

STONINGTON
PUBLISHING

BY-LAWS

OF THE

BORO. OF STONINGTON,

WITH THE

Statute Laws of the State of Connecticut,

RELATIVE TO

SAID BOROUGH.

Published by Authority of the Borough of Stonington.

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1851

STATUTE LAWS

OF THE

STATE OF CONNECTICUT,

RELATIVE TO THE

BOROUGH OF STONINGTON.

Incorporated in May, 1801.

AN ACT

Incorporating the Borough of Stonington

SECTION 1st. Be it enacted by the Senate and House of Representatives in General Assembly Convened.

That all the Electors of this State, inhabitants of the town of Stonington in New London County, dwelling and inhabiting within the following bounds, to wit:— beginning at the Bridge on the West Road, leading from Stonington Port to the Post Road, so called, being the first bridge crossed after leaving said Port to said Post Road; from thence easterly to the north end of Elihu's Island, so called, in a direct line to low water mark, said Island is now owned by William Slack and Zebulon Chesebrough, 2nd; thence easterly to the east side of the channel of Wicataquack Cove, thence south-westerly to the north-east end of Sandy Island

Limits of the Boro. of Stonington.

so called, to the middle of the channel, or the Rhode Island line north-east from said Island; from thence by and with the said R. Island line, south-westerly to the New York line; thence west until Wamphasseck point shoals bears north; thence north to said shoal; from thence in a north-easterly direction, till it strikes the west side of the channel in Stonington Harbor; thence northerly by and with the west side of said channel, until the point, commonly called Cheesebrough Point, bears east south-east, whereon there stood a wharf and store, from thence by and with said Point and shore, at low water mark, in an easterly direction, to the creek and bridge, the first mentioned bounds; be, and the same are hereby ordained, constituted and declared to be, from time to time, forever and hereafter, one body corporate and politic, in fact and in name, by the name of "The Warden, Burgesses, and Freemen of the Borough of Stonington," and by this 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 may change and alter the same at pleasure, and shall be freemen of said Boro.

Name of Corporation.

General powers.

SECTION 2nd. There shall be an Annual Meeting of the Borough of Stonington in March, at such time and place as the By Laws of said Boro. shall direct, for the purpose of choosing all the officers of said Boro.; and the officers chosen at such meeting, shall continue in office for the term of one year, after the expiration of the month in which they are chosen, unless others shall be sooner chosen and qualified in their stead.

Officers.

Mode of election:

SECTION 3d. And said Boro. at its annual meeting, legally assembled, shall choose a Warden, six Burgesses, a Clerk, Treasurer and Bailiff; all which officers shall be chosen by ballot, and on each ballot which shall be given in, shall be written the name of the person, for whom the same is given; and such ballot shall, by the person giving in the same, in the presence of the Warden and Burgesses, or such of them as are present at such meeting, be put into a proper box for that purpose, by said Boro. to be provided; and when the freemen present, at any such meeting, shall have

had a reasonable time to give in their ballots, the Warden, or in his absence, the senior Burgess present, in the presence of the meeting, shall open the box, sort and count the ballots, and the person who shall have the majority of ballots given in, shall, by the Bailiff, or in his absence, by the Junior Burgess present, be declared to be elected; and no ballot shall be received after the box shall have been opened.

SECTION 4th. And Said Borough, in legal meeting assembled, shall have power, with the concurrence of the Warden, and a majority of the Burgesses, to admit to the freedom of the Boro. all such electors of this State, inhabitants of the town from which said Boro. is taken, living without the limits thereof, but holding real estate, or doing regular business therein; which persons, so admitted, shall be entitled to all the privileges of freemen of the Boro.

Power of admitting to the freedom persons without the limits.

SECTION 5th. Said Borough, in legal meeting assembled, shall have power to levy taxes, on the polls and rateable estate, within the limits thereof, for such purposes as they shall think proper, and to choose a collector or collectors to collect such taxes, who shall, having received a warrant for that purpose, signed by the Warden, have the same power as collectors of town taxes have; and shall be accountable to the Warden and Burgesses in the same manner, as collectors by law are accountable to selectmen.

Power of levying taxes.

And in case any collector shall not perform the trust committed to him, but shall fail of collecting such tax, according to the terms of his warrant, on complaint thereof made by the Burgesses, to the Warden, he shall issue his warrant, under his hand, directed to the Bailiffs, to distrain the sum or rates neglected by such collector, to be collected or paid out of his estate.

Powers and duties of Collectors.

SECTION 6th. The Bailiff shall, within the limits of the Borough, and on the waters of the harbor, adjoining thereto, whether within the limits of the Boro. or not, have the same power, authority, and privilege, and be liable to the same suits or penalties, for neglect of duty, in any case whatever, as constables by law now have, or are, in their respective towns; and shall execute all lawful writs to him directed, by virtue of the By Laws of the Boro., or by the laws of the State, within his said described limits. And the Treasurer shall have

Power of Bailiffs.

Of the Treasurer.

the same powers as town Treasurers have by law, and shall be accountable in the same manner.

Power of laying out Highways, &c.

SECTION 7th. The Warden and Burgesses shall have power to lay out new highways, streets, and public walks, for the use of the Boro., and to alter those already laid out, and to exchange highways for highways, or to sell highways, for the purpose of purchasing other highways, taking, in all respects, the same measures as are directed by the laws of the State to be taken in case of highways laid out by the selectmen, for the use of their towns; and the party aggrieved by the laying out of such highways or streets, may have the same remedy, by application to the County Court, as is by law provided, in case of highways laid out by selectmen.

Remedy for party aggrieved.

Discontinuance of Highways.

And whenever any highways, laid out by the Warden and Burgesses, may become unnecessary for public use, they may be discontinued by said Warden and Burgesses.

Powers in relation to sickness.

SECTION 8th. The Warden and Burgesses shall, within the limits of the Borough, have, use, possess, and enjoy all the powers and privileges granted to the selectmen, and justices of the peace, in the several towns, by the fifteenth and sixteenth sections of the act of Legislature entitled "An Act providing in case of sickness."

Sign-post to be erected.

SECTION 9th. It shall be the duty of the Warden and Burgesses, of the Borough, at the expense thereof, to erect and maintain a Sign-post, at some proper place therein, which shall be a lawful Sign-post, according to the law establishing a Sign-post in each town.

Power of Warden and Burgesses to make by-laws

SECTION 10th. The Warden and Burgesses, or a majority of them, shall have power to make By-Laws relative to markets and commerce, within the limits of said Borough, relative to the streets and highways of said Boro.; relative to nuisances within said Boro. limits; relative to wharves, docks, channels, public landings, anchoring and mooring vessels; relative to trees planted for shade, ornament, convenience, use, public or private; relative to the fruit of such trees; relative to trespasses committed in gardens, or in the limits of said Boro.; relative to walks and buildings, public and private; relative to sweeping of chimnies, and preserving said Boro. from injury by fire; relative to the forms of

oath to be taken by the Treasurer; relative to warning meetings of said Boro., and of said Warden and Burgesses, and the time and place when and where they shall be holden; relative to the mode of taxation, as to taxes to be levied in said Boro.; relative to the penalties to be incurred by those who, being chosen to office, shall (not being excused by said Boro.) refuse to serve; relative to a watch; relative to the burial of the dead; relative to public lights and lamps; relative to restraining horses, cattle, mules, sheep, geese, swine, and poultry, from going at large within the limits of said Boro.; relative to firing of guns; relative to noise and disturbance in the night season; relative to preventing any building, or buildings, already erected, or which may hereafter be erected, within the limits of said Boro., from being used, or occupied as a baker's shop, tallow chandler's shop, or blacksmith's shop, or for purposes which equally, or in like manner, in the opinion of the Warden and Burgesses, shall immediately expose said Boro. to injury by fire, without license first obtained from said Warden and Burgesses; and to inflict penalties for the breach of such By-Laws, not exceeding the sum of fifteen dollars, for one offence, payable to the Treasurer, or such other persons as the By-Laws shall direct, and recoverable by a proper action on such By-Law, to be brought before a justice of the peace, resident in said Boro., or in the town in which said Boro. is situated; Provided, that no By-Law shall be repugnant to the laws of the State; and that all By-Laws, made by the Warden and Burgesses, shall be approved by the Boro., in legal meeting assembled, and, after being so approved, shall be published, at least three weeks, successively, in some public newspaper, published in said Boro., or if none, in the nearest, before the same shall be of any validity; and all By-Laws, within eight months after they are made and published, as aforesaid, may be repealed by the Superior Court, holden in the County in which the Boro. is situated, if said Court, on a hearing, shall adjudge them to be unreasonable and unjust.

Penalties limited.

How recoverable.

By-Laws to be approved and published

SECTION 11th. All grants or leases of real estate, belonging to said Boro., signed by the Warden, and sealed with the Boro. seal, and approved by said Boro., in legal meeting assembled, and recorded in the Town

Power of conveying real estate.

where the lands granted or leased lie, shall be good and effectual in law.

SECTION 12th. Said Boro. shall have power, in legal meeting assembled, to appoint Inspectors of every kind of produce of the United States, brought to the same for sale, or exportation; and to appoint Haywards, and all other officers not enumerated in this Act, necessary to carry their By-Laws into execution.

Of forming and regulating a fire company.

SECTION 13th. The Warden and Burgesses of said Boro., shall have power to form, continue, and regulate a fire company, and enlist a sufficient number of firemen to fill the same; and in case a sufficient number cannot be enlisted, to appoint a sufficient number to fill up the same, and make all suitable and necessary by-laws for regulating such fire company.

Officers to be sworn.

SECTION 14th. The Warden and Burgesses, Bailiff, and Clerk of said Boro., and the Inspectors of produce, shall be sworn to a faithful discharge of their duty; and the form of the oath to be taken by the Warden and Burgesses, shall be as follows: You, A. B., being elected Warden (or Burgess, as the case may be) of the Boro. of Stonington, do swear, that you will faithfully and uprightly discharge the duties of that office, so long as you shall hold the same, so help you God.

Form of oath for Warden and Burgesses

For Clerk

And the form of the oath to be taken by the Clerk, shall be as follows: You, A.B., being Clerk of the Boro. of Stonington, do swear, that you will faithfully attend, and execute the office of Clerk, according to your best skill, and make true entries and records of all the votes and proceedings of said Boro., and such other matters as by law, or by the By-Laws of said Boro., are to be recorded in your office; and that you will deliver true copies of the records in your hands, when they shall be required of you, taking only your lawful fees; so help you God;—and that the oath to be taken by the Bailiff, shall be the same *mutatis mutandis*, as is prescribed by law to be taken by constables; and the form of the oath to be taken by the Inspectors of produce, Haywards, and other subordinate Officers, shall be the same *mutatis mutandis*, as is by law prescribed for Surveyors of highways.

For Bailiff.

For Inspectors, Haywards, &c.

By whom administered and recorded.

Which oath may be administered by any justice of the peace of the County, in which said Boro. is situated,

ed, or if none be present, by the Clerk of the Boro.; and the Clerk shall make a true record of the administering of such oath, and by whom, before the person to whom the same has been administered, shall be able to execute the office to which he is chosen.

SECTION 15th. Whenever the Warden, or other Officer, shall resign, or be removed, by death or otherwise, another shall be chosen in his place, to hold the office for the same period as the person he succeeds was entitled to hold it; and the Warden of said Boro., or in his absence, the senior Burgess present, at any meeting of the Boro., or of the Warden and Burgesses, shall, ex-officio, be moderator thereof; and said Boro. may, at any time, hold special Boro. Meetings, whenever, in the opinion of the Warden and Burgesses, or a majority of them, the circumstances of the Boro. require it; and the vote or choice of the Major part of the freemen present at any legal meeting, shall be considered as the vote or choice of said Boro.

Vacancies, how supplied

Moderator.

Special Meetings.

SECTION 16th. And the inhabitants living within the limits of said Boro., shall remain and continue inhabitants of the Town in which said Boro. is situated, entitled to all privileges, and subject to all burdens, in the same manner as if this act had never been passed.

Inhabitants of the Boro. to be inhabitants of the Town.

And if this act, or any provision therein contained, shall be found inconvenient, or in any respect inadequate the same may be repealed, altered, or revoked, by the General Assembly.

Power of revocation.