

**PUBLIC ACTS,**  
**PASSED BY THE GENERAL ASSEMBLY**  
**OF THE**  
**STATE OF CONNECTICUT,**

**MAY SESSION, 1853.**



**STATE OF CONNECTICUT,**  
**OFFICE OF THE SECRETARY OF STATE, JULY, 1853.**

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**HARTFORD:**  
**ALFRED E. BURR, STATE PRINTER.**  
**1853.**

take effect when approved at a meeting of the free-  
men of the city of New Haven, legally warned and  
held for that purpose, and any section of this act not  
so approved shall be null and void. When to take  
effect.

Approved, July 1st, 1853.

#### CHAPTER XIX.

An Act to alter the Charter of the City of New Haven,  
to provide the means for the extinguishment of  
fires therein, and for supplying its inhabitants with  
pure Water.

*Be it enacted by the Senate and House of Repre-  
sentatives in General Assembly convened:*

SEC. 1. That the city of New Haven, having the  
corporate name of "The mayor, aldermen, common  
council and freemen of the city of New Haven," are  
hereby authorized and empowered, in the manner  
hereinafter prescribed, to take and convey from the  
Quinnipiac river, Mill river, or any other river, stream,  
pond or lake, such supply of water as the necessities  
or convenience of the inhabitants of said city 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 bonds, scrip, or certificates  
of debt, under the corporate name and seal of said  
city, bearing interest at no greater rate than six per  
cent. per annum, to any amount not exceeding in the  
whole the sum of three hundred and twenty-five  
thousand dollars, the principal of which said bonds,  
scrip or certificates, shall be payable at some certain  
time or times within fifty years from the issuing of  
the same, and the interest thereon shall be payable  
semi-annually; and said bonds, scrip or certificates  
shall be denominated "The water fund of the city of  
New Haven," 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 pro-  
City of New  
Haven empow-  
ered to bring  
water into city  
for supply of  
inhabitants.  
May issue  
bonds.

visions of this act, and for no other purpose whatsoever; and said bonds, scrip or certificates, when issued and delivered by said city or by their agents, thereunto duly authorized, shall be obligatory upon said city and the inhabitants thereof, in the same manner and to the same extent as debts lawfully contracted by towns in this State, and according to the purport of said bonds, scrip or certificate, and the tenor of the same. And the board of commissioners herein after provided for, may direct, from time to time, what amount of said bonds, scrip or certificates shall be issued, prescribe the form thereof, and direct the times and places at which the same, with the interest accruing thereon, shall be payable.

Board of water  
commissioners,  
how appointed.

SEC. 2. The court of common council of said city shall appoint, at a meeting specially called and holden for the purpose, seven persons, who shall be known as, and called, "The board of water commissioners of the city of New Haven," with the powers conferred by this act, until others shall be chosen and sworn in their stead, as herein after provided. And at the annual city meeting of said city, which shall be holden in the month of June, 1854, for the choice of city officers, there shall be chosen six 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.

Term of office.

Two of the persons so chosen shall hold office for two years, two for four years, and two for six years; the term of each to be determined by lot, to be drawn by said six commissioners, in presence of the mayor and clerk of said city; and said clerk shall certify the result of said drawing within two days thereafter, by publication of the same in one or more of the newspapers printed in said city, and shall record the same. And once in two years thereafter, at the meetings holden for the choice of city officers, two persons shall be chosen water commissioners, to hold office for the term of six years. And the six commissioners who shall be so elected in city meeting, shall, with an additional commissioner, who shall be annually chosen by the said court of common council, out of their own body, at any meeting holden during or after the month of June, 1854, 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 day of the annual city meeting for the choice of city officers. And the persons chosen or appointed as the water commissioners in either of the modes aforesaid, shall be known as, and called, "The board of water commissioners of the city of New Haven," and have all the powers herein conferred upon such board.

SEC. 3. All vacancies which shall happen in such board, by death, resignation, or by reason of a tie vote, at any city election, or in any other manner, shall be filled by said court of common council, at a meeting specially warned and holden for that purpose, within two weeks after said vacancy shall happen; and said court of common council shall have power to remove any commissioner for official misconduct, on charges previously specified in writing, a copy of which shall have been furnished him six days before any action thereon, that he may appear and defend, if he see fit.

Vacancies, how filled.

Commissioner, how removed.

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; to employ engineers and surveyors with reference thereto, and to estimate the probable cost of carrying such plan into execution; to make contracts with the proprietors of any estate, real, personal, or mixed, or of any franchise, right or privilege, which shall be required for the purposes of this act; to report their plans, estimates of expence and revenue, and the contracts so made by them, with appropriate reasons and calculations, to said court of common council; which contract so made shall be obligatory on said city, and the other party or parties to such contracts.

Board to ascertain plan, make estimates and contracts, &c.

SEC. 5. Whenever any plan of said board shall have been perfected for the purposes aforesaid, and the contracts relating thereto made as aforesaid, said board shall be immediately thereupon empowered for and in behalf of said city, to take and hold any lands, water, water privileges or other estate necessary for the construction of any canals, aqueducts, conduits, pipes, reservoirs, dams or other works for conveying, holding or retaining water, or for the erection or construction of any building or machinery, that may be

General powers of board.

required for the purpose of supplying said city with water, or to secure or maintain any portion of the water-works required for the purposes contemplated by this act; and in general, to do any other act, necessary or convenient, for the purposes aforesaid: and to distribute said water through said city, pursuant to the powers in this act conferred; to establish public hydrants for the extinguishment of fires and for other purposes; 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 New Haven," against any person or persons or corporation, for the breach of any contract express 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 said water, or for money due for the use of the same, or for any injury, trespass or nuisance to, or affecting said water or canals, aqueducts, conduits, pipes, reservoirs, dams, machinery, buildings, apparatus or other thing connected with said works under their superintendence; or for any improper use of said water, or any wasting thereof; or upon any contract, or promise made with or to them or with their predecessors or successors in office. And said board shall be regarded as a corporation, for the purpose of suing and defending suits as aforesaid.

May take property on payment of appraisalment.

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 the said board, or in case any such owner shall be an infant, or married woman, or insane, or absent from this State, or unknown, or the owner of a contingent or uncertain 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 such judge shall see fit to prescribe, and after proof thereof, may

nominate and appoint three disinterested persons to examine such property as is to be taken 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 owner should receive, and report the same, in writing, to the clerk of the superior court for New Haven county. Said judge 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 shall 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 to make use of the ground or soil under any road, railroad, turnpike, 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, turnpike, highway, street, private way, lane or alley to be restored to its usual condition. And all damages 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; and said commissioners may, if necessary, construct their said works over any road, railroad, turnpike, highway, street, private way, lane or alley, in such manner, and at such an elevation as not to interrupt or in any way interfere with the travel on or use of the same.

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; 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 indorsed with a summary of the work to be done, or materials to be furnished, and the date of the con-

May use the ground under any road, &c. but shall restore them to former state, and repair damage.

Contracts, how made.

No commissioner to have any pecuniary interest in contract.

tract; 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 said court of common council; and no 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, shall be given by the contractor at the time of making the same.

Proposals for contracts, how received.

SEC. 9. Said commissioners shall advertise in one or more newspapers, for sealed proposals for such contracts, and specify times and places where the same are to be received; and 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, without condition, limitation or alternative, and shall be accompanied with a bond, satisfactory to said commissioners, conditioned 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 assignable without the consent of the said board and of said court of common council.

Board to be trustees of bonds.

SEC. 10. Said board of commissioners shall be the trustees of the bonds, scrip or certificates of debt, issued by said city; and after the same or any part of the same shall have been issued, said board may sell such bonds, scrip or certificates at public or private sale, for their par value, or at such higher rate as the same shall command, or may pledge the same for loans not usurious, at such times as the proceeds or the avails of the same shall be required to meet the expences for the surveying, repairing, constructing and maintaining of said water-works; and a duplicate record shall be kept by said board, of all bonds, scrip or certificates issued, disposed of or pledged in pursuance of the provisions of this act; one copy of which shall be delivered by them to the treasurer of said city; and all monies received by said board shall be deposited in one or more of the banks in said city, and shall be drawn out only on the order of the treasurer of said city.

To keep duplicate record of bonds issued.

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

President of the board.

SEC. 12. All claims against said board or said city, on account of said water-works, may be presented to said board, and when approved by them shall be laid before the mayor and aldermen of said city, who may allow the same, and direct the clerk of said city to draw an order on the treasurer of said city, for the amount of any such claim.

Claims, how presented and paid.

SEC. 13. Said board shall superintend the construction of the works herein authorized, and keep a record of their official proceedings, and report to said court of common council a general exhibit of the state of the works, including a detailed account of the 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 board shall keep regular books of account, which shall be always open to the inspection of the members of the court of common council.

Board to superintend construction of works, &c.

SEC. 14. After the completion of said works, as aforesaid, the said board shall regulate the distribution of the water in all places, and prescribe the purposes to which the same shall be applied; provided, that whenever within the limits of said distribution, 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 any other public purpose, said board shall act under the direction of said court of common council in relation thereto. Said board shall

To regulate distribution of the water, and establish prices.

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 faithfully account for the same. Said board shall also make such by-laws or regulations for the preservation, protection and management of said water-works, as may be deemed advisable; which, when approved by said court of common council, shall be of binding validity. And said board may bring, in their own name, actions of debt on such by-laws, for the breach of the same, to recover any penalty provided for in such by-laws.

Avails of water rents, how applied.

SEC. 15. Said board 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 the water rents to the payment of the ordinary and current expences of the said water-works, such as repairs, the hire of clerks and agents, and of extending pipes or other works into new localities. And shall pay any excess of such avails over the sum requisite for the last mentioned purposes, to the treasurer of said city, on the first Monday of each month; an account of water rents received and expended, having been first audited and approved by the mayor and aldermen of said city on the same day. The accounts so presented shall be attested by the oath or affirmation of at least one member of said board.

Interest on bonds, how paid.

SEC. 16. It shall be the duty of the treasurer of said city to apply the avails of any water rents by him received to the payment of interest on the aforesaid bonds, scrip or certificates, and if there shall be an excess, to report the fact to said court of common council, who may direct whether the same shall be applied toward the extinguishment of the principal debt incurred by the issuing of said bonds, scrip or certificates, or to the enlargement or extension of the said water-works, or for the purposes of aiding the sinking fund herein after provided, for the extinguishment of the principal of the debt herein authorized; and it shall be the duty of said court of common council to establish a sinking fund for the extinguishment of the principal of the debt aforesaid, and to appoint at least three persons a committee for the care and management thereof, and all premiums

Excess of avails, how disposed of.

Sinking fund.

above the par amount of said bonds, scrip or certificates, received on the sale of the same, shall be paid to said committee as a part of said sinking fund, and shall, with such other moneys as may from time to time be appropriated for the purpose, be inviolably applied to the ultimate payment of the principal of the debt aforesaid, and to no other purpose whatever.

SEC. 17. Said city may at any city meeting, legally warned and held for the purpose, lay any tax upon the grand list of all persons liable to pay taxes to said city, for the purpose of paying the principal or interest of the debt herein authorized, or any part thereof, or for the purposes of establishing or aiding said sinking fund, provided said tax shall have been previously estimated and recommended by said court of common council, which said tax, when so laid, may be collected in the same manner as other city taxes.

City empowered to tax for payment of principal or interest.

SEC. 18. All rents due for water under this act, shall be and remain a lien upon the house, 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 land 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.

Rents for water to be a lien upon house, &c.

SEC. 19. A majority of said board of commissioners shall constitute a quorum for the transaction of business, and no president of said board shall be permitted to act as such, until he shall have given a bond with at least one sufficient surety, to be approved by the mayor of said city, in the sum of five thousand dollars, for the faithful performance of the duties of his office, and shall have been duly sworn

Quorum of board.

Bond of president.

Contract for use of water.

Members to be sworn.

Penalty for diverting or corrupting water, or injuring works, &c.

to discharge faithfully the duties of his said office. Said board shall make no contract for the use of any of said water for a longer term than three years; and all the members of said board shall be sworn to a faithful discharge of their duties.

SEC. 20. If any person shall wilfully and maliciously divert or corrupt the water collected or conducted in any of the artificial works contemplated or authorized by this act; or shall wilfully 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 wilfully 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 or county court, in the county where such offence shall have been committed, shall be punished by 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 city court of said city shall have concurrent jurisdiction of such offence, with said superior and county 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 city court, as herein before provided, then in such case the fine may be payable to the treasurer of said city.

Powers of the New Haven water company conferred upon city, on what conditions.

SEC. 21. All the powers, rights and privileges conferred upon the New Haven water company, by a resolve of the General Assembly, incorporating the same, passed May session, 1849, and by any subsequent resolve or act of the General Assembly, in alteration thereof, shall be transferred to, and con-

ferred upon the said city, if said city shall, before the next session of the General Assembly, accept this act by a major vote of the inhabitants of said city, at a legal meeting duly convened for that purpose; and shall, within two years from the rising of this Assembly, appropriate and expend at least one hundred thousand dollars toward the accomplishment of the object herein provided for: and shall also, within three years of the rising of this Assembly, introduce the water into said city, and distribute the same within the limits of said city, by at least fifteen miles of pipe; and thereupon the said New Haven water company shall cease and be discontinued. But said city shall in such case pay to said water company the expence they have incurred for engineering and other matters connected with the organization of said company, not exceeding in all the sum of three hundred dollars.

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 in their respective election districts or wards, or places of voting for city officers, within sixty days 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 charter, 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 the majority of the votes so given in, 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 New Haven; 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; and they shall also appoint the presiding

To be a public act, and to go into effect when.

officers at the different wards or places of voting as aforesaid. The boxes to receive the ballots aforesaid, shall be kept open on such day of voting from seven o'clock in the forenoon till five o'clock in the afternoon.

Approved, June 29th, 1853.

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CHAPTER XX.

An Act incorporating the City of Waterbury.

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

Boundaries of  
city of Water-  
bury

SEC. 1. That all freemen of this State, inhabitants of said Waterbury, and dwelling and inhabiting within the following limits, viz:—commencing at the entrance of Steele's brook into the Naugatuck river, thence easterly to the Buck's hill road, ten rods northerly of the dwelling house of the late Isaac Sutton, thence to the bridge where the Cheshire road crosses Carrington brook, thence to the dam of Brown and Elton across Mad river, thence south-westerly to the Naugatuck river at the lower end of Mad meadow,—said point being the present south-west corner of the borough of Waterbury,—thence westerly to the north-east corner of the dwelling house of Erastus P. Potter, thence northerly to the intersection of the Middlebury and town plot road, on west-side hill, thence northerly to the place of beginning—be, and the same are hereby ordained, constituted and declared to be, from time to time and forever hereafter, one body, corporate and politic, by the name of "The mayor, aldermen, common council and freemen of the city of Waterbury;" and by that name they, and their successors forever shall have perpetual succession, and shall be persons in law, capable of suing and being sued, pleading and being impleaded in all suits of what nature soever, and also to purchase, hold, and convey any estate, real or personal, and may have a common seal, and