

PRIVATE
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OF THE
STATE OF CONNECTICUT.

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attorney is known to said court of common council, of all persons residing without this state. And if any person shall reside without this state and have no attorney known to said court of common council residing in this state, said court of common council shall cause notice of such assessment, duly attested by the clerk of said city, to be published for two weeks successively in one or more newspapers published in said city. And any person claiming to be aggrieved by the doings of said court of common council, in the assessment of such expense, may, at any time within thirty days after the service of such notice, bring his petition in writing to the city court holden in said city, by causing due service to be made on the clerk of said city, praying for relief against such assessment; and said city court shall thereupon proceed according to the provisions of the act of 1853, for the assessment of highway benefits in said city.

Approved June 24, 1859.

1860.

Amending the Charter of the Norwalk Marine and Fire Insurance Company.

Resolved by this Assembly, SEC. 1. That the name of the Norwalk Marine and Fire Insurance Company, be and is hereby changed to that of the Norwalk Fire Insurance Company.

SEC. 2. The annual meeting of said company shall be holden in the month of May, on a day to be appointed by the board of directors.

SEC. 3. The number of directors of said corporation shall not be less than nine nor more than twenty-five.

SEC. 4. So much of the act of incorporation of said company as requires its principal office to be at South Norwalk, be and is hereby repealed.

SEC. 5. This act shall take effect from its passage.

Approved May 10, 1860.

An Act to Supply the Borough of Danbury with Water for Public and Private Purposes.

Resolved by this Assembly, SEC. 1. That the Warden, Burgesses and Freemen of the Borough of Danbury are hereby authorized and empowered to take and use the water of any stream, lake or pond within the limits of the town of Danbury; 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 ; 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 act as a board of water commissioners, and a suitable person to act as 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 commissioners until January 1st, 1862, one of said commissioners until January 1st, 1863, and one of said commissioners until January 1st, 1864 ; the term of office of said commissioners to be determined by lot, within thirty days of their election, in presence of the clerk of the borough, who shall make a record of the same. And a special meeting of said borough shall be warned and held annually, after the year 1860, at some time during the months of November or December, at which shall be elected a water commissioner, to hold office for three years from the first day of January succeeding such election, and also a treasurer of the water fund, to hold office for one year from the same date. All vacancies which shall occur in either of said offices by death, resignation or otherwise, shall be filled as soon as may be, by the warden and burgesses, for the unexpired term. 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 warden and burgesses shall prescribe, and shall hold office until their successors are duly elected and sworn.

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 or 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, 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 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 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 or 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. The said borough shall be liable to pay all the damages that shall be sustained by any person or persons, or corporations, 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 or 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 made to said judge by or on behalf of either party, after such notice shall be given of such application as said judge shall prescribe; which said appraisers shall report their doings, embracing the amount of their assessment, to the clerk of the superior court for Fairfield county, to be by him 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 deposit of the same with the county treasurer to the use of such owner or owners, shall release said borough from liability to any further claim 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 debts to be denominated on the face thereof, Water Fund of the Borough of Danbury, to an amount not exceeding in the whole the sum of fifty 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 the payment of the principal and interest thereof, and the rate of interest, shall be prescribed by said borough, in legal borough meeting for that purpose called and held; 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 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 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 warden and burgesses, for the purpose of extinguishing fires, or for other public purposes. Said rent shall be assessed by them equitably upon all property, real and personal, in the vicinity of the hydrant, which shall be deemed by them to be benefited thereby. And a list of such assessments, signed by them, shall be deposited with the clerk of the borough, and notice that such list is so deposited shall be published in each newspaper printed in Danbury. And 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 warden of the borough, and the warden and burgesses may, if they see cause, within ten days thereafter, meet to review and equalize such list of assessments, without changing the aggregate amount thereof, and they shall indorse on said list any alteration made by them, and their action shall be final.

SEC. 8. The avails of all water rents shall be first applied to defraying the current expenses of said water works, after which to the payment of the interest on said notes, bonds, or certificates; and if there shall at any time be an excess, the board of water commissioners shall report the fact to the warden and burgesses, who may direct whether the same be applied to the extinguishment 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 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 proper times to the inspection of any taxpayer of the borough. And said commissioners shall render to each borough meeting called to elect a commissioner and treasurer, 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 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 on 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 said works as may be called for. The treasurer of the water fund shall also render to the same meeting a statement of his accounts. And the commissioners and treasurer shall render such statements and reports to the warden and burgesses at any time when 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 fine not exceeding two 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 offense.

SEC. 13. This act shall not go into 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, 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. 14. This act shall take effect from the day of its acceptance, as above, by said borough of Danbury, and may be altered, amended or repealed by the general assembly.

Approved May 15, 1860.