

**Resolutions and Private Acts**  
OF THE  
**GENERAL ASSEMBLY**  
OF THE  
**STATE OF CONNECTICUT,**  
**MAY SESSION, 1857.**

PUBLISHED IN CONFORMITY WITH A RESOLUTION OF THE  
GENERAL ASSEMBLY.



**State of Connecticut, ss.**

OFFICE OF THE SECRETARY OF STATE, AUGUST, 1857.

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**HARTFORD:**  
**HAWLEY & FAXON, STATE PRINTERS.**  
**1857.**

the stockholders of said bank, until the whole amount of such share shall have been paid in.

SEC. 4. If the subscription aforesaid shall exceed four thousand shares, the commissioners shall reduce the number to four thousand; for which purpose it shall be their duty to make all necessary inquiry, and apportion the shares in such a manner as to them may seem proper, having regard to the interests of the bank and the accommodation of the public.

SEC. 5. This act shall not go into effect until the same shall have been accepted by the stockholders of said bank, at a meeting called for that purpose.

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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 borough of New Britain," is hereby authorized and empowered to take water from the stream known as "Shuttle Meadow Brook," at any feasible point near the south-west corner of the town of New Britain, either within or without the limits of said town; provided that rights of other proprietors sustaining damage thereby, be paid for by said borough, as hereinafter provided; and such water to convey and distribute into and through the said borough, by means of aqueducts, reservoirs and other suitable works, in such quantities, as the necessities and conveniences of said borough may require; also, to take and hold any lands or other estate, or any 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 immediately upon its acceptance of the provisions of this act, proceed to elect three persons, who shall act as a board of water commissioners, with the powers conferred by this act, and shall hold office until the next annual meeting of said borough, and until others are chosen in their stead and sworn, and at each annual meeting hereafter, there shall be chosen three water commissioners, to hold office for one year, and until their successors are 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, or other estates, or privileges, necessary or convenient for accomplishing the purposes of this act; to make contracts for labor and materials for the general purposes contemplated by this act; to dam and hold in sufficient quantities the water of said stream; to lay and construct all necessary pipes, aqueducts or reservoirs, either within or without said borough; to make use of the ground or soil under any railroad, street, high or private way, for the purposes of laying said pipes or aqueducts in such manner as least to obstruct or impede travel thereon, causing all damage done thereto 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; to make and establish public reservoirs and hydrants, under the direction of the warden and burgesses; to regulate the distribution and use of said water, and establish the prices to be paid therefor. *Provided*, that in the regulation of said water for all public uses, said board shall be under the direction of the warden and burgesses; to collect all water rents, and pay over the same to the borough treasurer, to audit, allow and draw orders on the treasurer for the payment of all claims against said borough on account of said water works, and generally to attend to the construction, supervision, care 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 they shall keep a record of their official proceedings and render a report of their doings to said

borough including a general exhibit of the state of the works, an account of sums required to be expended therefor and such other matters of information as may be called for by the warden and burgesses at each annual meeting; and to the warden and burgesses whenever by them required; and said commissioner shall keep regular books of account.

SEC. 4. A majority of said commissioners shall constitute a quorum for the transaction of any of the business of said board, and all vacancies which shall occur in said board, by death, resignation or otherwise, shall be filled as soon as may be by the warden and burgesses.

SEC. 5. Whenever disagreement shall be had between said board and the owner or owners of any property or privileges which may be required for the purposes of this act, as to the amount of compensation or damages to be paid to such owner or owners for the same, or whenever such owner shall by law be incapable of contracting or be absent from this state, such compensation or damages, may be assessed by three disinterested persons, under oath, appointed by either judge of the supreme court of errors, 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 see fit to prescribe, which said appraisers shall report their doings, embracing the amount of their assessment, to the clerk of the superior court for Hartford 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 upon payment thereof, or deposit of the same with the county treasurer, to the use of such owner or owners, said commissioners may proceed with the construction of said works, without liability to any further claim to compensation or damages.

SEC. 6. For the purpose of defraying the cost of construction of said water works, including the cost of purchase and the other expenses incident thereto, and for no other purpose whatever, said borough is hereby authorized and empowered, to issue notes, scrip or certificates of debt, to be denominated on the face thereof, "Water Fund of the borough of New

Britain," 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 from issuing of the same, and the amount of said notes, scrip 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 for that purpose specially called and held, and said notes, scrip or certificates shall be signed by the warden and countersigned by the treasurer of said borough, and shall, when issued, be obligatory upon said borough and the inhabitants thereof according to the purport and tenor of the same.

SEC. 7. Said board of water commissioners shall be the trustees of the notes, scrip 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 the same, in such manner and on such terms as they may deem best, or they may pledge the same for moneys borrowed by said borough, to be used in or about the construction of said works. And said board shall keep a record of all such notes, scrip or certificates issued, disposed of or pledged, and all moneys received by said board, shall be by them paid over to the borough treasurer.

SEC. 8. The avails of all water rents shall be first applied to defraying the ordinary and current expenses of said water works, after which, to the payment of the interest on said notes, scrip or certificates, and if there shall at any time still be an excess, the borough treasurer 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, scrip or certificates, or to any other purpose in connection with said works.

SEC. 9. 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 of said notes, scrip or certificate, the

deficiency shall be supplied by the laying of a tax on the grand list of all persons liable to borough taxation, which said tax may be laid at any borough meeting legally called for that purpose, and said borough may at any borough meeting for that purpose specially called and held, 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 manner.

SEC. 10. Taxes laid for the purposes mentioned in the preceding section, may be collected in the same manner as other borough taxes, and any claim of said borough for the use of water, shall be a lien upon the house, tenement or lot, wherein or in connection with which, said water was used by the owner or occupier thereof. And said lien may be foreclosed before any court having jurisdiction, in the same manner as a mortgage is now foreclosed, according to the rules of equity.

SEC. 11. It shall be the duty of said commissioners to designate in all orders by them drawn upon the treasurer, the class to which the same belongs, whether construction account, or expense account, and the treasurer shall pay all such orders from the appropriate fund as established in the foregoing sections of this act. 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 compensations as the warden and burgesses shall prescribe.

SEC. 12. If any person shall willfully 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, he shall forfeit and pay to said borough, treble damages in an action of trespass brought by said borough, and such person on conviction thereof before any court having jurisdiction of the offence, shall be punished by fine not exceeding three hundred dollars, or by imprisonment not exceeding one year, or by such fine and imprisonment both.

SEC. 13. This act shall to all intents and purposes be 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 borough at a borough meeting legally warned for that purpose, in conformity with the provisions of the by-laws of said borough for the warning of special meetings thereof, and to be held within two weeks from the date of the passage hereof, at which meeting the votes shall be taken by ballots, written "yes" and "no," and if two-thirds of the ballots so cast in said meeting, shall have upon the same the word "yes," then this act shall be in full force, otherwise the same shall be null and void; the boxes to receive the ballots aforesaid, shall be kept open on such day of voting from nine o'clock A. M., until two o'clock P. M., and the votes shall be counted and the result declared in the manner prescribed for the election of the annual officers of said borough, and if at said meeting this act shall be accepted by said borough, said borough may thereupon proceed at the same meeting to vote upon the matter of issuing said notes, scrip or certificates, and to elect said commissioners and 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, in manner aforesaid, by the said borough of New Britain.

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AN ACT IN AMENDMENT OF AN ACT ENTITLED "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 act entitled "An act to supply the borough of New Britain with water for public and private purposes," passed at this session of the general assembly, be