

# SPECIAL LAWS

OF THE

# STATE OF CONNECTICUT.

COMPILED AND PUBLISHED  
UNDER AUTHORITY OF THE GENERAL ASSEMBLY.

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## VOLUME VI.

FROM THE YEAR 1866 TO THE YEAR 1870, INCLUSIVE.

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laid or incurred, under any of the provisions of law herein repealed, or under any by-law made under any of said provisions, shall be in anywise affected by said repeal. The by-laws of said borough, in force on the second Monday of April, 1871, shall thereafter continue in force, notwithstanding any provisions of this act, until repealed by the common council of said city.

SEC. 80. This act shall be a public act.

SEC. 81. This act shall not take effect unless approved by the freemen of the borough of New Britain, at a special meeting duly warned and held within six months from the passage hereof, and George M. Landers, S. A. Moore, T. W. Stanly, James D. Frary, and S. C. Dunham, are hereby authorized and directed to call such meeting, by giving public notice thereof at least two weeks in the New Britain Record, and for a like time on the sign post in said New Britain, and said call shall be valid if signed by any three of the abovenamed persons. At said meeting those in favor of approving and adopting this act shall vote yes, and those opposing shall vote no. And if a majority of the freemen voting vote yes, then this act shall thereupon become operative at the time hereinbefore fixed; but if the majority voting vote no, this act shall be of no force or effect.

Approved, July 15th, 1870.

## An Act to Provide a Supply of Pure and Wholesome Water to the Borough of Norwalk.

*Be it enacted by the Senate and House of Representatives, in General Assembly convened,* SEC. 1. The Borough of Norwalk is hereby authorized and empowered to take and use the water of any stream, lake, or pond, in whole or in part, within the limits of the towns of Norwalk, New Canaan, or Wilton, to hold, convey, and distribute such water into and through said borough, by means of reservoirs, pipes, aqueducts, and other suitable works, in such quantities as the necessities and convenience of said borough may require, to take and hold any lands, property, or privileges, and to exercise any powers not inconsistent with the laws of this state, that may be necessary or convenient for carrying into full effect the purposes of this act.

SEC. 2. Said borough shall, upon its acceptance of the provisions of this act, proceed to elect three persons who shall be a board of water commissioners, and a suitable person to be treasurer of the water fund, all of whom shall be sworn to a faithful discharge of their duties, and shall hold office as follows: the treasurer and one of said water commissioners until the first day of January, A. D. 1872, one of said commissioners until January first, 1873, and one of said commissioners until January first, 1874, and until their successors are respectively chosen and sworn: and the respective terms of office of said commissioners shall be determined by lot within thirty days after their election, in the presence of the clerk of the borough, who shall make a record of the same. And one water commissioner shall be chosen at each annual meeting of said borough after the year 1870, to hold office for the term

of three years, beginning on the first day of January next following such election, and until another is chosen and qualified, and also a treasurer of the water fund, to hold office for one year, beginning on such succeeding first day of January, and until his successor be chosen and qualified. Any vacancy which may occur in any of such offices, may be filled by the court of burgesses for the remainder of the then current year and until the next annual meeting, when such vacancy shall be filled by a new election. And such commissioners and treasurer shall give bonds with sufficient surety, for the faithful performance of their several trusts in such sums, and shall receive for their services such compensation, as the court of burgesses shall prescribe.

SEC. 3. Said commissioners are hereby authorized and empowered to purchase and take conveyances, for and in the name of the borough, of all lands, property, and privileges, necessary or convenient for accomplishing the purposes of this act, to hold in sufficient quantities the water of any stream, either within or without said borough, and in either of the towns mentioned in the first section of this act, by the construction of suitable dams across the same, to enter upon any lands near such proposed dams, and procure earth, stone, or other materials for the construction and maintenance thereof, and to make suitable wasteways for the surplus water of such stream, to change the location of any road or passway which may be covered by the waters of any reservoir so formed, and to take land therefor, to enter upon and make use of the ground or soil under any railroad, street, high or private way, public or private grounds, and lay, construct, and maintain all necessary pipes and aqueducts, in such manner as least to damage or impede travel thereon, to make contracts for labor and materials for the general purposes of this act, to make and establish public reservoirs and hydrants, under the direction of the court of burgesses, to make rules and regulations regarding the use and distribution of said water, and establish the prices to be paid therefor, to collect all water rents and pay over the same to the treasurer of the water fund, to audit, allow, and draw orders on said treasurer for the payment of all claims against said borough on account of said water works, including payment of interest on notes and bonds issued on account of such works, and generally to attend to the construction, care, supervision, and management of said water works, and to exercise any additional powers that may from time to time be conferred upon them by said borough. And a majority of said commissioners shall constitute a quorum for the transaction of any of the business of the board.

SEC. 4. Said borough shall be liable to pay all the damages that shall be sustained by any person, persons, or corporation, by the taking of any land or estate as aforesaid, or by the construction or laying of any reservoirs, pipes, aqueducts, or other works for the purposes 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, persons, or corporation, by reason of taking or using their land or estate, for the purposes of this act, or in the construction of said water works, and the said board of commissioners cannot agree with the owner or owners of such property or privileges, as to the amount of compensation or damages to be paid to them, then such compensation or damages may be assessed by three

disinterested persons under oath, to be appointed by either judge of the superior court, on application to such judge by or on behalf of either party, upon such notice of such application as such judge shall prescribe, which said appraisers shall report their doings, embracing the amount of their assessments, to the superior court for the county of Fairfield, which court may set aside such report for any irregular or improper conduct, and may appoint another committee: but if it shall accept said report the same shall be recorded, and thereupon such assessment shall be taken and held to be a final adjustment of said compensation and damages between said parties; and payment thereof, or a deposit of the same with the treasurer of said county, to the use of such owner or owners, shall release said borough from liability to any further claims for compensation or damages.

SEC. 5. For the purpose of defraying the cost of construction of said water works and expenses incident thereto, and for no other purpose whatever, said borough is hereby authorized and empowered to issue notes, bonds or certificates of debt, to be denominated on the face thereof, Water Fund of the Borough of Norwalk, to an amount not exceeding in the whole the sum of one hundred thousand dollars, bearing interest at no greater rate than seven per cent. per annum, the principal of which shall be payable at some certain time or times within thirty years after the date of issue, and the amount of said notes, bonds, or certificates which may at any time be issued, together with the times of payment of the principal and interest thereof, and the rate of interest, shall be prescribed by said borough, in legal borough meeting, called for that purpose; and said notes, bonds, and certificates shall be signed by the warden and countersigned by the clerk of said borough, who shall register the number and amount of each bond issued on the records of said borough. And said bonds and certificates shall, when issued, be obligatory upon said borough and the inhabitants thereof, according to the purport and tenor of the same.

SEC. 6. The board of water commissioners shall be the trustees of the notes, bonds, or certificates of debt issued by said borough; shall superintend the issuing of the same, and regulate the particular form thereof; and after the same or any part thereof shall be issued, they may sell them in such manner as they may deem best, at not less than their par value, or they may pledge the same for moneys temporarily borrowed by them. And said board shall keep a record of all such notes, bonds, or certificates issued, disposed of, or pledged, and all moneys received by said board shall be by them forthwith paid over to the treasurer of the water fund.

SEC. 7. The board of water commissioners shall have power to assess annually and collect such rent as they may deem reasonable for each public hydrant established under the direction of the court of burgesses, for the purpose of extinguishing fires or for other public purposes. Said rent shall be assessed by them equitably on all property, real and personal, in the vicinity of the hydrant, which shall be deemed by them to be specially benefited thereby. And a list of such assessments, signed by them, shall be deposited with the clerk of the borough, and published in a newspaper printed in said borough. Any person deeming himself aggrieved by such assessment may, within six days after the publication

of such notice, make written application for relief to the court of burgesses of the borough, and said court shall, within twenty days, give to such person a hearing on such application, and they may, on application for that purpose, review and equalize such list of assessments, and their action thereon shall be final. But such court shall not add to the assessment of any person, nor make any assessment against a person not originally assessed, until reasonable notice has been given to such person to be heard thereon.

SEC. 8. The avails of all water rents shall be first applied to defraying the current expenses of said water works, and thereafter to the payment of the interest on said notes, bonds, or certificates of debt; and if at any time there shall be an excess, the board of water commissioners shall report the fact to the court of burgesses, who may direct whether the same shall be applied to the extinction of the principal debt incurred by the issuing of said notes, bonds, or certificates, or to any other purpose in connection with said works.

SEC. 9. In case the avails of water rents should at any time be inadequate to meet the current expenses of said water works and the interest of said notes, bonds, or certificates, the deficiency shall be supplied by the laying of a tax on all property and persons liable to borough taxation, which tax may be laid at any borough meeting called for that purpose, and may be collected in the same manner as other borough taxes. And said borough may, in like manner, lay and collect taxes for the purpose of paying the principal debt aforesaid, or any part thereof, by the establishment of a sinking fund, or in any other manner. And the avails of all such taxes shall be paid over to the treasurer of the water fund, subject to the order of the board of water commissioners.

SEC. 10. Any claim of said borough for the use of water, or for rent of hydrants, shall be a lien upon the real estate or property wherein or in connection with which such water was used, or on which such rent was assessed. And said lien may be foreclosed before any court having jurisdiction, in the same manner as a mortgage is now foreclosed. And the board of water commissioners shall also have power to issue warrants for the collection of all such claims, in the form prescribed by law for the collection of taxes, which warrants shall be signed by said commissioners and directed to the collector of the borough taxes, or to some indifferent person named therein, who shall have the same power to levy and collect the same as collectors of town and state taxes now have by law.

SEC. 11. It shall be the duty of the board of water commissioners to keep a record of their official proceedings, and an accurate account of their receipts and disbursements, verified by proper vouchers, which accounts shall be open at all reasonable times to the inspection of any tax-payer of said borough. And said commissioners shall render to each annual meeting of said borough, a statement of their receipts and disbursements on account of the construction of said works, and a separate statement of receipts from revenue of the same, and of payments for interest and current expenses after the opening of such works for public use, which statements shall be sworn to by one or more of said commissioners, and recorded in the records of said borough. They shall also report to the same meeting a statement of their doings, including a general

exhibit of the state of the works, an estimate of sums required to be expended therefor, a report of claims outstanding against the borough on account of such works, and such other matters of information in regard to such works as may be called for. The treasurer of the water fund shall also render to each annual meeting a statement of his accounts. And the commissioners and treasurer shall render such statements and reports to the warden and to the court of burgesses, whenever required by them.

SEC. 12. If any person shall wilfully and maliciously corrupt the water in any reservoir, hydrant, aqueduct, pipe, or other portion of said water works, or destroy or injure any portion of such works, or any materials or property used or designed to be used in connection therewith, such person, on conviction thereof before any court having competent jurisdiction, shall be punished by a fine not exceeding five hundred dollars, or by imprisonment not exceeding one year, or by such fine and imprisonment both. And said borough shall have power to enact by-laws in the manner prescribed by law for the enactment of other by-laws, imposing penalties and forfeitures for violation of any of the rules or regulations of the board of water commissioners: *provided*, that such penalty or forfeiture shall not exceed the sum of twenty dollars for any one offence.

SEC. 13. This act shall not take effect until it has been accepted by said borough, at a meeting specially warned for that purpose, at which meeting the votes shall be taken by ballots marked "yes" and "no;" and if a majority of the ballots so cast in said meeting shall have upon the same the word "yes," then this act shall take effect and be in full force. The boxes to receive the ballots aforesaid shall be kept open at least six hours continuously, and the hour of opening and closing the same shall be specified in the call of the meeting; and if at said meeting this act shall be so accepted, then said borough may proceed at the same meeting to vote upon the matter of issuing said notes, bonds, or certificates, and to elect said commissioners and treasurer of the water fund, and to transact any other business contemplated in the provisions of this act, provided notice thereof shall have been inserted in the call for said meeting.

SEC. 14. This act shall take effect from the day of its acceptance as above by the borough of Norwalk, and shall thenceforth be a public act, and may be altered, amended, or repealed, at the pleasure of the general assembly. And from and after the date when this act shall take effect, the charter of the Norwalk Water Company, passed in 1862, shall be repealed.

Approved, July 15th, 1870.

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### An Act Amending an Act to Supply the Borough of New Britain with Water for Public and Private Purposes.

*Be it enacted by the Senate and House of Representatives in General Assembly convened*, SEC. 1. That the water commissioners of said borough appointed, and to be appointed, under the act to which this act is