

# Private Acts and Resolutions

PASSED BY THE

GENERAL ASSEMBLY

OF THE

# STATE OF CONNECTICUT,

AT THE

MAY SESSION, 1866.

38302



*W. J. S.*  
*5/3/18*

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PUBLISHED BY AUTHORITY.  
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NEW HAVEN :

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1866.

tended shall cross over said tracks and premises by such bridge, so as not to interfere with the use of their tracks by said company.

Approved, June 20th, 1866.

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[98.]

AMENDING THE CHARTER OF THE CITY OF BRIDGEPORT.

*Resolved by this Assembly,* That the common council of said city, be, and they hereby are, authorized and empowered to compensate the mayor of said city for his services, by a yearly salary not exceeding the sum of four hundred dollars.

Approved, June 27th, 1866.

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[106.]

AN ACT TO PROVIDE FOR A SUPPLY OF PURE AND WHOLESOME WATER IN THE CITY OF NORWICH.

*Be it enacted by the Senate and House of Representatives, in General Assembly convened :*

SEC. 1. That the mayor, aldermen, common council and freemen of the city of Norwich, be, and are hereby authorized and empowered, in the manner hereinafter prescribed, to take and convey from the Yantic river, or any other river, stream, pond or lake, such supply of water as the necessities or convenience of the inhabitants may require; *provided*, that the water aforesaid be taken with the assent previously obtained of those who have right thereto; and are also hereby authorized and empowered to issue notes, scrip or certificates of debt, under the corporate name and seal of the city, bearing interest

at no greater rate than six per cent. per annum, to any amount not exceeding in the whole the sum of one hundred thousand dollars; the principal of which notes, scrip or certificates of debt shall be payable at some certain time or times within thirty years from the issuing of the same; and said notes, scrip or certificates shall be denominated the "Water Fund of the City of Norwich," and the avails thereof shall be applied and expended to and for the purpose of supplying said city with pure and wholesome water, according to the mode or plan adopted in pursuance of the provisions of this act, and for no other purpose whatsoever; and said notes, scrip or certificates, when issued and delivered by said city or by its agents thereunto duly authorized, shall be obligatory upon said city and the inhabitants thereof, according to the purport and tenor of the same, in the same manner and to the same extent as debts lawfully contracted by towns in this state. And said city, in a meeting legally warned and held for that purpose, may prescribe the amount for which said notes, scrip or certificates shall be issued, and decide concerning the form thereof, and direct the times and places at which the same, with the interest accruing thereon, shall be payable.

SEC. 2. Whenever said city shall have voted to accept this act as a part of its charter in the manner hereinafter prescribed, and also shall have voted to issue notes, scrip or certificates of debt in the manner aforesaid, it shall be the duty of the court of common council of said city, within fifteen days thereafter, to designate and appoint, at a meeting specially called and holden for that purpose, five persons, who shall act as a Board of Water Commissioners, with the powers conferred by this act, until others shall be chosen and sworn in their stead. And at the annual city meeting of said city, which shall be holden in the month of June, A. D. 1867, for the choice of city officers, provided this act shall then have been accepted, there shall be chosen four water commissioners, who shall be voted for on the same piece of paper with such other officers as are now by law to be chosen thereat, and shall be elected by a plurality vote. Said commissioners shall hold their offices for two years;

*provided, however,* that the first two in the order of their election, who shall be elected at the aforesaid annual meeting of said city, shall hold their offices for only one year, and at all subsequent annual meetings of said city, held for the choice of city officers, there shall be chosen two water commissioners. And four commissioners, who shall be elected in city meeting, shall, with an additional commissioner, who shall be annually chosen by the court of common council, out of their own body, at any meeting holden during or after the month of June, A. D. 1867, for the choice of recorder, constitute the board of water commissioners for the then ensuing year, and until their successors are sworn, and the official term of said board shall date from the first Monday of June in each year. And the persons chosen or appointed as water commissioners, in either of the modes aforesaid, shall be known as, and called, "The Board of Water Commissioners of the City of Norwich," and have all the powers herein conferred on said board; *provided,* that at the first election, held as aforesaid, no person shall vote for more than two of said commissioners, and at such subsequent election, held as aforesaid, no person shall vote for more than one of said commissioners.

SEC. 3. All vacancies which shall occur in said board by death, resignation, or by reason of a tie vote at any city election, or in any other manner, shall be filled by the court of common council at a meeting specially warned and holden for that purpose, within two weeks after said vacancy shall occur; and said court of common council shall have power, by a two-thirds vote of the whole number of said court of common council, to remove any commissioner for official misconduct.

SEC. 4. The board of water commissioners are empowered, and it shall be their duty, to ascertain a feasible plan for the introduction and proper distribution of water into and through said city of Norwich; to employ engineers and surveyors with reference thereto, and to estimate the probable cost of carrying such plan into execution; to make conditional contracts with the proprietors of any estate, real, personal or mixed, or of any franchise, right or privilege, which shall be required for

the aforesaid purpose; to report their plan, estimates of expense, and resources and conditional contracts, with appropriate reasons and calculations to the court of common council, who may approve or reject the same; and whenever any contract provisionally entered into by said board shall be ratified by the court of common council, the same shall be obligatory on said city.

SEC. 5. Whenever any plan of said board shall have been approved by said court of common council, said board shall be immediately thereupon empowered to take and hold, for [and] in behalf of said city, any lands or other estate necessary for the construction of any canals, aqueducts, reservoirs, or other works for conveying or containing water, or for the erection and construction of any buildings, machinery, or for laying any pipes or conductors for conveying water into or through said city, or to secure and maintain any portion of the water works; and in general to do any other act necessary or convenient for accomplishing the purposes contemplated by this act, and to distribute said water through said city in pursuance of the subsequent provisions of this act; to establish public hydrants, under the direction of the court of common council; to prosecute or defend any action or process at law or in equity, by the name of the "Board of Water Commissioners of the City of Norwich," against any person or persons or corporation, for the breach of any contract, expressed or implied, relating to the performance of any work or labor upon said water-works, or the management of the same, or the distribution of the water, or for money due for the use of the water, or for any injury, or trespass, or nuisance affecting the water, machinery, pipes, buildings, apparatus, or other things under their superintendence, or for any improper use of the water, or any wasting thereof, or upon any contract or promise made with and to them as water commissioners, or with their predecessors or successors in office; and said board shall be regarded as a corporation for the purpose of suing and being sued.

SEC. 6. Said board are hereby authorized to enter in and upon any land or water, for the purpose of making surveys,

and to agree with the owner or owners of any property or franchise, which may be required for the purposes of this act, as to the amount of compensation to be paid to such owner or owners for the same. And in case of disagreement between said board and any owner or owners as to such compensation, or as to the amount of damages which ought to be awarded to any person, claiming to be injured in his estate, by the doings of said commissioners, or in case any such owner shall be an infant, or married woman, or insane, or absent from the state, or unknown, or the owner of an uncertain or contingent interest, either judge of the supreme court of errors may, on the application of either party, cause such notice to be given of said application as said judge shall see fit to prescribe, and after proof thereof may nominate and appoint three disinterested persons, not residents of the town or city of Norwich, to examine such property as is to be taken for or damaged by the doings of said commissioners, and they being duly sworn to a faithful and impartial discharge of their duty, shall estimate the amount of compensation which said owners shall receive, and shall report the same in writing to the clerk of the superior court for New London county, to be by him recorded. Said judge of the supreme court of errors may thereupon confirm the doings of said appraisers, and direct whether said commissioners shall pay the same to said owners, or shall invest or deposit the same in such manner as said judge may prescribe, in full compensation for the property acquired, or the injury done by said commissioners, and on compliance with the order of said judge, said commissioners may proceed with the construction of their works, without any liability to any further claim for compensation or damages.

SEC. 7. Said commissioners shall also be empowered, after the approval of their plans, as aforesaid, by the court of common council, to make use of the ground or soil under any road, railroad, highway, street, private way, lane or alley within this state, for the purpose of constructing the works contemplated by this act; but shall in all such cases cause the surface of such road, railroad, highway, street, private way, lane or alley, to

be restored to its usual condition, and all damages done there-to to be repaired, and all damages sustained by any person or corporation in consequence of the interruption of travel, to be paid to such person or corporation.

SEC. 8. Said commissioners may make contracts for labor and materials for the general purposes contemplated by this act, (to be binding on said city, when ratified by the court of common council,) and all contracts for materials to be furnished, or services to be rendered, shall be in writing, and three originals shall be made of each such contract, which shall be numbered with the same number, and endorsed with a summary of the work to be done, or materials to be furnished and the date of the contract, one of which originals shall be held by said commissioners, one by the contractor, and one by such city officer as shall be designated by the court of common council; and no such commissioner shall have any pecuniary interest, direct or indirect, in any such contract, and no such contract shall be made unless good and satisfactory security for the faithful performance of the same be given by the contractor at the time of making the same.

SEC. 9. Said commissioners shall advertise, in one or more newspapers, for sealed proposals for such contracts, and specify times and places [when and] where the same are to be received; such proposals shall, in order to be received and acted upon, set forth a specified sum or price to be paid for materials and services, or for either, without condition, limitation or alteration, and shall be accompanied with a bond satisfactory to the said commissioners, conditional upon the faithful execution of the proposition in the event of the acceptance of the same; and said commissioners shall receive no more than one proposition from the same person or persons for the same contract, but shall reject all which are offered by such person or persons as offer more than one; and no contract shall be assigned without the consent of the said board, and of the court of common council.

SEC. 10. Said commissioners or board shall be the trustees of the notes, scrip, or certificates of debt issued by said city of

Norwich, and may be authorized by said city to superintend the issuing of the same, and regulate the particular form thereof, and after the same or any part of them shall be issued, said commissioners may sell such notes or certificates at public or private sale for their par value, or at such higher rates as said scrip shall command, or may pledge the same for loans not usurious under the direction of the court of common council, and at such times as the proceeds or avails of the same shall be required to meet the appropriations made or allowed for the surveying, preparing, constructing and maintaining of water works by the court of common council; and the court of common council shall direct what sum of money shall be raised from and upon said scrip, before they shall permit the construction of water works to be commenced and prosecuted; and a duplicate record shall be kept by said commissioners of all notes or certificates issued, disposed of or pledged in pursuance of the provisions of this act, one copy thereof to be by them delivered to the city treasurer, and all moneys received by said commissioners shall be deposited in one or more of the banks of the city of Norwich, and shall be drawn out only on the order of the city treasurer.

SEC. 11. Said board shall elect a president, to be approved by the court of common council, who shall devote his whole time and attention to the construction, supervision, care and management of the water-works, under the general advice and direction of the commissioners, and to such other duties connected with said water-works or with other business of the city as shall be assigned to him by the court of common council, who shall fix his compensation, but shall allow no salary or fee to any other member of the board, except as a remuneration for actual expenditures.

SEC. 12. All claims against said commissioners or said city, on account of said water-works, may be presented to said commissioners, and when approved by them shall be laid before the court of common council, who may allow the same, and direct the auditor of city accounts to draw his order on the city treasurer for the amount of any such claim.



SEC. 13. Said commissioners shall superintend the construction of the work, and keep a record of their official proceedings in that behalf, and report to the court of common council a general exhibit of the state of the works, including a detailed account of sums required to be expended therefor, and such other matters of information as may be called for by said court of common council, which said report shall be made semi-annually, and at such other intermediate times as said court of common council may designate ; and said commissioners shall keep regular books of account, which shall be always open to the inspection of the court of common council.

SEC. 14. After the completion of said work, according to the plan or plans approved by the court of common council, the said board shall regulate the distribution and use of the water in all places, and prescribe the purposes to which the same shall be applied ; *provided*, that whenever said water is to be distributed or conducted through and into public hydrants or sewers, or applied to any public use, such as the extinguishment of fires or watering streets, or other like purposes, said commissioners shall act under the direction of the court of common council in relation thereto. Said commissioners shall, with the assent of said court, establish scales of prices or terms upon which water shall be furnished, and regulate the time or times of payment, and collect all water rents, and shall faithfully account for the same, which prices or rents when so established shall not be reduced below a fair and reasonable compensation for the use of said water, so long as the aggregate of said water rents shall be, or by such reduction shall become insufficient to pay the annual expenses of said water-works and the interest upon the debt of the city, incurred in building the same, except by a vote of two-thirds of the legal voters of the city, at a city meeting specially called for that purpose. And said commissioners shall make such by-laws or regulations for the preservation, protection, and management of the said water-works as may be deemed advisable, and enforce the same by suitable penalties ; and when said by-laws or regulations have been approved by the court of common council, they shall be

of binding validity; and said commissioners may bring in their own name, actions of debt on such by-laws, to recover any penalty for the breach of the same.

SEC. 15. Said commissioners shall keep a register of all persons who use the water, and of the prices by them payable therefor, and shall apply the avails of water rents to the payment of the ordinary and current expenses of said water works, such as repairs, the hire of clerks and agents, and of extending pipes into new localities, (under the direction of the court of common council,) and shall pay any excess of such avails over the sum requisite for the last mentioned purpose to the city treasurer on the first Monday of each and every month, on account of water rents received and expended during the preceding month, having been first audited by the auditor of city accounts, on the same day, and by him approved. The account so presented shall be attested by the oath or affirmation of at least one member of the board.

SEC. 16. It shall be the duty of the city treasurer to apply any avails of water rents by him received to the payment of interest on the aforesaid scrip or certificates of debt; and if there still be an excess, to report the fact to the court of common council, who may direct whether the same shall be applied to the extinguishment of the principal debt incurred by the issuing of said scrip or to the enlargement of the water-works.

SEC. 17. In case the avails of water rents in any year shall be inadequate to meet the current expenses of said water-works and the interest on said scrip, the deficiency shall be supplied by the laying of a tax on the grand list of all persons liable to city taxation. Which said tax shall be estimated by the court of common council, and recommended to a city meeting, specially called for the purpose of laying the same; and said meeting may then lay such tax as shall be necessary to meet the aforesaid deficiency; and said city, at any city meeting specially called and holden for that purpose, may lay 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 proper

manner; *provided*, that no tax greater than one mill on a dollar shall be laid at any one time for the purpose of paying said debt or establishing said sinking fund. And all taxes laid for the purposes above mentioned may be collected in the same manner as other city taxes.

SEC. 18. All rents due for water under this act shall be and remain a lien upon the houses, tenement, or lot wherein, or in connection with which, said water shall have been used by the owner or occupier thereof, which said liens shall have priority over all subsequent incumbrances, and may be enforced and foreclosed by and in the name of said board before the city court of said city, in the same manner as liens of mechanics on lands and buildings are now foreclosed, according to the rules of equity; *provided always*, that said lien shall not be perfected unless said board shall, within sixty days after said water rent becomes due, lodge with the town clerk of the town wherein such tenement, lot or house is situate, a certificate in writing, sworn to by one of said board, of the amount due, as near as can [be] ascertained, and a general description of the premises holden; *provided further*, that the water shall not be introduced into any buildings or premises occupied by a tenant without the consent of the owner or owners thereof first had and obtained in writing.

SEC. 19. Said commissioners may require additional rents for the use of water, whenever extra quantities shall be used exceeding the quantity estimated for the same class of buildings, establishments or trades, in the scale of prices by them adopted. And said commissioners shall make no contract for the use of water for a longer term than three years.

SEC. 20. A majority of said commissioners shall constitute a quorum for the transaction of any business allowed or required by the powers or duties of said board. And no member of said commission shall be able to act as such until he has sworn to a faithful performance of his duty as such commissioner, and the president shall give a bond, with at least one sufficient surety, in the sum of ten thousand dollars, conditioned on such faithful performance.

SEC. 21. If any person shall willfully and maliciously divert or corrupt the water collected or conducted in any of the artificial works contemplated or authorized by this act, or shall willfully and maliciously divert or corrupt any of the sources of said waters with the intent to impair the usefulness of such sources for the purposes aforesaid, or shall willfully and maliciously destroy or injure any dam, pipe, aqueduct, conduit, canal, engine, cistern, hydrant, reservoir, machinery, building, or other property erected, constructed, used or designed to be used for the purpose of procuring or keeping a supply of water for said city, as herein authorized, whether within said city or elsewhere, every such person so offending, on conviction thereof before the superior court in the county where such offence shall have been committed, shall be punished by a fine not exceeding five hundred dollars, or by imprisonment in the county jail not exceeding one year, or by both such fine and imprisonment; and if either such offences shall have been committed within the limits of said city, the police court of said city shall have concurrent jurisdiction of such offence, with said superior court; and the city attorney of the said city may in such case prosecute the same. And any offender, in either of the cases provided for in this section, shall also be liable to pay treble damages in an action of trespass or action of trespass on the case brought by said board; and if either of the offences aforesaid shall be prosecuted by the city attorney aforesaid in said police court, as herein before provided, then in such case the fine may be payable to the treasurer of said city.

SEC. 22. This act shall be to all intents and purposes a public act, and may be altered, amended or repealed by the general assembly, and the same shall not go into effect until it has been accepted by said city as a part of its charter, at a city meeting warned and holden for that purpose. The mayor of said city shall notify and warn the legal voters thereof to meet at Treadway's Hall, or some other suitable place, within said city of Norwich, within six months from the rising of this assembly, for the purpose of voting upon the question whether they will or will not accept this act as an amendment to the city char-

ter; at which meeting the votes shall be taken by ballot, and the ballots having the word "Yes" upon the same shall be counted as in favor of the acceptance of this act, and the ballots with the word "No" thereon shall be counted as against the acceptance of the same. And if a majority of the votes so given in said city shall be in the affirmative, then this act shall be in full force and become a part of the charter of said city of Norwich; and unless a majority of the votes so given shall be in the affirmative, then this act shall be of none effect. And said court of common council shall determine on the day of voting as aforesaid, and the manner of counting said votes and of ascertaining and declaring the final result. The boxes to receive the ballots aforesaid shall be kept open on such day of voting from eight o'clock in the forenoon till five o'clock in the afternoon.

Approved, June 30th, 1866.

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[126.]

AMENDING THE CHARTER OF THE CITY OF HARTFORD.

*Resolved by this Assembly,* That the court of common council of the city of Hartford, be, and hereby is, empowered to adopt such sanitary measures as, in the judgment of said council, may be necessary to protect the health of said city. And for that purpose to cause to be removed from the limits of said city, or from any part thereof, such animals, trades, business, and occupations as are, or may become, injurious to the health of the residents of said city. And to pass such ordinances as may be necessary or proper to carry out the provisions of this act. And all ordinances heretofore passed by said council, for protecting the health of said city, and all rules and regulations established by any sanitary board or committee, in pursuance of such ordinances, and all acts done by such sanitary board or