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PART III

SPECIAL ACTS*

* **Editors note**—Printed herein in chronological order are the special acts of the town still in effect as determined by the town. A number of special acts pertaining to the Town of Berlin have been omitted by reason of the fact that they are no longer in effect. A number of these concern the establishment and maintenance of the Town Court of Berlin which passed out of existence on December 31, 1960. These Special Acts Are:

Resolve establishing New Britain—Fire Engine Company, Approved May, 1833;
Resolve concerning the acts and proceedings of the Town of Berlin, Approved May, 1812;
Resolve confirming the acts and procedures of the Ecclesiastical and School Societies of New Britain in the Town of Berlin, Approved, 1842;
Validating tax of the Seventh School District in Berlin, Approved June 30, 1866;
Relating to the School House of the Fifth School District of Berlin, Approved June 15, 1871;
Concerning bridge and Middletown Turnpike between Meriden and Cromwell, Approved March 7, 1878;
An Act establishing the Town Court of Berlin, Approved, May 29, 1903;
An act concerning the compensation of the Judges and Prosecuting Attorney of the Town of Berlin, Approved March 24, 1921;
An act reimbursing the Town of Berlin for damages to bridge, Approved April 9, 1919;
An act validating acts of the Board of Relief of the Town of Berlin and extending time for the completion of duties of said Board and for taking appeals, Approved March 22, 1933;
An act concerning the compensation of the Judge and Prosecuting Attorney of the Town Court of Berlin, Approved May 6, 1937;
An act reimbursing the Town of Berlin for one-half cost of transportation of high school students, Approved May 9, 1935;
An act concerning the salaries of the Judge and Clerk of the Town Court of Berlin, Approved June 24, 1941;
An act providing for a Clerk of the Town Court of Berlin, Approved June 20, 1939;
An act creating a Board of Police Commissioners in the Town of Berlin, Approved June 19, 1939;
An act authorizing the Town of Berlin to provide a pension for George Griswold, Approved June 29, 1943;
An act authorizing certain person to take bonds in the Town of Berlin, Approved May 26, 1949;
An act concerning the compensation of the Judge, Deputy Judge, Prosecutor and Clerk of the Town Court of Berlin, Approved July 9, 1947;
An act concerning the compensation of the Judge, Deputy Judge, Prosecutor, Clerk and Domestic Relations Officer of the Berlin Town Court;
Certain validating acts for individuals.

It was, however, decided that the ancient statutes establishing the successive boundaries and designations of the present Town of Berlin should be retained for historical reasons. The earliest recognition of the new community came in October, 1705 when the Colonial Legislature entered a petition for a "district Society at the place commonly called the Great Swamp." From this date onward, the growth of the Town is recorded in the acts and ordinances of this volume.

Wherever the title to any special acts or ordinance is enclosed in parenthesis, this indicates the title was supplied by the editors.
Obvious misspellings have been corrected without notation. For stylistic purposes, a uniform system of headings, catchlines and citations to state statutes has been used. Additions made for clarity are indicated by brackets.
State law reference—Municipal charters and special acts, G.S. § 7-187 et seq.

SPECIAL ACTS

FARMINGTON BOUNDARIES ESTABLISHED

ITS ORDERED, that the Plantation called Tunxis shall be called Farmington, and the bounds shall meet with the western of these Plantations, which are to be five miles on this side of the great River, and the Northern bounds shall be five miles from the hill in the great meadow toward Masseco, and the Southern bounds from the said hill shall be five miles, and they shall have liberty to improve ten miles further than the said five and to hinder others from the like until the Court sees fit otherwise to dispose of it.

NOTE: Vol. I Public Records of Conn. (Colonial) 133 (147). Passed December, 1645.

APPROVAL OF GREAT SWAMP AS SEPARATE SOCIETY

The inhabitants of Farmington at their town meeting September the 28, 1705, having by their vote manifested their consent that so many of their inhabitants that do or shall personally inhabit at the place called the Great Swamp and upland belonging thereunto, and in the division of land on the east side of the Blue Mountains, and in those lots called Bachellors Lots, and so much of the division of land against Weathersfield as shall extend northward from the great swamp until it shall include the lot that was William Juds, and no more; so many of them as see cause, none to be compelled, that they become a ministerial society, none to be compelled, when they do gain a capable minister among them, and continue so to be so long as they shall in a competently constant way retain such a minister among them; and when and so long as they shall so do, themselves and what estate they have there shall be freed from the charge of the ministrie elsewhere. Always provided that they shall for their own proportion of labor in the highways make and maintain the passages and highways they have occasion for there amongst themselves without involving the town in general therewith, as also that they shall at no time endeavor to surprise their neighbors by endeavoring to obtain of the General Court other advantages wherein the town in general may be concerned, without first acquainting the town therewith, nor claim or challenge any interest within our sequestered land for the maintenance of the ministrie there.

Certain persons, inhabitants of Farmington, petitioning for the grant of a distinct society at the said place commonly called the Great Swamp, and that the bounds thereof might be stated: this Assembly grants their petition so far as the Town of Farmington have granted to the petitioners.

NOTE: Volume IV Public Records of Connecticut (Colonial) 527, 528 (494, 495). Passed October, 1705.

BOUNDARY BETWEEN FARMINGTON AND WEATHERSFIELD ESTABLISHED

Upon consideration of the petition of the inhabitants of the Town of Weathersfield, praying this Court to describe and settle the line or boundary between their said town and the town of Farmington:

It is ordered and enacted by the Governor, Council and Representatives, now in General Court assembled, and by the authority of the same, that a straight line run from the heap of stones at the southwest corner of Hartford bounds, on the east side of a boggy meadow, to a certain White Oak Tree, marked on four sides, standing on rising land about a mile to the south of Mattabesett River, shall be the dividing line between the said two towns ...

NOTE: Vol. V Public Records of Conn. (Colonial) 74 (51). Passed October, 1708.

WEATHERSFIELD WEST PARISH ESTABLISHED

Upon the petition of divers inhabitants of Weathersfield dwelling in the west division of lands on the borders of said town, requesting that they may be allowed to be a distinct parish for the public worship of God amongst them: This Assembly allows and grants the said petitioners to be a distinct parish for the public worship of God, according to the grant of the town of Weathersfield; which parish is contained within these following limits, that is to say, 2 miles and 50 rods in width from Farmington township eastward, bounded on the north by Hartford, and on the south by Middletown.

NOTE: Vol I Public Records of Connecticut (Colonial) 374 (234). Passed May, 1713.

WEATHERSFIELD WEST SOCIETY ANNEXED TO GREAT SWAMP SOCIETY

Be it enacted by the Governor, Council and Representatives, now in General Court assembled, and by the authority of the same, That the part formerly deemed to be of Weathersfield West Society, from the north side of Hurlburt's lot and the north side of Stephen and John Kelsey's lands to Middletown bounds, the Beckley's land, shall be annexed to the Great Swamp Society.

NOTE: Vol. V Public Records of Connecticut (Colonial) 532 (16). Passed October, 1715.

PART OF MIDDLETOWN ADDED TO GREAT SWAMP SOCIETY

Upon consideration of the petition of several inhabitants, now dwelling near the northwest corner of the town of Middletown within one mile and half square from said corner, praying they may be released from parish charges arising within the township of Middletown and be annexed to the parish commonly known by the name of the Great Swamp: Ordered by this Assembly, That all those who inhabit or shall personally inhabit on the above mentioned mile and a half square shall be free from paying ministers rates in the town of Middletown and shall pay rates to the Great Swamp Society, so long as it shall be the pleasure of this Assembly.

NOTE: Vol. VI Public Records of Connecticut (Colonial) 47 and 48 (111). Passed May, 1718.

KENSINGTON NAMED

Resolved by this Assembly, That the Second Society in Farmington, with what of Weathersfield and Middletown is by this Assembly annexed thereunto, shall for the future be called and known by the name of Kensington.

NOTE: Vol. VI Public Records of Connecticut (Colonial) 316 (303). Passed May, 1722.

KENSINGTON BOUNDARIES ESTABLISHED

An act limiting the bounds of the Parish of Kinsington and for establishing one other Ecclesiastical Society in the County of Hartford.

Be it enacted by the Governor, Council and Representatives, now in General Court assembled, and by the authority of the same, That the bounds of the parish of Kinsington for the future shall extend no farther north than to an east and west line drawn across the bridge called Beach Swamp Bridge from Weathersfield town line to Southington Parish line, easterly by the ancient line of said Kinsington, including those two pieces of land taken from Weathersfield and Middletown, and from the southwest corner of said Middletown part of said Kinsington to run westerly until it comes into the middle of the highway where they cross each other between the houses of Elisha Cole and Stephen Cole, from thence westerly until it comes to the southwest corner of John Coles home-lot, from thence due west to said Southington Society line, thence northerly, as that line runs, to the line first mentioned.

NOTE: Public Records of Connecticut, (Colonial) 279 (226), Passed May, 1754.

DIVISION OF KENSINGTON AND WORTHINGTON

Upon the memorial of the society of Kensington in the town of Farmington in the county of Hartford, by their agent, showing to this Assembly that it is best and absolutely necessary for their mutual peace and real happiness, as well as from their limits, situation, extent and wealth, and other respects, that said society should be divided into two distinct ecclesiastical societies by a north and south line, which they have a long time labored to effect: and said south society having now mutually agreed that the most reasonable line of division will be in the following manner and form, to wit: Beginning at the south line of the said society, at the place where the river called Belcher's River crosses the said line, thence extending northerly by said river until it comes to the four rods highway, so called, thence on the same highway until it comes to the south side of Selah Hart, Esqr, land, thence east on the line of said Hart's land to the same river again, thence northerly a direct course (leaving said Hart's now land on the west, if any of it should happen to fall east of said course) to a point on the highway ten feet east of Deacon Ebenezer Hart's dwelling-house, from thence north to the north line of said society; to include however the whole of said Deacon Hart's farm on which he now dwells in said west society. And it is also further agreed, that one or other of said societies so to be divided will accept and receive the Rev. Mr. Clarke, the present pastor, for their minister as he shall choose, and that such of said society with whom he shall incline to continue shall and will in future engage

perform to fulfil to him the contract now subsisting between him and said society of Kensington. And it is also further agreed that the most convenient and suitable place for building a meeting-house in said east proposed society is at a stake set near a maple tree in the dividing line between the lots of Solomon Dunham and Benjamin Galpin; and the most convenient place for that purpose in said west part is a little westward of the dwelling-house of Daniel Cole junr, where a stake was lately set up between two large stones in the middle of the highway. And said society by their agents, Selah Hart, Esqr, and Mr. Jedediah Norton, now moving that said line of division and the places fixed for the building of meeting-houses may be ratified and established, and that such of said societies with whom the said Mr. Clarke shall incline to continue may be held to fulfil to him the contract now subsisting as aforesaid, and that each of said several societies may be enabled to proceed in the building of a meeting-house at the places aforesaid, as per memorial and the votes and doings of said society &c. appears: Wherefore, and that peace and harmony may be restored to them &c., it is resolved by this Assembly, that the said society of Kensington shall be and the same is hereby divided into two distinct ecclesiastical societies, with full powers and privileges as other societies by law have and do enjoy, according to the lines, bounds and limits beforementioned and described; and that said west society shall retain and be called by the name of Kensington, and that the said east society shall be called by the name of Worthington, and that such of said societies with whom the said Mr. Clarke shall choose or signify his willingness or desire to continue as their minister shall for the future perform and fulfil to him the contract now subsisting between him and said whole society, so long as he shall remain in the work of the ministry among them. And it is further resolved and ordered, that the several places fixed for the building of meeting-houses as aforesaid shall and the same are hereby established to be the most proper and convenient for that purpose; and each of said two societies shall have full power, and full power and authority is hereby given to them, by their major vote to lay taxes and raise and levy money for the building of such house or houses at the places aforesaid as they shall severally so vote and agree to build and erect for divine and public worship in said societies. And whereas the interest of the RevdMr. Clarke may be materially affected by the division aforesaid and by his being obliged to remove from his present situation: It is therefore further resolved, that Colo. Jabez Hamlin, Majr Erastus Wolcott and Majr Elisha Williams be and they are hereby appointed a committee with full powers to notify all concerned and to examine into and consider of all circumstances relative to the said Mr. Clarke's interest, and how far the same may be affected by the division aforesaid and what compensation, if any, ought to be made him, and by whom, and generally whatever shall appear necessary or expedient, that full and complete justice may be done to the said RevdMr. Clark in the premises, and report their opinion thereon to this Assembly in May next, unless some previous agreement shall be come into concerning the matters aforesaid.

NOTE: Vol. XIV Public Records of Connecticut (Colonial) 61-63 (185-187). Passed October, 1772.

TOWN OF BERLIN ESTABLISHED

Upon the Memorial of the Inhabitants of the Societies of Kensington, New Britain and Worthington Showing to this Assembly the many Difficulties and Inconveniences they are subjected to for want of being Incorporated into a separate and distinct Town by themselves and

the great Necessity thereof, Praying that the same may be done accordingly as per Memorial on File—

Resolved by this Assembly that all the Lands lying within the Limits hereafter described, with the Inhabitants residing therein be and the same are hereby Constituted a separate and distinct Town by themselves and entitled to have and enjoy all the Rights, Privileges and Immunities that other Towns in this State have and do enjoy and shall have Liberty to elect and appoint all Officers necessary and Proper for a Town to Levy and Collect Taxes in the same Manner as other Towns in this State are allowed by Law to do and to transact all other Matters necessary and proper for a Town. That the Limits and Bounds of said Town shall be as follows viz to begin at the Northeast Corner of the Society of New Britain thence Westerly and Southerly in the Line of said Society until it comes to the North East Corner of the Town of Southington thence in the Line of Southington to Wallingford North Line thence Easterly in Wallingford North Line until it comes to the Town of Middletown thence Northerly in Middletown West Line until it comes to the South West Corner of John Kirby's Home Lot thence Easterly in the South Side of said Kirby's Home Lot to the West Side of the Highway that leads to Samuel Galpins Dwelling House thence Northerly on the West Side of said Highway to the Road running East and West, thence Easterly in the South Side of said East and West Highway to the middle of Kirby's Bridge so called thence Northerly as the River Runs to Weathersfield thence as the Easterly and Northerly Lines of that part of the Society of Worthington lying in said Weathersfield run, till they come to the East Line of the Town of Farmington thence Northerly in the East line of Farmington to the first mentioned Bounds, And shall be called and known by the name of Berlin, and the said Town of Berlin shall be entitled to have and receive from the several Towns from whence the same is taken their due Proportion of the Town Stocks of such respective Towns and be held to pay their proportion of all the Debts of said Towns already incurred according to the List of said Town of Berlin and shall also take upon them the support of their part of the Town Poor in each of said Towns by the Rule aforesaid and the several Taxes of said respective Towns already Granted may be Collected and applied to the Payment of their several Debts and Expenses already incurred or that may hereafter arise upon Abatement on Lists already giving in and the same being first paid and discharged said Town of Berlin shall be entitled to their Part and proportion to the Overplus (if any be), And the said Town of Berlin shall hold their first Meeting at the Meeting House Society of Kensington on the second Monday of June next, at ten o'Clock in the forenoon, when and where they may choose such Town Officers as by Law are required, who shall continue in Office until a new Meeting shall be held in and for said Town in the Month of December next, and said Meeting shall have Power to transact all Matters necessary for a Town and to adjourn to a future Period if necessary and Inhabitants being legal Voters being duly warned to attend said Meeting at least three days before the holding thereof of Gen[l] Selah Hart, Elias Beckley and David Mather or either of them and General Selah Hart shall preside at said Meeting until a Moderator shall be chosen and shall take and Count the Votes for such Moderator.

And Whereas the Town of Farmington hath some Time since by their Legal Vote for the purpose agreed to locate and lay out a part of their Highways which were not necessary for the purpose of Highways each of the Societies within said Farmington to be exclusively entitled to the Avails of the Lands so to be taken up or laid out from said Highways within their respective Limits they to provide all future needful Highways within their own Limits at their own Expense to the full

Amount of the Lands so to be taken up as aforesaid which said Lands have been chiefly taken up and laid out and the Moneys thence arising been appropriated accordingly. It is thereupon further Resolved that nothing herein shall be Construed to effect the true intent of said Vote but that the Societies of Kensington and New Britain and that part of the Society of Worthington lying within the Town of Farmington shall be exclusively entitled to the Avails of said Highways within their own Limits they to provide future Highways within the same according to the Tenor of said Vote anything in this resolve notwithstanding.

And it is also further Resolved that the Debts if any that may be due to any of the Towns on Account of Taxes or the overplus Money that may remain if any shall belong to and be borne by those Inhabitants now belonging to the respective Towns from whence they are taken.

NOTE: Vol. VI Records of the State of Connecticut 60-62. Passed May, 1785.

RESOLVE ANNEXING PART OF THE SOCIETY OF UPPER HOUSES IN MIDDLETOWN, TO WORTHINGTON SOCIETY IN BERLIN

Resolved by this Assembly, That all that part of the said second or Upper Houses Society, lying in the town of said Berlin, excepting the farm or lot of land on which said Israel Wilcox now lives, be and the same is hereby annexed to, and from henceforth shall be and remain a part of the said Society of Worthington: Provided always, that nothing in this resolve contained, shall be construed to prevent the said second or Upper Houses Society from collecting all such society rates or taxes as are now laid or due from said petitioners, or either of them, or from any other person liable to pay said taxes.

NOTE: Vol. I Private Laws, State of Connecticut 561. Passed May, 1790.

PART OF WEATHERSFIELD ANNEXED TO WORTHINGTON

Upon petition of Enoch Kelsey and others, praying that the part of Weathersfield within the following bounds be annexed to Worthington, viz. beginning at the northeast corner of said Enoch Kelsey's farm, near his dwelling house and running a line from that spot eastwardly in the line of said farm to a highway and from said highway continuing the same line to a highway leading from Newington, then turning southerly by said last highway in the northeast corner of a tract of land called Beckley's farm, from thence a straight line about one hundred and thirty-five rods easterly, to the northwest corner of Solomon Beckley's common lot, thence keeping that line eastward to the end of said lot, about one hundred and twenty rods, on land belonging to Samuel W. Williams, Esq., from thence nearly south a straight line to the northeast corner of Stoddard lot, so called, now belonging to the heir of John Beckley, and from thence in the line of said lot to Middletown line, on land belonging to the heirs of Col. John Belden:

Resolved by this Assembly, That that part of said town of Weathersfield hereinbefore described, be, and the same is hereby annexed to said Parish of Worthington accordingly, for parochial purposes merely, and shall hereafter be holden and considered as part and parcel of said Parish of Worthington.

NOTE: Volume I Private Laws, State of Connecticut 561. Passed May, 1794.

RESOLVE ANNEXING ROSWELL MOORE AND HIS FARM TO THE TOWN OF SOUTHINGTON

Upon the petition of Roswell Moore, showing that the dividing line between the towns of Southington and Berlin passes through his house and farm.

Resolved by this Assembly, That the same farm described in said petition as lying in the town of Berlin be, and the same is hereby annexed to the town of "Southington," and that the petitioner be considered hereafter an inhabitant of said Town of Southington, and as such entitled to all the privileges of an inhabitant thereof and liable to pay taxes therein.

NOTE: Vol. II Private Laws, State of Connecticut 1186. Passed May, 1797.

ANNEXING LAND TO WORTHINGTON

Upon petition of Simeon North, Joseph Crofoot and David Woodruff.

Resolved by this Assembly, That the said Simeon North, Joseph Crofoot and David Woodruff, together with their lands and estate in said Town of Berlin, be, and the same are hereby annexed to said society of Worthington, and that they the petitioners be hereafter considered as inhabitants thereof, and as such entitled to the common privileges of said society, and liable to pay taxes therein.

NOTE: Vol. I Private Laws, State of Connecticut 561. Passed May, 1797.

RESOLVE ANNEXING A PART OF THE TOWN OF WALLINGFORD TO BERLIN AND TO KENSINGTON SOCIETY

Upon petition of Isaac Botsford and others, showing that about six hundred acres of land at the northwest corner of Meriden, bounded as follows, viz. beginning at the bounds between the counties of Hartford and New Haven, which are on the top of the ledge west of the stone house so called, and running from thence westerly on said county line about one mile and a quarter, to a rock oak tree with stones about it, a county bounds and the northwest corner of Josiah Hill's land; thence southerly in the line of said Hill's land to the southwest corner thereof, being the place called the gutter in the ledge; thence to a white oak bounds tree at the beaver dam so called; thence by the road to John Ives' corner in the north of the mountain; thence easterly on the top of the ledge, as the ledge runs, and turning northerly as the ledge turns, still keeping the top of the ledge to the witch hazel bounds so called; thence easterly across cat hole so called to the top of the first ledge; and thence northerly on the top of said ledge and as the ledge runs to the first mentioned bounds:

Resolved by this Assembly, That the said described premises with all inhabitants now residing, or hereafter to reside thereon, be and the same hereby is annexed to, incorporated with, and made a part of the said society of Kensington, said town of Berlin, and said county of Hartford, with all

the privileges and immunities thereof; and that the boundary line between the said towns of Wallingford and Berlin, and said counties of Hartford and New Haven, shall be the following line so far as the same extends, viz. beginning at the said rock oak tree with stones about it, a county bounds between said counties and the northwest corner of Josiah Hill's land; thence running southerly in the line of said Hills' land to the southwest corner thereof, being the place called the gutter in the ledge; thence to a white oak bounds tree at the beaver dam so called; thence by the road to John Ives' corner in the notch of the mountain; thence easterly on the top of the ledge as the ledge turns, still keeping the top of the ledge to the witch hazel bounds so called; thence easterly across cat hole so called, to the top of the first ledge; and thence northerly on the top of the ledge, and as the ledge runs to the bounds between said counties of Hartford and New Haven, on the top of the ledge west of the stone house so called; anything in the former act to the contrary notwithstanding.

NOTE: Volume II Private Laws, State of Connecticut 1134. Passed October, 1798.

RESOLVE ANNEXING A PART OF WALLINGFORD TO BERLIN

Upon petition of Andrus Norton, and others, praying that a tract of land, called the Meriden Farm lying on the north of a direct line dividing the town of Wallingford and Berlin, containing about four hundred acres, may be annexed to Berlin, and the located societies of Worthington and Kensington.

Resolved by this Assembly, That the aforesaid territory of land be annexed to the aforesaid town of "Berlin," any custom or grant to the contrary notwithstanding, and the same be hereafter holden by said town of Berlin subject to such laws and rules as govern other lands within the same.

So much of said territory as lies easterly of a stream running through the same called Belcher's brook, be annexed to said located society of Worthington, and that so much of said territory as lies westerly of said brook, be annexed to said located society of Kensington, subject to the same rules and regulations between said society as govern other lands within the same.

NOTE: Volume II, Private Laws, State of Connecticut 1135. Passed October, 1803.

RESOLVE ALTERING THE BOUNDARY LINE BETWIXT THE TOWNS OF MIDDLETOWN AND BERLIN

Resolved by this Assembly, That the boundary line betwixt the towns of Middletown and Berlin, be, and the same hereby is altered as follows: beginning on the said boundary line, on the west side of the new road, a little south of Olcott Cheney's dwelling house, thence running southerly on the westerly side of said new road, about thirteen rods to the first angle in said road, thence running westerly parallel with the said old boundary line about forty-five rods, to the dividing line betwixt said Middletown and Berlin; and that the land thus included within said line, shall be and remain to all intents and purposes, a part of the town of Berlin in the County of Hartford, and that the inhabitants residing thereon, shall at all times possess and enjoy all the rights and privileges of the inhabitants of said town of Berlin.

NOTE: Vol. II Private Laws, State of Connecticut 1164. Passed May, 1832.

ANNEXING LEVI BARNS AND JASON BRADLEY AND THEIR FARMS TO THE TOWN OF SOUTHINGTON

Upon the petition of Levi Barns and Jason Bradley, both of the town of Berlin, praying to be annexed to the town of Southington:

Resolved by this Assembly, That that part of the town of Berlin which adjoins the town of Southington, and is bounded westerly and northerly by the present dividing line between said towns, and easterly and southerly by a line beginning at a heap of stones in the said present dividing line between said towns, at the southwest corner of the farm now owned by Lumen Andrews, commonly called the Judd farm; and running thence south, eleven degrees west, one hundred and seventy-two rods, to a heap of stones at the southeast corner of land of said Jason Bradley, in the west line of the highway leading from said Southington to said Berlin, and opposite the end of the highway leading to Meriden; thence on the western and northern line of said highway from Southington to Berlin, south sixty-six degrees, west thirty-two rods; south fifty-four degrees, west sixty-two rods; and west fifty rods, where it intersects the present line between said towns, about forty rods south of the dwelling house of said Levi Barns; be and the same is hereby annexed to and constituted a part of the said town of Southington.

NOTE: Volume IV, Private Laws, State of Connecticut, 1275. Passed 1838.

DIVIDING THE TOWN OF BERLIN AND INCORPORATING THE TOWN OF NEW BRITAIN

Upon petition of Roswell Moore and others, and also the petition of Norman Peck and others.

Resolved by the Assembly; That all that part of the Town of Berlin which is now included within the limits of the society of New Britain, with all the inhabitants residing within said limits, be and the same is hereby incorporated into and shall remain a distinct and separate town, by the name of New Britain, with all the rights, privileges and immunities, and subject to all the duties and liabilities of other towns in this state, and the right of sending one representative only to the General Assembly of this state. And all such inhabitants of the old town of Berlin as are not now residing therein shall belong to and be deemed inhabitants of the said new town of New Britain; provided that at the time of their departure therefrom, they resided within the limits of the said town of New Britain. That as that part of the old town of Berlin, not included in the limits heretofore described with all the inhabitants belonging and residing therein, shall be and remain the town of Berlin, and all the inhabitants aforesaid, and their successors forever, residing and belonging therein, shall have, retain and enjoy all the powers, rights, privileges and immunities enjoyed by the present town of Berlin and by other towns in this state, except as hereinafter provided, with the right of sending one representative only to the general assembly of this state.

And the said town of New Britain, as incorporated by this act, and the said town of Berlin, as it may exist after the incorporation of the said town of New Britain, shall each pay its just and true

proportion, according to the list of the year 1849, of all debts, charges and expenses, suits, petitions and claims already due and accrued, commenced or existing against the town of Berlin as it existed before the passage of this act; or for which said old town of Berlin may hereafter be made liable by force of any claims or liabilities now existing. Provided, that the expense already incurred and to be incurred for the highway recently laid out and ordered to be constructed by the commissioners for the county of Hartford, from the congregational meeting house in the society of Kensington to the Berlin depot, so called, be paid by the town of Berlin as it shall exist after the passage of this resolution, and that said town of New Britain pay and be liable for no portion of the same.

And such portion of the poor of said old town of Berlin, as were born within the limits of said new town of New Britain hereby incorporated, and have not gained a settlement elsewhere in this state than in said old town of Berlin; and such portion of the poor of said old town of Berlin who have gained a settlement in said last mentioned town, by residence or otherwise, within the limits of said town of New Britain hereby incorporated, shall be deemed inhabitants of said town of New Britain: and such portion of the poor of said old town of Berlin, who derive their settlement in said town by parentage, shall belong to said town of New Britain. Provided that the persons from whom such last mentioned poor derived his or her settlement last resided within the limits of said new town of New Britain and such portion of the poor of said old town of Berlin who have gained a settlement in said last mentioned town, otherwise than by birth or parentage, and who have not resided within the limits of said town of New Britain hereby incorporated, for six years; or who have not resided within the limits of the town of Berlin, as constituted by this act, for the like term of six years; shall belong to that town within whose limits he or she last resided. Provided that the residence of such poor at the alms house, in said old town of Berlin, shall be not so construed as to make them inhabitants of the town in which such alms house is situated.

The town farm, the town hall, and all other property belonging to said old town of Berlin, (except the town deposit fund and the records of said town), shall be divided between the town of New Britain and the town of Berlin, as established by this act, according to their respective proportions of the taxable list of 1849. And the town debts and liabilities shall be divided according to the same proportions. The town deposit fund shall be divided between the said towns of New Britain and Berlin, as constituted by this act, in proportion to the population of said towns as ascertained by the census next to be taken. And if, after the organization of said towns established by this act, the selectmen of said towns do not on or before the first day of January A.D. 1851, agree on such division, then the selectmen of either town may call upon the county commissioner for the county of Hartford, who, or either two of them, are hereby authorized and empowered to make such division, which division shall be final and conclusive; the selectmen of said towns being first notified when and where such division shall be made. The records of said old town of Berlin, and all books and papers belonging to said town before the passage of this act, shall be set off and belong to said town of New Britain.

The first town meeting of the town of Berlin, after the passage of this resolve, shall be held at the congregational meeting house, in the society of Kensington, on the 22nd day of July, 1850, and Samuel Hart, 2nd, shall be moderator thereof; and in case of his failure to attend, Albert Norton shall be moderator thereof; and said moderator shall warn said meeting by posting a notice thereof on each of the sign posts within said town, and at such other places as he shall deem

expedient, at least six days before said meeting. And all town and electors' meetings which are held in said town after said first meeting, during the year 1850, shall be held in the said society of Kensington, and all town and electors' meetings which are held in said town during the year 1851, shall be held in the society of Worthington. And in each alternate year thereafter, when the number of the year is even, said meetings shall be held in the society of Kensington; and when the number of the year is odd, said meetings shall be held in the society of Worthington; except that the meetings for the choice of presidential electors shall be held alternately in the societies of Worthington and Kensington, beginning at Kensington.

The first town meeting of said town of New Britain shall be held in the town hall in said New Britain, on the 22nd day of July, 1850, and Ozias B. Bassett shall be moderator thereof, and in case of his failure to act, Samuel Kelsey shall be moderator hereof; and said moderator shall warn said meeting by posting a notice thereof on the signpost in said New Britain, and in such other places as he shall deem proper, at least six days before said meeting.

Meetings. And the said towns shall have all the powers at said first meeting belonging to other towns in the State, and full right to act accordingly, to elect town officers, and the officers so elected at said meetings shall hold their offices until others are chosen and sworn in their stead.

The collectors of the old town of Berlin are hereby authorized to collect the respective taxes heretofore laid, in the same manner as if this resolve had not been passed.

This grant shall be of no effect unless the inhabitants of the town of Berlin (not including those within the limits of said new town of New Britain) shall, at a meeting to be legally warned and held at the congregational meeting house in the society of Kensington, on or before the first day of July next, pass a vote relinquishing all claims to two representatives, and consenting forever hereafter to have but one representative to the general assembly of this state, and cause a copy of such vote, duly certified by their town clerk, to be lodged in the office of the secretary of state, to be by him recorded and kept on file as evidence of such relinquishment and consent. And the present selectmen of said town of Berlin, residing without the limits of said society of New Britain, or either of them, shall have the power to warn said town meeting last aforesaid.

NOTE: Vol. IV, Private Laws, State of Connecticut 1217, 1218, 1219. Passed 1850. So much of this resolution as limits the Town of New Britain to one representative only, in the general assembly, repealed, Vol. IV Private Laws, State of Connecticut 1275. Passed 1852.

CHANGING THE DIVISIONAL LINE BETWEEN BERLIN AND SOUTHINGTON

Resolved by this Assembly:

Section 1. That so much of the present town of Berlin as lies west and north of the following described line, viz.: commencing at a point in the north line of Berlin, eighty-three rods and twenty-one links easterly from its present northwest corner and four rods east of the west side of the mountain road between New Britain and Southington, thence running southwesterly along the top of the ledge, on a line of monuments now set by the respective selectmen of the towns of Berlin and Southington, about two hundred and eighty rods, to a point opposite the terminus of

an old road running easterly past the house of R.C. Dunham, thence westerly about twenty-five rods to the terminus of said road in the dividing line between said towns; also, so much of said Berlin as lies west of the following line to wit: beginning at a point in the line between said towns, eight rods west of a certain angle in said lines on the highway leading from Berlin to Southington past the house of Mariette Galpin, wife of Hiram Galpin, thence running in a course nearly south, one degree east, about sixty six rods, to a certain other angle in said dividing line, said described line forming the dividing line between lands of Gad Andrews on the west, and Charles Moore and Mariette Galpin on the east, be annexed to, and incorporated in the said town of Southington; and that the above defined lines be established as boundary lines between said towns.

NOTE: Vol. V Private Laws, State of Connecticut 353, 354. Approved June 5, 1860.

REGULATING THE PLACES FOR HOLDING TOWN AND ELECTORS MEETINGS IN THE TOWN OF BERLIN

Resolved by this Assembly:

Section 1. That the place or places of holding town and electors' meetings in the Town of Berlin shall be determined by a town meeting to be called for that purpose at such time and place as the selectmen of said town shall determine.

Section 2. So much of the resolution dividing the town of Berlin and incorporating the Town of New Britain, passed at the May session of the General Assembly, A.D. 1850, as directs where the town and electors' meetings of said town of Berlin shall be held, is hereby repealed, but the repeal shall not take effect until the place or places of holding said meetings shall have been determined in the manner provided in the first section.

NOTE: Vol. VIII Special Laws, State of Connecticut 87. Approved March 9, 1877.

DIVIDING THE TOWN OF BERLIN INTO VOTING DISTRICTS

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

Section 1. The Town of Berlin is hereby divided into and shall comprise three voting districts.

Section 2. So much of said town as is situate within what is known as the fifth, sixth, seventh and eighth school districts shall comprise the first voting district. The portion of said town situate within what is known as the first, second, third and fourth school district, shall comprise the second voting district. The portion of said town situate within what is known as the ninth school district shall comprise the third voting district.

Section 3. No elector of said town shall lose his right to vote at any electors' meeting held in said town by reason of his being registered in the wrong district.

Section 4. The selectmen of said town shall provide suitable polling places in each of said districts, all of which polling places shall be located in said town.

Section 5. Said town shall choose at its annual meeting by general ticket two registrars of voters for the town at large; but no person shall vote for more than one registrar, and the two persons having the highest number of votes shall be declared elected. Said registrars shall have the powers of registrars elected in towns enumerated in section 204 of the General Statutes.

NOTE: Vol. XII Special Laws, State of Connecticut 786, 787. Approved March 23, 1897.

AUTHORIZING THE KENSINGTON FIRE DISTRICT OF BERLIN TO SUPPLY WATER TO THE INHABITANTS OF SAID DISTRICT AND TO ISSUE BONDS

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

Section 1. The Kensington Fire District is authorized to supply water for fire protection of the district, for the use of its inhabitants and for the benefit of property located in said district and property contiguous to said district within the town of Berlin; to make contracts with any municipal or other corporation having the right to furnish water in said district, for such water supply: to construct, lay and maintain water mains, pipes, hydrants or reservoirs for such purposes; to make use of any lands and of the ground or soil under any railroad, street or private way for the purposes of laying and maintaining such pipes and mains in such manner as to least damage the owner thereof and to least obstruct or impede travel thereon, causing all damage to be repaired and all damage sustained by any person or corporation by reason thereof or in consequence of the interruption of travel to be paid to such person or corporation; to regulate the distribution and use of such water and to establish the prices to be paid therefor.

Section 2. The damages of any person entitled thereto under the provisions of this act who fails to agree with said district as to the amount of damages sustained, may be assessed and determined in the manner provided by law for the condemnation of land by a fire district for purposes of a public square.

Section 3. Said district is authorized to issue serial bonds to an amount not exceeding one hundred thousand dollars, bearing interest at a rate not greater than six per centum per annum payable semiannually, the first installment of such bonds to mature five years from the date of issue and the remainder of the principal to be payable at the rate of four thousand dollars annually. Said bonds shall be executed in behalf of said district by the chairman of said district committee and the treasurer of the district and may be sold in such manner as the committee of said district may determine, but in no case at less than par. Such bonds shall be denominated on the face thereof "Water Bonds Kensington Fire District, First Series," and the proceeds from the sale thereof shall be used to carry out the provisions of section one of this act.

Section 4. No bonds shall be so issued under the provisions of this act as to permit the net bonded indebtedness of said district at any time to exceed five per centum of the grand list pertaining to said district as the same may be assessed for the year of such issue by the assessors of the town of Berlin, provided, in computing the debt limitation, bonds issued for the

construction, equipment or maintenance of the district's fire department or for lighting streets shall not be included.

NOTE: Vol. XVIII Special Laws, State of Connecticut 658, 659. Approved May 19, 1921. Sec. 1 amended by Special Act No. 47 (Special Session, November, 1955)

AUTHORIZING THE WORTHINGTON FIRE DISTRICT OF BERLIN TO SUPPLY WATER TO THE INHABITANTS OF SAID DISTRICT AND TO ISSUE BONDS

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

Section 1. The Worthington Fire District is authorized to supply water for fire protection of the district; for the domestic use of its inhabitants and for the benefit of property located in said district; to make contracts with any municipal or other corporation having the right to furnish water in said district, for such water supply; to construct, lay and maintain water mains, pipes, hydrants or reservoirs within said district for such purposes; to make use of any lands and of the ground or soil under any railroad, street or private way for the purposes of laying and maintaining such pipes and mains in such manner as to least damage the owner thereof and to least obstruct or impede travel thereon, causing damage to be repaired and all damage sustained by any person or corporation by reason thereof or in consequence of the interruption of travel to be paid to such person or corporation; to regulate the distribution and use of such water and to establish the prices to be paid therefor.

Section 2. The damages of any person entitled thereto under the provisions of this act who fails to agree with said district as to the amount of damages sustained, may be assessed and determined in the manner provided by law for the condemnation of land by a fire district for purposes of a public square.

Section 3. Said district is authorized to issue serial bonds to an amount not exceeding thirty-five thousand dollars, bearing interest at a rate not greater than six per centum per annum, payable semiannually, the first installment of such bonds to mature five years from the date of issue and the remainder of the principal to be payable at the rate of two thousand dollars annually. Said bonds shall be executed in behalf of said district by the chairman of the district committee and the treasurer of the district and may be sold in such manner as the committee of said district may determine, but in no case at less than par. Such bonds shall be denominated on the face thereof: "Water Bonds Worthington Fire District, First Series," and the proceeds from the sale thereof shall be used to carry out the provisions of section one of this act.

Section 4. No bonds shall be so issued under the provisions of this act as to permit the net bonded indebtedness of said district at any time to exceed five per centum of the grand list pertaining to said district as the same may be assessed for the year of such issue by the assessors of the town of Berlin, provided, in computing the debt limitation, bonds, issued for the construction, equipment or maintenance of the district's fire department or for lighting streets shall not be included.

NOTE: Vol. XVIII Special Laws, State of Connecticut 645, 646. Approved, May 19, 1921.

CONCERNING BUILDING LINES AND BUILDING PERMITS IN THE TOWN OF BERLIN

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

The town of Berlin, in a town meeting legally warned, is authorized to make rules and regulations in regard to the establishment of building lines within said town and in regard to the issuance of building permits therein, including the right to fix the charge or plan for the issuance of such building permits and to fix penalties for violation of such rules and regulations.

NOTE: Vol. XIX Special Laws, State of Connecticut 608. Approved March 20, 1925.

ESTABLISHING THE CHAMBERLAIN MEMORIAL HIGHWAY

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

The Highway extending from the intersection of Corbin Avenue and Kensington Avenue in the Town of Berlin, running in a Southerly direction to the city of Meriden and marked "Connecticut 71" is designated as "The Chamberlain Memorial Highway."

NOTE: Vol. XXII Special Laws, State of Connecticut 719. Approved May 21, 1937.

CONCERNING CONVEYANCE OF LAND BY THE STATE OF CONNECTICUT TO THE TOWN OF BERLIN

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

The State of Connecticut, acting through its board of fisheries and game, is authorized to convey to the town of Berlin as a right of way for a town road, a strip of land approximately fifty feet wide and nineteen hundred and seventy-five feet long, not to exceed three acres in area, as shown on [a] map entitled "Plan and Profile of Norton Lane, Berlin, Connecticut," filed in the office of the Town Clerk of Berlin.

NOTE: Vol. XXIII Special Laws, State of Connecticut 871. Approved June 10, 1941.

AN ACT PROVIDING FOR BIENNIAL ELECTIONS IN THE TOWN OF BERLIN

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

Section 1. (a) The term of office of James S. Thomson, assessor of the Town of Berlin, in office at the time of the passage of this act, is extended until the first Monday of October, 1941. (b) The term of office of Edgar M. Pickett, member of the Board of Relief of said town, in office at the time of the passage of this act, is extended until the first Monday of October, 1941. (c) The term of office of William Emerson and James J. Fitzsimons, members of the Board of Finance and Taxation of said town, in office at the time of the passage of this act are extended until the first Monday of October 1941. (d) The term of office of George DeMore, John Hoppe and

Robert D. Silsby, members of the Board of Education of said town, in office at the time of the passage of this act are extended until the first Monday of October 1941.

Section 2. At the election of the town officers to be held in the Town of Berlin on the first Monday of October, 1939 there shall be elected three selectmen for terms of two years each; a Town Clerk to hold office for a term of two years from the first Monday of January next succeeding his election; a Town treasurer for a term of two years from the date of his election; an agent of the town deposit fund for a term of two years from the date of his election; a tax collector for a term of two years from the date of his election; one assessor for a term of four years from the date of his election; one member of the Board of Relief for a term of four years from the date of his election; two Registrars of Voters for a term of two years from the first Monday of January succeeding his election; three members of the Board of Education each for a term of four years from the date of their election; two members of the Board of Finance for a term of four years from the date of their election; seven constables each for a term of two years from the date of his election and three grand jurors each for a term of two years from the date of his election.

Section 3. There shall be held in the Town of Berlin on the first Monday of October, 1939, and biennially thereafter, a meeting for the election of town officers. At said meeting there shall be elected:

(a) A Town Clerk and two Registrars of Voters, each to hold office for a term of two years from the first Monday of January next succeeding his election;
(b) Three Selectmen, A Town Treasurer and agent of the town deposit fund, a tax collector and seven constables, each of said officials to hold office for a term of two years from the date of his election;
(c) One assessor for a term of four years from the date of his election, two assessors at the next succeeding election for a term of four years and one assessor at the next succeeding election for a term of four years, and so on alternately thereafter; one member of the Board of Relief for a term of four years from the date of his election, two members of the Board of Relief at the next succeeding election for a term of four years, and so on alternately thereafter; two members of the Board of Finance and Taxation for a term of four years from the date of their election, four members of the Board of Finance and Taxation for a term of four years at the next succeeding election, and so on alternately thereafter; three members of the town school committee for a term of four years from the date of their election, six members of the town school committee at the next succeeding election for a term of four years and three members of the town school committee at the next succeeding election for a term of four years, and so on alternately thereafter.

Section 4. All officials elected under the provisions of this act shall hold office until their successors shall be elected and shall have qualified.

Section 5. If the number of the officers to be elected under the provisions of this act shall be even, no person shall vote for more than one-half of the number, and if the number to be elected shall be odd, no person shall vote for more than a bare majority of the number.

Section 6. This act shall take effect upon its approval by the electors of the Town of Berlin at a special town meeting to be held on or before the first Monday of August 1939.

NOTE: Vol. XXIII. Special Laws, State of Connecticut 21, 22. Approved March 14, 1939.

CONCERNING TAXATION IN THE TOWN OF BERLIN

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

Section 1. The assessment date of the town of Berlin shall continue to be the first day of October of each year. All persons required to file lists of property subject to taxation with the tax assessors of said town shall file such lists not later than the first day of November in each year, or, if such first day shall occur on Sunday or on a holiday, then the next business day following.

Section 2. Such persons shall not include in such lists real estate, buildings, mills, automobiles, trailers, motorcycles, and other motor vehicles.

Section 3. The state tax commissioner shall prescribe one or more forms of individual assessment lists to be used by owners of property in the town of Berlin for listing property other than that designated in section two of this act. The tax assessors may provide a card or form, subject to the approval of the state tax commissioner, which is in accord with the foregoing provisions.

Section 4. No person shall be subject to the ten percent penalty for failure to file a list of, or include in his list any of, the property mentioned in section two of this act. Any person owning no taxable property other than that listed in section two hereof shall not be required to file a list of property subject to taxation.

Section 5. Except as provided herein, all statutory provisions relating to assessment of the property tax shall continue to apply to the town of Berlin.

NOTE: Vol. XXIV Special Laws, State of Connecticut 180, 181. Approved May 10, 1943.

CONCERNING ELECTION OF THE BOARD OF EDUCATION IN THE TOWN OF BERLIN

Section 1. The electors of the town of Berlin, voting by ballot at a special referendum to be held in each voting district on or before August 15, 1949, between the hours of 1 p.m. and 7 p.m., shall, by plurality vote, determine the manner of election of the town board of education by indicating a choice of procedure according to (a) section 3 of number 25 of the special acts of 1939, (b) section 2 of this act or (c) section 3 of this act.

Section 2. At the town election to be held the first Monday of October, 1949, three members of the board of education shall be elected for terms of four years, and three for terms of three years from the date of their election or until successors shall have been elected. At the town election to be held the first Monday of October, 1951, and at the election for representatives to the general assembly to be held on the Tuesday after the first Monday of November, 1952, three members of

said board shall be elected for terms of three years from such dates or until their successors shall have been elected. Annually thereafter at the regular election to be held either on the first Monday of October, or on the Tuesday after the first Monday in November, as the case may be, three members of said board shall be elected for terms of three years of [or] until their successors shall have been elected. The terms of such members shall be shortened or extended by the length of time necessary to provide for their termination on the date of the election of the successors of the incumbents. No person shall vote for more than a bare majority of the number of members of said board to be elected.

Section 3. At the town election to be held the first Monday of October, 1949, three members of the board of education shall be elected for terms of four years, and three for terms of three years from the date of their election or until their successors shall have been elected. At the town election to be held the first Monday of October, 1951, and at the election for representatives to the general assembly to be held on the Tuesday after the first Monday of November, 1952, three members of said board shall be elected for terms of three years from such dates or until their successors shall have been elected. Annually thereafter, at the regular election to be held either on the first Monday of October or on the Tuesday after the first Monday in November, as the case may be, three members of said board shall be elected for terms of three years or until their successors shall have been elected. The terms of such members shall be shortened or extended by the length of time necessary to provide for their termination on the date of election of the successors of the incumbents. No party designation shall appear in connection with the names of candidates for said board. Nominations therefor shall be made by petition signed by fifty registered electors of said town or by one percent of the registered electors, whichever number is greater. Such petition shall be filed with the town clerk not less than twenty days before such election. The town clerk shall certify on such petition the number of signers whose names appear on the last-completed voting list, and if such petition fills the requirements hereof he shall certify the name of the candidate so nominated. The three candidates receiving the highest number of votes shall be declared elected. If any vacancy occurs in said board it need not be filled until the next annual election unless the number of remaining members falls below seven, in which case a special election shall be called to fill such vacancies for the unexpired portion of the term. Any vacancy to be so filled at the next regular annual election shall be filled by the candidate receiving the fourth highest number of votes, and, if an additional vacancy is to be filled the candidate receiving the fifth highest number of votes shall be declared elected thereto. If the unexpired terms to be so filled are of unequal duration, the candidate receiving the fourth highest number of votes shall fill the longer term.

Section 4. After August 15, 1949, section 3 of number 25 of the special acts of 1939, section 2 of this act or section 3 of this act shall be the law governing election of members of the board of education of the town of Berlin, in accordance with the vote taken on or before said date as provided in section 1 of this act.

NOTE: Vol. XXV, Special Laws, State of Connecticut 1227, 1228. Approved, July 21, 1949 at referendum held on August 12, 1949. The vote was as follows: Sec. 1 (a) 51; Sec. 1 (b) 57; Sec. 1 (c) 109.
Editor's note—This act was amended by acts of 1969.

CONCERNING THE TOWN CLERK OF THE TOWN OF BERLIN

The Town of Berlin, at a regular or special town meeting warned for the purpose, may (a) provide for the payment of a salary to its town clerk, such salary to be in lieu of the fees provided for by the General Statutes and to be in an amount determined by such meeting, and (b) provide for the appointment of a deputy town clerk by the town clerk, subject to the approval of the Board of Selectmen, the salary of said deputy to be set and paid by the town.

NOTE: Vol. XXVI Special Acts, State of Connecticut 944. Approved June 12, 1953.

VALIDATING DEEDS OF THE TAX COLLECTOR OF THE TOWN OF BERLIN

Any sale made by the tax collector of the town of Berlin and any deed delivered or lodged with the town clerk of said town pursuant to said sale, otherwise valid or otherwise invalidated except that said sale was made by said tax collector for the purposes of satisfying both unpaid taxes due the said town of Berlin and unpaid taxes due any fire district within said town, is validated and confirmed.

NOTE: Vol. XXVI Special Acts, State of Connecticut 875. Approved May 19, 1953.

CONCERNING SIDEWALKS IN THE TOWN OF BERLIN

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

The maintenance, control and supervision of all public sidewalks located within the territorial limits of the town of Berlin shall, from the date of the passage of this act, be vested in the town of Berlin and be the sole responsibility of said town and all liability under the statute law of this state pertaining to sidewalks is hereby assumed by the town of Berlin.

NOTE: Vol. XXVII, Special Acts, State of Connecticut 263. Approved June 2, 1955.

CREATING A BOARD OF POLICE COMMISSIONERS IN THE TOWN OF BERLIN

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

Section 1. There is created in the town of Berlin a board to be known as the "Board of Police Commissioners of the Town of Berlin," which is authorized to organize and maintain a police department in said town and which shall consist of five electors, not more than three of whom shall be of the same political party. Said commissioners shall be sworn to the faithful performance of their duties and shall serve without compensation.

Section 2. At the next regular biennial town election after this act has been approved as provided in section 10 of this act, the town shall elect two members to such board to serve for a term of two years, and three for four years; and at each biennial election thereafter, a member shall be elected for a term of four years to succeed each member whose term has expired. Each member of said board shall serve for the term for which he is elected, and until his successor is elected

and has qualified. Not more than three members of said board shall be of the same political party.

Section 3. Said board shall elect one of its members to be chairman and one of its members to be clerk, and shall hold regular meetings and keep written records of the same. Meetings shall be held upon call of the chairman or of a majority of the members of the board. A majority of the members of the board shall constitute a quorum. In the event of any vacancy upon said board, the board of selectmen shall, within thirty days, by majority vote, fill such vacancy until the next biennial election, at which time a member shall be elected for the unexpired portion of the term, if any, of the member with respect to whom such vacancy has occurred, and who shall be of the same political party.

Section 4. The board of police commissioners shall have the general management and control of the police department of the town of Berlin; shall make necessary rules and regulations of the government thereof; may appoint officers, members and employees in said department, and remove, suspend or otherwise penalize such officers, members or employees: shall be responsible for the good order, conduct, discipline of the officers and members of said department, and the preservation of the property used by the department; may purchase apparatus, supplies or property necessary for said department, and have repaired or altered such property and apparatus, and may sell or exchange such property or apparatus.

Section 5. The employees designated as policemen shall have all such authority with respect to the service of criminal process and the enforcement of the criminal laws as is vested by the general statutes in police officers and constables. Said board shall designate one of said policemen as chief of police, who shall be the chief administrative officer and responsible to said board. No employee of the police department shall serve on the police board.

Section 6. The authority of constables in the town of Berlin to serve criminal process shall terminate on August 31 in the fiscal year next following the election of the board of police commissioners.

Section 7. Any member of the police department appointed by said board under the provisions of this act shall remain in office until removed by said board for cause. If any charge is filed against a policeman appointed by said board, the same shall be in writing within ten days, and such policeman may file an answer thereto within ten days. The board shall hold a meeting, within ten days of the filing of said answer, at which time the matter shall be heard and written minutes recorded. After such hearing, any member aggrieved by the action of said board may appeal to the next return day or the next but one of the court of common pleas for Hartford county. During the pendency of such appeal, such order of the board shall remain in effect, subject to the power of the judge, if such order shall be modified or revoked, to make his decree relate back to the date of such order.

Section 8. Said board shall cause to be faithfully enforced in said town all the laws of the state and all the ordinances and by-laws of the town of Berlin. Said board shall have jurisdiction within said town of the parking of motor vehicles upon its streets and highways, and make

regulations concerning the same and concerning traffic, so far as the same shall not be inconsistent with the provisions of the general statutes.

Section 9. The expenses, salaries and all cost of the maintenance and equipment for said police department, and the expenses and disbursements of the board shall be paid by the town of Berlin by orders drawn upon the treasurer of said town, which orders shall be signed by two members of said board. Such expenditures shall not exceed the total sum appropriated during the year for said department.

Section 10. This act shall take effect upon its approval by the duly qualified electors of the town of Berlin at a regular or special meeting of said town warned and held for the purpose.

NOTE: Vol. XXVII, Special Acts, State of Connecticut 628. Approved August 11, 1955. Date of Vote (Sec. 10) August 29, 1955. Eighty two for, 40 against.

CONCERNING THE RECONSTRUCTION OF ROUTE 72 IN BERLIN AND NEW BRITAIN

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

The highway commissioner shall proceed with the relocation and reconstruction of route 72 from route 71A to U.S. route 5 in the towns of Berlin and New Britain, such relocation and reconstruction to be commenced by January 1, 1961.

NOTE: Vol. XXIX Special Acts, State of Connecticut 172. Approved May 22, 1959.

AN ACT CONCERNING ELECTION OF THE BOARD OF EDUCATION OF BERLIN

(House Bill No. 8592)
(108)

Section 3 of number 501 of the special acts of 1949 is amended to read as follows: Notwithstanding section 9-164 of the 1967 supplement to the general statutes or any other provision of the general statutes, at the town election to be held on the Tuesday after the first Monday of November, 1969, three members of the board of education shall be elected for terms of two years, and three for terms of three years. Annually thereafter, at the regular election to be held on the Tuesday after the first Monday in November, three members of said board shall be elected for terms of three years or until their successors shall have been elected. No party designation shall appear in connection with the names of candidates for said board. Nominations therefor shall be made by petition signed by fifty registered electors of said town or by one percent of the registered electors, whichever number is greater. Such petition shall be filed with the town clerk not less than forty days before such election. The town clerk shall certify on such petition the number of signers whose names appear on the last-completed voting list, and if such petition fills the requirements hereof he shall certify the name of the candidate so nominated. The three candidates receiving the highest number of votes shall be declared elected. If any vacancy occurs in said board it may be filled by a majority vote of the remaining members of the board until the next annual election, unless the number of remaining members falls below seven,

in which case a special election shall be called to fill such vacancies for the unexpired portion of the term. Any vacancy to be so filled at the next regular annual election shall be filled by the candidate receiving the fourth highest number of votes, and, if an additional vacancy is to be filled, the candidate receiving the fifth highest number of votes shall be declared elected thereto. If the unexpired terms to be so filled are of unequal duration, the candidate receiving the fourth highest number of votes shall fill the longer term.

Approved May 22, 1969.