

SPECIAL LAWS

OF THE

STATE OF CONNECTICUT,

WITH AN

APPENDIX

CONTAINING A

LIST OF CORPORATIONS ORGANIZED UNDER GENERAL LAWS.

COMPILED AND PUBLISHED

BY AUTHORITY OF THE GENERAL ASSEMBLY.

345.2
C761s

VOLUME VIII.

FROM THE YEAR 1876 TO THE YEAR 1880, INCLUSIVE.

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

KFC
3625
.A21
1876-
1880
C.2

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

Be it enacted by the Senate and House of Representatives in General Assembly convened: SECTION 1. The warden, burgesses, and freemen of the borough of Bethel are 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 Bethel, Reading, or the southern part of Danbury, to hold, convey, and distribute such water into and through said borough, by means of reservoirs, pipes, aqueducts, pumps, and other suitable works, in such quantities as the necessities and conveniences 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, and 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 June, A.D. 1879, one of said commissioners until June first, 1880, and one of said commissioners until June first, 1881, 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 1878, to hold office for the term of three years, beginning on the first day of June 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 each succeeding first day of June, and until his successor be chosen and qualified. Any vacancy which may occur in any of such offices may be filled by the warden and burgesses for the remainder of the then current year, and until the next annual meeting, when such vacancy may 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 as the warden and burgesses shall determine, and shall receive for their services such compensation as the warden and burgesses shall prescribe.

SEC. 3. Said commissioners are hereby authorized and empowered to purchase and take conveyances, for and in the name of this borough, of all lands, property, and privileges, necessary or convenient for accomplishing the purposes of this act, to hold in sufficient quantities the waters of any stream, lake, or pond, either within or without said borough, and in either of the towns as 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, lake, or

pond ; to enter upon and make use of the ground or soil under any railroad, street, highway, or private way, public or private grounds, and lay, construct, and maintain all necessary pipes, pumps, and aqueducts, within the borough and town of Bethel, and the towns of Reading and Danbury, as hereinbefore mentioned, with the consent and under the direction and supervision of the warden and burgesses of said borough, and the selectmen of said towns, and the railroad company using said railroad, or the railroad commissioners respectively, in such manner as least to damage or impede travel thereon: *provided*, they put such railroad, street, highway, or private way, public or private grounds in as good condition as before the laying, constructing, or maintaining of said aqueducts or other works ; 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 warden and 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, pumps, 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 assessments 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 the 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 Bethel, to an amount not exceeding in the whole the sum of twenty-five thousand dollars, bearing interest at no greater rate than six per cent. per annum, the principal of which shall be payable at some certain time or times not to exceed 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 be, when issued, 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 no 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 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 warden and 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. 8. In case the avails of water rent 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 as 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. 9. 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.

SEC. 10. 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 burgesses whenever required by them.

SEC. 11. 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 three hours continuously, and the hour of opening and closing the same shall be specified in the call for 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. 12. This act shall take effect from the day of its acceptance as above by the borough of Bethel, and shall thenceforth be a public act, and may be altered, amended, or repealed at the pleasure of the general assembly.

Approved, March 26, 1878.

Incorporating the Tolland Aqueduct Company.

Whereas, The Tolland Aqueduct Company, a corporation organized for the purpose of supplying the village of Tolland with pure water for public and domestic purposes, and hitherto and still conducting their business under the joint stock laws of this state, and located in the town of Tolland, find it necessary, for the better and more successful carrying on of their business, to have and exercise more definite and extended powers in respect thereto: now, therefore,