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[Senate Joint Resolution No. 208.]

[430.]

AMENDING THE CHARTER OF THE VILLAGE WATER COMPANY
OF SIMSBURY.

Resolved by this Assembly: That the resolution incorporating The Village Water Company of Simsbury, approved May 15, 1903, is hereby amended by striking out in the ninth section the words "within the towns of Simsbury and Bloomfield" and inserting in lieu thereof the following words: "within the town of Simsbury," and by adding at the end of section nine the following, viz.: "All of the provisions of this resolution are subject to the condition that the powers herein granted shall not be exercised to deprive The Simsbury Water Company of any part of the water which it now enjoys or to which it may be entitled under the provisions of its charter, or to take any water from the Farmington river."

Approved, June 22, 1903.

[House Joint Resolution No. 430.]

[431.]

REVISING THE CHARTER OF THE WOODMONT IMPROVEMENT ASSO-
CIATION AND CHANGING ITS NAME TO THE WOOD-
MONT ASSOCIATION.

Resolved by this Assembly: SECTION 1. That all of the electors of this state, who are taxpayers in the town of Milford, and who have been domiciled for one month during the year last past in the town of Milford, and within the territory included within the following limits, to wit: All that territory in said town of Milford, on the shore of Long Island sound, bounded northerly and westerly by a line beginning at a point in the center of the bridge over Oyster river, near the property of the Rev. Dr. Anderson; thence from said bridge northerly at right angles to said bridge until the line reaches a point two hundred feet northerly of the northerly side of the highway in which said bridge is located; thence southwesterly, parallel to and two hundred feet distant from said highway, to the northerly side of Chapel street, near the house of John W. Merwin; thence westerly, along the northerly side of Chapel street, to a point opposite the westerly line of the Woodmont chapel property; thence southerly across said Chapel street along land of said chapel society; thence easterly along land of said chapel society to Merwin avenue; thence southerly along the westerly side of said Merwin avenue to a clump of three large trees; thence southwesterly in a straight line to the top of Barrel rock so-called, to the southerly boundary line of the town of

Milford; thence northeasterly along the southerly line of said town to the boundary line between the towns of Milford and Orange; and thence continuing northerly along the boundary line between said towns to the point of beginning, are hereby declared to be, and shall forever continue to be, a body politic and corporate, within said town of Milford, by the name of the Woodmont Association, and by that name they and their successors shall have perpetual succession and shall be a person in law, capable of suing and being sued, and pleading and being impleaded in all courts of whatsoever nature, and also of purchasing, holding, and conveying any estate, real or personal, necessary for the purposes of said association; and shall have a common seal and may change and alter the same at pleasure.

SEC. 2. All of the electors aforesaid, and all taxpayers in the town of Milford who have been domiciled for one month during the year last past within the territory included within said association, and all electors of the town of Milford who actually reside within the limits of said association, shall be freemen of said association at the first election of officers under this resolution and for the year next ensuing; and every person of legal age who shall hereafter have been domiciled within the limits of said association for a period of one month during any year, and who shall have paid taxes on property located in said association during said time, shall be a freeman of said association for the year during which he or she has so paid taxes and been domiciled for one month, and for the year ensuing; and all electors of the town of Milford who actually reside within the limits of said association shall also be freemen of said association. Any freeman of said association who votes in said association under the provisions of this resolution may vote at all elections in any town in this state where he permanently resides, and the fact that any person is registered as a voter in the Woodmont Association shall not deprive him of the right to register and vote in any town in this state where he has a permanent residence. The freemen of said association in legal meeting assembled shall have power to admit to the freedom of said association all such persons of legal age as own property in said association, real or personal, in their own right, within the limits of said association and which is subject to taxation therein and is rated in the tax list of said association at not less than one hundred dollars; which persons, when so admitted, shall be entitled to all the privileges of freemen of said association while so owning property subject to taxation and rated as aforesaid; provided, that such persons so admitted to the freedom of said association shall not be eligible to hold office in said association. No persons, other than those described in this and the preceding section, shall be freemen of said association, and such persons shall cease to be freemen whenever they shall cease to possess the qualifications of residence or ownership of property as hereinbefore provided.

SEC. 3. The first annual meeting of the legal voters of said Woodmont Association shall be held on the last Saturday of August in the year 1903, at which meeting said voters shall elect from their number by a plurality of ballots a warden, five burgesses, a clerk, a treasurer, a sheriff, and two auditors. All of said officers of said association shall be sworn to faithfully perform the duties of their several offices, and shall hold office until the next annual meeting and until others shall be chosen and qualified in their stead. The salaries of all elective officers of said association shall be fixed by said association in any meeting called for that purpose. The salaries and compensation of all other officers and employes of said association shall be fixed and determined by the warden and burgesses. The annual meeting of the legal voters of said association shall be held on the last Saturday of August in each year, and a notice of said annual meeting shall be signed by the warden or any three of the burgesses, and shall designate the time and place of such meeting, the officers to be elected, and the other business to be transacted thereat, and such notice shall be posted on the public signpost in said association at least five days before the date of such meeting.

SEC. 4. At all meetings of the voters of said association held for the election of officers, the polls shall be open at two o'clock in the afternoon and shall remain open until seven o'clock in the afternoon. The voting for such officers shall be by ballot; and the casting, challenging, checking, and counting of ballots shall be regulated by the warden and burgesses of said association by such by-laws, rules, and regulations as they may from time to time prescribe; provided, however, that no by-laws, rules, or regulations shall be made which are inconsistent with the statute laws of this state relating to the holding of borough elections. The time for holding meetings for the transaction of business other than the election of officers shall be fixed and designated by the board of warden and burgesses.

SEC. 5. Not less than fifteen of the legal voters of said association shall constitute a quorum for the transaction of business at any special meeting of the voters of said association; and, if fifteen legal voters shall not be present at such meeting, the warden of said association, and, in the absence of the warden, the clerk of said association, may adjourn said meeting from time to time until at least fifteen legal voters shall be present; and all meetings of the said association, where a quorum shall be present, may be adjourned from time to time by a vote of a majority of the legal voters present and voting; provided, that no election of officers shall be had at such adjourned meeting.

SEC. 6. Whenever at any meeting of the voters of said association there shall be no election to an office, by reason of a tie vote, a new election for such office shall be held one week from the day of said meeting, at the same hour and place. Whenever any office shall be vacated by death, resignation, removal, or otherwise, such vacancy

shall be filled by the board of warden and burgesses for the unexpired term; provided, however, that, if the board of warden and burgesses do not, by a majority vote, fill such vacancy within one week after the same occurs, the warden of the association, or, if there be no warden, or he shall be absent or incapacitated to act, the senior burgess of the association, may fill such vacancy as aforesaid until the same is filled by the warden and burgesses.

SEC. 7. The seniority of a burgess shall be determined by his consecutive terms of office, and in case there is no seniority vested in any member of the board of burgesses, then the eldest burgess who has held the office consecutively as long as any other member of said board shall be considered the senior burgess.

SEC. 8. Meetings of said board may be called at any time by the warden or any four burgesses by leaving a notice of such meeting with, or at the usual place of domicile in said association of, the warden and each burgess, at least twenty-four hours before such special meeting; a majority of the board of warden and burgesses shall constitute a quorum at any meeting; each burgess shall have one vote, except as hereinafter provided; a majority of the burgesses present and voting at any meeting shall be necessary to pass any act or resolution, except in the case of a tie vote, as hereinafter provided.

SEC. 9. The warden of said association shall be the chief executive officer thereof; he shall preside at all meetings of the voters of said association and at all meetings of the board of warden and burgesses, and at all meetings where he shall so preside he shall vote to dissolve a tie when necessary, except on the election of officers of the association at a meeting of the voters of the association, but shall not otherwise vote, except in the election of officers as aforesaid; he shall designate such freemen as he may choose to count the ballots at any meeting of the voters of said association; he shall have full power and authority to preserve the peace in said association, and may suppress all riots and tumults with force if necessary, and may at all times require the aid of a sheriff, constable, watchman, or other peace officer, or all of them together, with such other aid as he may deem necessary to the proper discharge of his duties; and he shall countersign all orders for money passed by the board of warden and burgesses and drawn by the clerk upon the treasurer of the association, and no such order shall be paid by such treasurer until so countersigned.

SEC. 10. Whenever the warden shall be removed from or shall vacate his office, or be absent, or from any cause be unable to perform the duties of his office, the senior burgess, and, in case of the inability of the latter from any cause, the next senior burgess, and so on, shall act in the place of the warden during such inability, or until another person shall be elected warden, and while so acting as warden shall have all the powers and duties conferred upon the warden by this resolution, and all acts of such burgess while so acting as warden shall have the same effect as like acts done by the warden; and such temporary

performance of the duties of warden shall in no wise disqualify such burgess from performing any of his duties as burgess, and, in meetings of the board of warden and burgesses, such burgess while acting as warden may vote as a burgess, and in addition thereto have a casting vote in case of a tie.

SEC. 11. The clerk shall be clerk of the association and clerk of the board of warden and burgesses, and shall act as such at all meetings of the voters of said association and at all meetings of said board of warden and burgesses; and it shall be his duty to make and keep all the records of such meetings, and he shall be the custodian of all books, papers, and documents belonging to said association and said warden and burgesses, except such books and documents as the treasurer shall be required to keep; he shall draw all orders on the treasurer for the payment of money which shall be authorized by the board of warden and burgesses, or the voters of the association at any legal meeting. All books, papers, and documents so kept by the clerk shall be open to the inspection of any inhabitant of said association at all reasonable times. The clerk shall also post and serve all notices which may be required by the board of warden and burgesses, and shall perform such other clerical duties as may be required by said board or the voters of the association at any legal meeting. In the absence of the clerk, a clerk *pro tempore* may be appointed by the warden of the association, and such clerk *pro tempore*, while acting as clerk, shall have all the powers and be subject to all of the duties of the clerk; it shall also be the duty of the clerk, or in his absence the clerk *pro tempore*, to prepare a list of all the electors and persons entitled to vote at the annual meeting of said association for the election of officers, to be used as a check list at such meeting; said list to be prepared by said clerk on the Saturday before the annual meeting, and the clerk shall be present at his office in said association on said day between the hours of two o'clock and six o'clock in the afternoon for the purpose of preparing said list; and no person shall vote at any such meeting unless his name shall be on such list, or unless his right to vote at such meeting shall have matured under section two by a continuous domicile of one month within the limits of said association; and if such list cannot be prepared, then the list used at the last meeting of the voters of the association for the election of officers shall, on the morning of the annual meeting, be revised by the warden and any two burgesses, or, in the absence or inability of the warden, by the clerk and any two burgesses, and be used until a certified list can be prepared. The name of any person entitled to vote in said association omitted from said list by clerical error, and the name of any person whose right to vote shall have matured under section two, may be added on election day by the presiding officer.

SEC. 12. The treasurer of said association shall have and exercise the same relative powers and duties in said association as town treasurers have in their respective towns; he shall pay no money out of the

association treasury except on order of the clerk, countersigned by the warden, and shall be accountable to the association.

SEC. 13. The association sheriff shall have the same authority within the limits of the association as constables have within their respective towns and shall be liable to the same extent.

SEC. 14. The warden and burgesses shall appoint the tax collector of said association. The collector shall faithfully collect all rate bills made out by the board of warden and burgesses under their hands, for all taxes laid by said association; and any justice of the peace for New Haven county, on their application or that of the collector, shall issue a warrant for the collection thereof; and the collector shall have the same powers as town collectors, and shall be accountable to the warden and burgesses in the same manner as town collectors are accountable to selectmen, and shall pay over the taxes as fast as collected to the treasurer.

SEC. 15. The auditors shall annually examine the accounts of all the officers of the association, and make their report in writing to its annual meeting.

SEC. 16. The treasurer, collector, and sheriff shall give sufficient bonds to the association, to the acceptance of the warden and burgesses, for the faithful performance of their respective duties.

SEC. 17. Every officer of said association shall, before entering upon the duties of his office, be sworn to a faithful performance of his duties, and the form of the oath to be taken shall be as follows: You do solemnly swear that you will faithfully perform the duties of the office of _____ of the Woodmont Association to the best of your ability, so help you God. This oath may be administered to the clerk of said association by any officer qualified to administer oaths in New Haven county, and by said clerk to all the other officers; and the fact that such oath has been administered shall be recorded by the clerk.

SEC. 18. The clerk of said association shall, on the last Saturday in July in each year, be at his office and make an assessment list of all the real and personal estate in said association subject to taxation as appears by the assessment list of the town of Milford then last completed, and the list so prepared by the clerk shall correspond in description, amount, and value of said property with said town list. When real estate so entered in the town list is located partly within and partly without the limits of said association, and there is no distinct and separate value put by the assessors of the town upon the part lying within said association, one or more of the assessors of the town of Milford shall, on the application of said clerk, value said part lying within the limits of said association and return a list of the same to said clerk, which valuation shall be adopted by the association for purposes of taxation. When the association shall lay a tax on the list of property located in said association, and the title to any property has in any way been changed between the first day of October next pre-

ceding and the time of laying said tax, said property shall be listed in the name of the person owning it at the time of the laying of said tax. If between the time of the completion of said town grand list and the time of making the association grand list any person or corporation liable or having property liable to taxation shall have become a resident of the association, or if any person, corporation, or property liable to taxation therein shall not be upon the grand list of the town, such person, corporation, and property shall be assessed in said association grand list by said clerk. The clerk of the association shall return said list when completed, duly signed and sworn to by him, to the warden and burgesses of said association. And said list, when accepted by said warden and burgesses, shall be the assessment list of said association for the ensuing year. Any person claiming to be aggrieved by the doings of the clerk of said association or said assessors in preparing said assessment list shall have the same right of appeal to the superior court as is now provided by sections 2354, 2355, 2356, and 2357 of the general statutes in cases of appeal from town boards of relief to the superior court.

SEC. 19. Said association shall have power to lay a tax upon all real and personal property subject to taxation therein and located in said association as appears by the assessment list last completed, as provided in section eighteen of this resolution, at any regular or special meeting of said association duly warned and held for that purpose. When the tax is so laid it shall be the duty of the clerk of said association to prepare a rate bill apportioning to each owner of such property his proportionate share of the tax so laid, which rate bill, when prepared, shall be delivered to the collector of said association, and the collector of said association shall have the same powers as collectors of towns to enforce payment of said tax.

SEC. 20. The warden and burgesses, when assembled according to law, shall have power to make, alter, repeal, and enforce such by-laws, orders, ordinances, and enactments as they shall deem suitable and proper, not inconsistent with this resolution or contrary to the laws of this state or of the United States, for the following purposes: To manage, regulate, and control the finances and property, real and personal, of said association; to regulate the sale, conveyance, and transfer of said property; to regulate the mode of assessment and collection of taxes for association purposes not otherwise herein provided for; to provide for the due execution and delivery of deeds, grants, and releases of association property, of contracts, and of other evidences of indebtedness issued by said association; to provide the method of keeping the accounts of said association and of adjusting claims against the same; to prescribe the duties of the officers and employes of the association when not expressly defined by this resolution; to punish the resistance, hindrance, obstruction, or abuse of officers of said association in the discharge of their duties; to preserve peace and order; to prevent and quell riots and disorderly assemblages; to prevent vice and immorality; to suppress gambling houses, houses

of ill-fame, houses resorted to for the purposes of prostitution and lewdness, and disorderly houses; to prevent assemblages of persons on the sidewalks to the obstruction, hindrance, or annoyance of the public; to compel the closing of saloons and other places where intoxicating liquors are kept and sold, at such suitable hours during the night season as said warden and burgesses may designate, and at such times and on such occasions as may be required by the public good; to protect said association from fire, and from the danger of the same; to organize, maintain, and regulate a fire department and fire apparatus; to locate and establish wells, cisterns, or waterworks for use in case of fire or for domestic use; to erect and keep in repair all buildings necessary for the use of the fire department; to purchase a fire engine, hose carriage, and other apparatus for use in case of fire, and to make rules and regulations for the safe keeping and preservation of the same, and for the protection and preservation of wells, cisterns, or waterworks which may be established; to license, regulate, or prohibit the manufacture, keeping for sale, or use of fireworks, torpedoes, firecrackers, gunpowder, petroleum, dynamite, or other explosive or inflammable substance, and the conveyance thereof through any portion of the association; to regulate the discharge of firearms in said association; to regulate the erection of lamp posts and of telegraph, telephone, and electric light poles, and the wires and fixtures thereof; to provide for the public lighting of the streets in said association, and to protect the apparatus used therefor from injury; to regulate all parades and processions, public assemblages, shows, and music in the public streets; to regulate the speed of animals and vehicles in said streets; to prescribe the width, grade, and kind of sidewalks to be made and laid in said association, and to compel the making and laying of the same; to compel the owners of the land and buildings to remove the snow and ice from the sidewalks in front of such land and buildings and to keep such sidewalks safe for public travel and free from all obstructions; to regulate or prohibit the depositing of any building materials of any description on any sidewalk; to regulate or prohibit the running of animals at large in said association; to license and regulate public hacks and carriages, and the charges of hackmen, carmen, and truckmen; to regulate the planting and removal and provide for the protection and preservation of trees in the public streets; to keep the streets and all public places quiet from all undue noise; to prohibit the crying of newspapers upon Sunday or at any unreasonable hours upon the streets of said association; to regulate the use of cess-pools, drains, sewers, and privies, and to regulate and prevent the location of pigpens or deposits of filth and rubbish in said association; to compel the removal, from any place in said association, of any nuisance injurious to health or offensive or annoying to the public, at the expense of the owner of the premises where such nuisance exists; to regulate the removal of any offensive manure or other substance, swill, or nightsoil through the streets of the association; to regulate the carrying on within said association of any kind of trade, manu-

facture, or business prejudicial to the public health, or dangerous to or constituting an unreasonable annoyance to those living or owning property in the vicinity; to license and regulate the sale of milk in said association; to prohibit the sale of meat, vegetables, fish, produce, fruits, or food of any kind when the same is in such a condition as to endanger public health; to name and rename streets; to number houses and buildings; to establish building lines and regulate the construction of buildings; to construct and maintain piers and docks; to license and regulate sports, exhibitions, public amusements, and performances, and billiard and bowling saloons, within said association; to regulate and prevent the use of velocipedes, bicycles, and tricycles on the sidewalks of said association; to prohibit and prevent the depositing of any filth, garbage, or rubbish in any of the gardens, cemeteries, and public and private enclosures; to protect, preserve, and care for public burying-grounds, and to prevent the desecration thereof, and to regulate the burial of the dead therein; to prevent cruelty to animals and restrain inhuman sports; to provide a public seal; to regulate and prescribe the mode of conducting all association elections and the manner of warning association meetings and meetings of the warden and burgesses, and the time and place of holding the same, when those matters are not expressly regulated by this resolution; to provide the mode for removal of any officer for cause; to provide places for holding meetings in said association; and to prescribe the amount of bonds to be given by the officers of the association; and said warden and burgesses may prescribe fines and penalties for a violation of any of such by-laws, orders, ordinances, and enactments, and the penalties imposed may be recovered in any proper action brought for that purpose in the name of the Woodmont Association before any court having jurisdiction, for the use of the association; and the violation of any such by-law or ordinance imposing a fine shall be a misdemeanor, and may be prosecuted by the prosecuting attorney of the town court of Milford as in other criminal cases.

SEC. 21. No by-law or ordinance shall take effect and be enforced until the same has been posted for at least five days on the public signpost in said association. No by-law or ordinance shall take effect until five days after its passage, and no by-law or ordinance shall impose a greater penalty or fine than one hundred dollars. A certificate of the clerk of said association of the due posting of any by-law or ordinance shall be *prima facie* evidence of such posting.

SEC. 22. Said association shall have sole and exclusive authority and control over the opening, closing, alignment, widening, grading, maintaining, repairing, and cleaning of all highways, streets, sidewalks, public squares, and all parts of the same, within its limits; and no person shall open within said limits any public street except under and by virtue of the authority of the warden and burgesses. The warden and burgesses may lay out new roads, streets, public squares, and walks; may grade, alter, extend, and enlarge the same; may discontinue roads and streets, or exchange the same for other roads and

streets and public walks; may enclose and improve any public grounds within said association; may establish names for all streets and public places; may provide for the suitable lighting of all streets and public places, and provide water for fire or other purposes, and for such purposes may contract with any persons or corporations for supplying such light and water; may make and cause to be executed all such orders relating thereto as it may judge proper; and may level, raise, pave, or flag any and all street crossings within said association at its own proper cost and expense.

SEC. 23. The warden and burgesses shall have power to lay out, construct, and repair sewers and drains whenever they may deem the same necessary, through or along any street, highway, or public ground, or through any private ground, by making suitable compensation therefor, and to assess such portion as they may deem reasonable of the cost of any such sewer or drain upon the property of such person or persons as they shall find to be specially benefited thereby; provided, that in case the warden and burgesses, or a committee by them appointed, cannot agree as to the amount of damages to be paid to any person or persons, whose land or property is taken or affected, or as to the amount of benefits, in case benefits are assessed against any person, the said damages and benefits shall be assessed in the same manner as is provided in section twenty-five of this resolution when land is taken for highways.

SEC. 24. Before the warden and burgesses shall determine to lay out, alter, build, construct, widen, straighten, or discontinue any street, highway, drain, or sewer in said association, they shall cause a notice, signed by the clerk thereof, describing in general terms such proposed layout, alteration, construction, widening, straightening, or discontinuance, and specifying a time and place when and where all persons whose lands are proposed to be taken therefor may appear and be heard before said warden and burgesses in relation thereto, to be posted on the signpost in said association and a copy thereof to be left with or at the usual place of abode of all persons whose land is to be taken for such improvements if they reside within the limits of said association, at least ten days before the time fixed in said notice for said hearing. If any of them do not reside within the limits of said association, a copy thereof deposited in the post office at Woodmont, postage paid, addressed to such property owner at his last known place of residence, at least ten days before the time fixed in said notice for such hearing, shall be a legal and sufficient notice to all persons and corporations whose land is proposed to be taken for such improvement. At the time and place mentioned in said notice, and at any meeting adjourned therefrom, said warden and burgesses shall hear all of the parties in interest who may appear and desire to be heard in relation thereto. Any person aggrieved by the doings of the warden and burgesses in laying out, building, constructing, widening, altering, or discontinuing any street, highway, drain, or sewer within said association shall have the same right of appeal to the superior court as

is provided in section 2048 of the general statutes in case of the laying out of highways by selectmen of towns; provided, however, that such appeal shall be taken within one month after the survey thereof is accepted by the warden and burgesses.

SEC. 25. If after such hearing said warden and burgesses shall resolve to lay out, alter, widen, straighten, or discontinue such street or highway, they shall appoint a committee of their own number whose duty it shall be to make such layout, alterations, widening, straightening, or discontinuance, and report in writing their doings to said warden and burgesses, which report shall embody a descriptive survey of such street, or highway, as laid out and designated. If said report shall be accepted and approved by said warden and burgesses, and said warden and burgesses and the parties in interest cannot agree as to the damages and benefits to be assessed, the warden, or, in case of his absence, inability, or being personally interested in said damages or benefits, the senior burgess of said association, shall appoint three disinterested and judicious freeholders of the state to appraise the damages and assess the benefits, as the case may be, accruing to any person or persons from the taking of such lands for the public use as aforesaid, or from such layout, alteration, widening, straightening, or discontinuance; said freeholders shall be sworn to the faithful and impartial discharge of the duties of said appointment, and a certificate of such appointment and the administration of such oath shall be made under the hand of the officer appointing them and recorded in the records of said association. Before making any such appraisal of damages or assessment of benefits, said freeholders shall give notice to all persons interested of the time and place when and where they will meet for the purpose of attending to the duties of their appointment; such notice shall be deemed sufficient and legal if signed by the said freeholders, or a majority of them, and given in the same manner as is provided in section twenty-four of this resolution. Said freeholders shall meet at the time and place designated in said notice and at such time as they may adjourn to therefrom and shall hear all of the parties in interest who may appear before them; and shall thereupon ascertain and determine what person or persons will be damaged by such taking of said land, or by such layout or alteration, and the amount of such damage over and above any special benefit such person or persons may receive therefrom; also what other person or persons owning or interested in lands contiguous to or in the vicinity of the proposed improvement will be specially benefited by such taking of said land, or by such layout or alteration, and the amount of such special benefit over and above any damage such person or persons may receive therefrom; also what other person or persons owning or interested as above described will receive an equal amount of damages and benefits thereby; and such freeholders shall report the amount of damages and benefits thus ascertained and determined, and the names of the persons to whom the same respectively appertain and belong, with a general description of the property in respect to which benefits

or damages are assessed, to the warden and burgesses, who may accept said report, or return the same to said freeholders for reconsideration and correction; and, upon the acceptance of said report, the clerk of the association shall record the same in the records of the warden and burgesses; provided, that the whole amount of benefits assessed for any particular improvement shall not exceed the whole amount of damages appraised on account of the same and the estimated cost of completing said improvement, which estimate said committee shall make and embody in its report; said warden and burgesses shall cause a notice, signed by the warden or clerk of said association containing the names of the persons thus assessed, with the amount of their respective assessments, to be deposited in the post office at Woodmont, postage paid, addressed to each party assessed at his last known place of residence, and a like notice to be posted on the public signpost in said association, and such posting shall be deemed legal and sufficient notice to all persons interested in such assessments, and the same shall thereupon become due and payable. The warden and burgesses shall order the damages thus assessed and determined to be paid to the person or persons to whom they respectively belong out of the treasury of said association; provided, that, if any such person or persons shall refuse or neglect to receive the amount so found due and ordered to be paid to him or them, the same shall be deposited in the treasury of the association to be paid to the person or persons entitled to receive it, whenever he or they shall apply for the same. The descriptive survey before mentioned, being signed by the warden or senior burgess, and entered upon said association records and upon the town records of the town of Milford, and the damages assessed having been paid or deposited as aforesaid, said street or highway shall be and remain for the purpose for which it was laid out.

SEC. 26. The assessments of benefits so made shall be and remain a lien upon the land upon which they are respectively made, and shall take precedence of all liens or encumbrances thereon except taxes; provided, however, that such lien shall not continue for a longer period than sixty days after the posting of the notice therefor as aforesaid, unless within that period a certificate, signed by the warden or clerk of said association, describing the premises on which such lien exists and the amount claimed by said association as a lien thereon, shall be lodged with the town clerk of the town of Milford; and provided, further, that such lien shall cease to exist whenever a certificate to that effect, signed by the warden or clerk of said association for the time being, shall be lodged with said town clerk. All such certificates the said town clerk shall record with deeds of land. Any such assessment may be collected by the tax collector of said association by warrant under the hand of the warden of said association in the same manner as town taxes are by law collected.

SEC. 27. All persons aggrieved by the appraisal of damages by said freeholders caused by the layout, construction, alteration, widening, straightening, or discontinuance of any street, highway, drain, or

sewer, may, within ten days after notice, as aforesaid, of said appraisal of damages, apply to any judge of the superior court for a reappraisal of such damages, giving reasonable notice in writing to the clerk of said association of the time and place of such application and of the name of the judge; and said judge shall appoint three judicious and disinterested freeholders of the state, who shall reappraise such damages and make report of their doings to the superior court in and for New Haven county, which shall have authority, for any cause it may deem sufficient, to set aside said report and order another appraisal to be made, or to make such other order therein as to justice shall appertain. If upon such application the damages shall be increased, and the same be approved of by said court, the costs of the application shall be paid by said association, otherwise by the applicant.

SEC. 28. The warden and burgesses may from time to time order the owner or owners of lands fronting on any street or highway, at the expense of such owner or owners, to make and lay sidewalks, of such width and kind, and at such grade, as said warden and burgesses shall designate and prescribe, and may limit such time as they may deem reasonable for the carrying out of such order, notice of which shall be given by the clerk of said association by leaving a true and attested copy of such order with or at the usual place of abode of such owner or owners, within five days after the passage of the same, and, if such owner be a non-resident of said association, a true and attested copy of said order shall be deposited by said clerk in the post office at said Woodmont, postage paid, addressed to such owner at his place of residence, if the same be known, and a like copy be left with his agent, or the person having charge of or occupying said premises, which shall be due and legal notice to said owner of such order. If any such owner or owners shall neglect or refuse to comply with such order within the time specified therein, the warden and burgesses may, by themselves, or by a committee by them appointed, execute said order in the manner therein prescribed, at the expense of the association; and the expense incurred in executing such order shall, from the time when such expense begins to be incurred, be and continue a lien upon the land in front of which such sidewalk is made or laid in favor of said association, which lien shall take precedence of all other liens except taxes, and such sum may be collected by warrant under the hand of the warden in the same manner as town taxes are by law collected; provided, however, such lien shall not continue for a longer period than sixty days after final execution of such order, unless within that period a certificate shall be lodged, as provided in section twenty-six of this resolution.

SEC. 29. The warden and burgesses shall constitute and be a board of health in said association, and shall have and may exercise all power and authority given by law to the boards of health of towns in this state which they shall judge necessary for the prevention of the spread of disease and the promotion of the health of the inhabitants

of said association, and may make and cause to be executed all orders which they may deem necessary for such purpose, and may appoint committees to carry the same into effect; provided, that such orders shall not be inconsistent with the constitution and laws of this state or of the United States; and provided, further, that all orders and regulations of said board shall be posted for three days upon the sign-post in said association; and if any person or persons shall neglect or refuse to obey any order of said board of health or of the committee by it appointed upon being duly notified of such order to remove any filthy, putrid, or noxious substances, or rubbish, which shall be deemed injurious to the health or cleanliness of said association, the warden, or any of the burgesses, or said committee, may cause the same to be removed at the expense of such person so neglecting or refusing, and for such purpose may enter upon and into all lands and buildings in said association; and the expense of such removal may be recovered against such person by any proper action.

SEC. 30. Said warden and burgesses shall establish a public sign-post in said association; and may make, establish, and adopt forms of orders and notices to be used under this resolution and in enforcing the by-laws and ordinances passed in pursuance thereof, and the same shall be held to be appropriate and sufficient.

SEC. 31. The warden and burgesses shall have full power and authority to organize and maintain a fire department in said association; to procure and maintain suitable and proper apparatus and land and buildings therefor; to appoint officers of said fire department; to make and cause to be executed by-laws, rules, and regulations for the good government of said fire department, or of any engine company, hose company, and hook and ladder company or companies, or any person or persons in said fire department; and to enlist a sufficient number of men to fill the same and to discharge any such enlisted men for cause. Said company or companies, when enlisted and organized, may appoint company officers, subject to the approval of said warden and burgesses; may fill all vacancies in their numbers by voluntary enlistments from time to time as occasion may require; and may make all necessary by-laws and rules for their own government, which enlistments and by-laws shall be subject to the approval of said warden and burgesses.

SEC. 32. The board of warden and burgesses shall have power to appoint special constables and policemen, who shall have full power within the association to arrest without previous complaint or warrant all such persons as are guilty of drunkenness, disorderly conduct, or breach of the peace, and such other offenders as constables or policemen may by law apprehend. All expenses incurred by said association in making said arrests and holding persons in custody shall be taxed against said town of Milford and shall be paid by the treasurer thereof. All fines and costs paid and recovered pursuant to this act and pursuant to any by-law or order passed in accordance therewith shall be for the use of the town of Milford, except when in this reso-

lution otherwise specially provided, and may be recovered in any action founded on this resolution or such by-law or order.

SEC. 33. No license for the sale of spirituous or intoxicating liquors, ale, or lager beer shall be granted within the territory hereinbefore described, unless, at a meeting of the association duly called and held for the purpose, three-quarters of the voters present and voting shall vote in favor of having licenses granted for the sale of spirituous and intoxicating liquors, ale, and lager beer within the territory of said association for such year.

SEC. 34. Said association is hereby authorized and empowered to issue bonds, registered or with coupons attached, bearing interest at a rate not greater than four per centum per annum, payable semi-annually, to an amount outstanding at any one time not to exceed ten per centum of the amount of its grand list, the principal of the bonds to be payable at some certain time or times not more than thirty years from the date thereof; and the sum realized from the sale of said bonds shall be applied to the payment of any indebtedness which said association may create in the establishment of a general system of sewerage for said association, or other public improvements in said association. The warden and burgesses of said association shall prescribe and determine, subject to the foregoing limitations, the denominations and form of said bonds, the several and aggregate amounts thereof, the rate of interest to be paid thereon, the time or times of issue thereof, and the time or times, and place or places of paying said interest and said principal, the manner of signing, countersigning, selling, exchanging, or otherwise disposing of said bonds, and the person or persons who shall execute, negotiate, and deliver the same for and on behalf of said association. Said bonds, when so executed and delivered, shall be obligatory upon said association and upon the inhabitants and property thereof, according to the tenor and purport of the same. Said association shall provide a sinking fund for the payment of the principal of said bonds, and, in each year during which any of said bonds shall be outstanding, shall appropriate from the treasury of said association such suitable sum for the purposes of said sinking fund as, with the accumulations thereon, will be sufficient to pay said bonds at their maturity; and said sinking fund shall be in the care and control and under the management of the treasurer of said association, who shall keep the same invested entirely separate from other funds of said association in any savings bank in this state, or in such investments as are permitted by law for trust funds, for the sole purpose of redeeming all of said bonds at their maturity. If the amount of any sinking fund shall, at the maturity of any of the bonds issued by said association, exceed the amount of bonds of said association outstanding, such excess shall be paid into the treasury of said association. The treasurer may use any money in his hands which is a part of the sinking fund in the purchase of the outstanding bonds of said association, and such bonds shall be thereafter held as a part of the sinking fund of said association.

SEC. 35. Said warden and burgesses shall annually make estimates of the moneys necessary to be appropriated for the expenses of said association for the year ensuing and the rate of taxation required to meet the same, which expenses shall be classified under appropriate heads and departments, and shall submit the same to the annual meeting of said association. The warden and burgesses may make estimates of the moneys necessary to be expended for any special purposes at any time during the year and the amount of taxes that will be necessary to meet the same, and shall submit the same to any meeting of the association to be specially called for the purpose; and said meeting shall have power to make special appropriations and lay special taxes to meet the same. Said meeting, or any meeting called for the purpose, shall have power to make appropriations for all the purposes of said association, but it shall not have power to make appropriations in excess of the revenue of said association for the ensuing year, and in no case shall the expenses of the association exceed its revenue during any one year except in cases and for purposes for which said association is authorized to issue bonds. An appropriation made for any specific purpose shall not be expended for any other purpose, and if not expended for the specific purpose shall be covered back into the treasury at the end of the year for which it is made; but, at any meeting of the association specially called for the purpose, any money appropriated for a specific purpose and unexpended, may be appropriated for some other purpose or purposes.

SEC. 36. It shall be the duty of the selectmen of the town of Milford and an equal number of the burgesses, annually to determine the amount of money that the town of Milford shall pay over to the association for the making, repairing, and laying out of the highways and sidewalks, for maintaining a fire department and street hydrants, and for lighting the streets within the territory of said association; provided, however, that no money shall be paid to said association for making and repairing sidewalks, for maintaining a fire department, or street hydrants, or for lighting the streets within the territory of said association, or for any of such purposes, unless the town of Milford shall appropriate moneys for the same purposes to be expended within the limits of said town outside the limits of said association; and in case the selectmen and the burgesses aforesaid cannot agree upon the amount of money to be paid by said town, then either the said town of Milford or said association may apply to any judge of the superior court to have him fix and determine the amount that shall be paid by said town to said association. Said judge shall cause reasonable notice thereof to be given to the parties of the time when and place where he will hear said cause, and said judge is hereby empowered to fully hear said parties and determine the amount that said town shall pay to said association for the current year, and shall file his opinion with the clerk of the superior court for New Haven county. The sum thus determined shall be paid by said town into the treasury of said association and said town shall not be liable to make or repair any

highways or sidewalks within the limits of said association; but said town shall continue to be liable to make and repair all bridges in the territory included in said association.

SEC. 37. The name of the Woodmont Improvement Association is hereby changed to the Woodmont Association.

SEC. 38. At the first meeting of the legal voters of said association, to be held under the provisions of this resolution on the last Saturday in August, 1903, the warning thereof shall be given by posting a notice in at least two conspicuous places within said proposed association at least five days before said meeting, and shall be signed by Thomas S. Birdseye, A. E. Hart, and W. N. Buttricks, or a majority of them. Said persons, or a majority of them, shall, on or before the day preceding said meeting, prepare for use at said meeting a list of the persons legally qualified to vote in said association under the provisions of this resolution, and such persons only shall be qualified to vote at said meeting. The polls shall be open at two o'clock in the afternoon and shall remain open until seven o'clock in the afternoon. Said persons, or a majority of them, shall prepare a ballot box for use at said meeting and shall also appoint the moderator, checker, and counters for the taking of the votes at said meeting, and the moderator shall declare the result of said election and who are elected to the respective offices.

SEC. 39. This resolution shall take effect on the last Saturday of August, 1903, except such provisions hereof as would fail of full force if not in effect prior to that time, which provisions shall take effect on the approval of this resolution.

SEC. 40. This resolution shall be held to be a public act to all intents and purposes.

Approved, June 18, 1903.

[Senate Joint Resolution No. 244.]

[432.]

CONCERNING CORPORATIONS WHICH HAVE FAILED TO
MAKE RETURNS.

Resolved by this Assembly: SEC. 1. That the secretary of the state is directed and instructed to cause an investigation to be made relative to the corporations organized under the joint stock laws and the corporation act of 1901, which appear on the records in the secretary's office as having a present existence and which have failed to make the returns required by law. Said secretary shall make a report to the next general assembly, setting forth the names of such corporations as he finds to be still in existence, and also the names of such corporations as appear to be no longer in existence, with recommendations as to the enforcement of penalties and forfeitures.

SEC. 2. The comptroller is hereby authorized and directed to draw his order on the treasurer for an amount not exceeding twenty-