to change and renew at pleasure; also to make, ordain, and establish such by-laws as shall be deemed necessary and convenient for the well-ordering and government of said corporation, not being contrary to the laws of this state and of the United States, and to do and execute all and singular the matter and things which to them shall appertain subject to the provisions hereinafter contained.

SEC. 2. The capital stock of said company shall be ten thousand dollars, with the privilege of increasing the same from time to time to forty 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 any five of them, shall open books to receive subscriptions for the capital stock of said company, at such times and places as they or any five of them shall direct, and shall give such notice of the time and place of opening said books as they may deem reasonable, and shall receive said subscriptions under such regulations as they may adopt for the purpose, and, in case an amount not less than five thousand dollars shall be subscribed, proceed to the organization of said company as hereinafter provided.

SEC. 4. The government and direction of the affairs of the said company shall be invested in a board of not less than three nor more than seven directors, who shall be chosen by the stockholders of said company in the manner hereinafter provided; said directors shall hold their offices for one year and until others are duly elected to take their places as directors, and the said directors, a majority of whom shall be a quorum for the transaction of business, shall elect one of their number to be president of the board, who shall be president of said company; they shall also choose a secretary and a treasurer, and said treasurer shall be required to give such bonds with sureties 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 subscriptions to the capital stock are hereby authorized and directed, after the amount required in said section shall have been subscribed, to call the first meeting of the stockholders of said company, in such way and at such time and place as they may appoint, for the choice of directors of said company, and in all meetings of the stockholders each share shall entitle the holders to one vote, which may be given by the stockholder in person or by lawful proxy; and the annual meeting of the stockholders of said company for the choice of directors shall be holden at such time and place and upon such notice as said company in their by-laws shall prescribe; and in case it shall so happen that an election for directors shall not be made on the day appointed by the by-laws of said company, said company shall not for that cause be deemed to be dissolved, but such election shall be holden on any day which shall be appointed by the directors of said company; and said directors shall have power to fill any vacancies in their own number which may occur by death, resignation, or otherwise, until the next annual meeting.

SEC. 6. The directors shall have full power, unless the same shall be made by said company, 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, effects, and business of said company, and not contrary to the laws of this state and of the United States, or the provisions of this resolve, the transfer of shares, the duty and conduct of their officers and servants; also for the election and meeting of their directors, and other matters appertaining to their business and concerns, and may appoint and employ such officers and servants as they shall deem necessary.

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 may, on refusal or neglect of such payment, begin any proper action in the name of such company for the payment of the same, and pursue the same to final judgment. In case any stockholders 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 becomes 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. The said directors shall have full power to make and declare a dividend or dividends among the stockholders from time to time, as the profits and earnings of the business shall enable them to do.

SEC. 8. Said company shall have full power, and they are hereby authorized and empowered to open the ground in any streets, lanes, avenues, highways, railroads, and public ground for the purpose of building, 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 Wolcottville as aforesaid: *provided*, they put such streets, lanes, avenues, highways, railroads, and public grounds in as

good condition as before the laying or constructing of said aqueducts or other works.

SEC. 9. The said company shall have full power, and are hereby authorized and empowered, under the provisions of this charter, within the town of Torrington to construct, repair, and maintain such reservoirs as they may deem expedient or necessary; to construct dams across, repair, and maintain a dam or dams across such streams as they may deem expedient or necessary, and to take such streams as they may deem expedient or necessary, and to take such spring or springs as they may deem expedient and necessary, and to hire or rent any water, springs, or works, and to construct, repair, and maintain such pipes, canals, or aqueducts as may be now or hereafter may become necessary or convenient for the conveyance of water to such points as they may desire in or near said village of Wolcottville. The said company shall be liable to pay all the damages that shall be sustained by any person or persons, corporation or corporations, in their property or estate, by the taking of any land or real estate as aforesaid, or the laying or building of any pipes, aqueducts, reservoirs, dams, or other works for the purpose of this act; and, if at any time it shall appear that any damage has occurred or is likely to occur to any person or persons, corporation or corporations, by the reason of taking their land or estates for the purposes of this act, or in construction of the works of said company, and such persons or corporations have not agreed with said company for such damage, land or estate, the said company, persons, or corporations may apply to the superior court of Litchfield county, or to any judge of the supreme court, who may, by law, judge the parties, causing reasonable notice, or such notice as any judge of said court may prescribe, to be given to the adverse party of such application, and thereon said superior court or such judge shall appoint three disinterested, judicious persons, who shall, after reasonable notice to the 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 such persons, 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 damage assessed, and, when so paid, may enter upon the premises, and may proceed to the construction of said works; or, in case the owners or parties aforesaid cannot then be ascertained, shall pay the same within thirty days to the clerk of the superior court for the county of Litchfield, to be by him paid to such person or persons as said court shall direct.

SEC. 10. The owner or occupant of any house or building, who shall take the water of said company, shall be liable for the price or rent of the same; and the agents of the company entrusted with the superintendence of the works may, at all reasonable times, enter all premises so supplied, to examine the pipes and fixtures and prevent any unnecessary waste; and if any person shall, without the consent of the said company, use any of the said water, an action of trespass on the case may be maintained against such person or persons by said company for the recovery of damages therefor.

SEC. 11. If any person or persons shall willfully, wantonly, or maliciously divert the water, or any part thereof, of any of the aqueducts,

reservoirs, streams of water, water courses, or water sources, which shall be taken, used, or constructed by said company, or shall corrupt the same, or render it impure, or commit any nuisance therein, or shall bathe within the limits that shall be taken or prescribed by said company under the provisions of this act, or shall destroy or injure any aqueduct, pipe, reservoir, conduct, 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. 12. This resolve may be altered, amended, or repealed at the pleasure of the general assembly.

Approved, July 11, 1873.

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### Annexing Part of Town of Canton to Town of Simsbury.

Upon the petition of Noah W. Holcomb, Pomroy Higley, Emerson Alford, and others, inhabitants of the town of Canton, in Hartford county, praying to be annexed to the town of Simsbury, in said Hartford county, as per petition on file dated April 19, 1873, more fully appears :

*Resolved by this Assembly :* That all that part of the town of Canton lying within the following-described limits, viz.: commencing at an angle on the easterly line of the town of Canton, at a point near where the highway turns westerly to go up the mountain toward the dwelling-house of Levi Case, and passes said point of departure, running northerly in a straight line to a point ten feet west of the dwelling-house now occupied by Willis Humphrey; thence northerly, the same point of compass, to the southerly line of the town of Granby; thence easterly, on the southerly line of the town of Granby, to the west line of Simsbury, thence on the westerly line of Simsbury to the place of beginning, with all the inhabitants thereof, be, and the same is hereby, annexed to and incorporated with and made part of said town of Simsbury, and entitled to the same rights, privileges, and immunities as said town of Simsbury.

*Resolved,* That said territory and inhabitants so annexed shall pay such proportion of all debts, claims now existing, or for which said town of Canton shall hereafter be liable by force of any contract or claim now existing against the town of Canton, as the list of the same of 1872 bears to the whole list of the town of Canton; and that Levi Case, of Canton, and Alfred L. F. Thurston, of Simsbury, are hereby authorized and empowered to liquidate and adjust such debts and claims; and also to determine the proportion of such indebtedness to be paid by said territory and inhabitants, according to the provisions of this resolve; and they are also empowered and authorized to make out a rate-bill based on said list of 1872, under their hands, containing the proportion which each individual is to pay of such indebtedness, according to the provisions of this resolve; and shall apply to some justice of the peace to issue a warrant for collecting such tax or assessment, directed to the collector of taxes of the town of Canton, who shall have in that behalf