

SPECIAL LAWS

OF THE

STATE OF CONNECTICUT.

1871.

Amending the Charter of the Fair Haven Water Company.

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

SEC. 2. Said Fair Haven Water Company is also hereby authorized and empowered, by a major vote of the stock represented at any stockholders' meeting called for the purpose, to issue its bonds for the payment of any money borrowed for the construction of its works, to an amount not exceeding at any time one-half the sum actually expended in the construction of said works, and not exceeding in the whole the sum of two hundred thousand dollars, which bonds shall be in such sums and payable in such time 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 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 the purpose, and shall enter said act of cancelling in his register; and to secure the payment of said bonds said corporation may, by a major vote of the stock

maintain its railroad upon the route and in the manner prescribed and provided in and by the said written approvals so given by said railroad commissioners.

SEC. 2. The act passed May session, 1870, and approved July 5, 1870, entitled An act relating to the crossing of the Naugatuck railroad and the Naugatuck river by the railroad of the New Haven and Derby railroad company, shall be deemed and held to have prescribed, according to the provisions of the sixteenth section of the charter of the Naugatuck railroad company, the regulations under which the railroad of the Naugatuck railroad company may be intersected by the railroad of the New Haven and Derby railroad company, at the place where said railroads do now in fact intersect each other near the Mansion House, in Derby; and the New Haven and Derby railroad company is hereby authorized, under said regulations, to maintain its railroad crossing over said other railroad at said place of intersection: *provided*, that this section shall not be so construed as to deprive the Naugatuck railroad company of any existing right to damages for crossing their railroad.

SEC. 3. This act may be altered, amended, or repealed at the pleasure of the general assembly.

Approved, July 19, 1871.

Incorporating The Windsor Water Company.

Resolved by this Assembly: SECTION 1. That H. Sidney Hayden, H. B. Loomis, Isaac W. Hakes, Jr., E. S. Clapp, L. T. Frisbie, H. H. Filley, and E. S. Alford, of Windsor, Conn., and F. E. Mather, of the city of New York, with all such persons as may be from time to time associated with them, for the purpose of furnishing a supply of pure water for that portion of Windsor known as Broad Street, around the station, and to all that portion of said town to which water can be conveniently introduced, with a 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 Windsor 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 said company, and for the accommodation of their business and concerns, and the same to grant, sell, demise, 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 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 and regulations and provisions hereinafter prescribed.

SEC. 2. The capital stock of said company shall consist of ten thou-

sand (\$10,000) dollars, and may be increased to forty thousand (\$40,000) dollars, to be divided into shares of twenty-five (\$25) 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 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 (\$5,000) dollars shall be subscribed, and ten per cent. of the same paid in, proceed to the organization of said company as hereinafter provided.

SEC. 4. The government and direction of the affairs of said company shall be invested 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 Windsor. Said directors shall hold their office till 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 also be president of said company; they shall choose a clerk and a treasurer, which treasurer shall give bonds with security 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 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 one share shall entitle the holder to one vote, which may be given by the stockholder in person or by lawful proxy; and the annual meeting of the stockholders of said company for the choice of directors shall be holden at such time and place, and upon such notice as said company in their by-laws 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.

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 of the United States and of this state, 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 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 or 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 neglect or refuse 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 after and 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 necessary expenses of the sales, shall be paid over to such negligent stockholder; and the persons authorized by the third section to open books for subscription to the capital stock, are hereby authorized and directed to act as a board of directors for one year, from and after the date of this act, and no election for directors shall occur until the expiration of such year; and the said persons acting as directors shall have all the powers of directors, as said powers are set forth in this act, and shall be governed by such rules and regulations in all their acts as apply under this act to the directors of this company, and the said incorporators, acting as directors, shall elect such officers as in this act provided for to be elected by the directors, who shall have the same powers as those to be elected by the directors, and said incorporators shall, for the space of one year, from and after the date of this act, have all the powers and privileges belonging to such directors, and may perform all of their duties.

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 town of Windsor, or its vicinity, under the direction and by the consent of the selectmen of said Windsor, respectively, and the duration of said openings and excavations shall be regulated by the said selectmen; and the said company may, for the purpose 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 condition as before the 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, to construct, repair, and maintain such reservoir or reservoirs as they may deem expedient or necessary, to take and use so much water as may be required from Great and Little pond, so called, or from springs on the land of Randolph Griswold, west of Poquonnock road, or from springs on the land of Starr Day, or from springs on Cook hill, west of Broad street, or from Thrall's brook, on the north side of Farmington river, and to construct, repair, and maintain such canals or aqueducts as may be now, or hereafter may become necessary or convenient for the con-

veyance of water to such point as they may desire, in or near said district of Broad street. 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 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 is likely to occur to any person or persons, corporation or corporations, by the reason of taking their land or estate for the purposes 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, persons, or corporations, may apply to the superior court of Hartford 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, (and vacancies in such numbers, which may occur, to be filled by such 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 assessed, and when so paid may enter upon the premises and may proceed to the construction of their said works; or in case the owners or parties aforesaid can not then be ascertained, shall pay the same within thirty days to the treasurer of the county of Hartford, to be paid by him to such person or persons as said court shall direct. And if by reason of taking water from said pond, pursuant to this act, the volume of water in Poquonnock brook shall at any time be so diminished as to impair the usefulness of said brook for the purposes for which it is now used, any proprietor of land over which said brook passes, or any one having a right therein, shall be entitled to recover from said water company just damages, to be assessed and paid in the same manner as is herein provided in case of persons whose lands or estate are taken for the use of said company; and an appraisement of damages when recorded as above provided shall have the effect of a judgment, and execution may issue at the end of sixty days from the time of such return in favor of the persons respectively to whom damages may be appraised, and said appraisers shall be paid by said company for the time actually spent in making such appraisement and return.

SEC. 10. 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 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, either within or without said Windsor, 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 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 or for the purposes of this act, every such person or persons shall be liable to said company in treble damages therefor.

SEC. 12. The said company shall cause to be kept at their office proper books of accounts, in which shall be fairly kept and truly entered, all the transactions of the company, which books shall be, at all reasonable times open for the inspection of the stockholders of the said company, and of commissioners that may be appointed by the general assembly.

SEC. 13. This resolve may be altered, amended, or repealed, at the pleasure of the general assembly.

Approved, July 20, 1871.

Amending the Charter of the Charter Oak Life Insurance Company.

Resolved by this Assembly: SECTION 1. That the annual meeting of the Charter Oak Life Insurance Company, of Hartford, for the choice of directors of said company, shall, after the year 1871, be holden at the city of Hartford on the first Tuesday in January, or such other day in the month of January in each year as may be determined by the by-laws of said corporation.

SEC. 2. That section fifth, of the charter of said Charter Oak Life Insurance Company, shall not apply to insurances where the annual premium in the policy shall exceed the sum of three hundred dollars, unless paid from the private property of the wife.

Approved, July 20, 1871.

Concerning Annual Meeting of Savings Bank of Stafford Springs.

Whereas, at the last annual meeting of the Savings Bank of Stafford Springs, for the election of officers, an adjournment was made to September seventeenth, A. D. eighteen hundred and seventy-one; *and, whereas*, the day aforesaid comes on Sunday: Now, it is hereby

Resolved by this Assembly: That the next meeting of said savings bank, for the election of officers, shall be held at the banking house of said bank, at Stafford Springs, on Monday, the eighteenth day of September, A. D. eighteen hundred and seventy-one; and all votes and doings of said meetings shall be valid and binding in the same man-