

G. Hall,
Private Acts and Resolutions

OF THE

GENERAL ASSEMBLY

OF THE

STATE OF CONNECTICUT,

MAY SESSION, 1860.

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1860.

RESOLUTION AMENDING THE CHARTER OF THE NEW HAVEN WATER COMPANY.

Upon the petitions of the New Haven Water Company, and of Charles Brockett and others, selectmen and other inhabitants of the town of Hamden, the parties thereto appearing,—

Resolved by this Assembly, That the New Haven Water Company be, and hereby are, authorized and empowered to take and hold, by purchase or otherwise, any land or bridges in the town of Hamden, forming any portion of the public highways hereinafter mentioned, if necessary or expedient for the purpose of constructing any dam, reservoir, or other water-work, in said town, or for the flowage of water consequent upon the construction of any such work; that is to say, the highway formerly being, and now known as, the Hartford and New Haven turnpike road, the highway formerly being, and now known as, the Cheshire turnpike road, the highway leading in a westerly direction from near the store of James Day, in Whitneyville, and the highway, known as the Clock Factory road, leading from the said Hartford and New Haven turnpike road to, and connecting with, the old town road which passes in rear of the congregational church in said Whitneyville.

Provided, however, that before the highways over said land so taken shall be discontinued, the said New Haven Water Company shall, without cost to the town of Hamden, but at their own expense, and to the acceptance of the county commissioners for New Haven county, (due and reasonable notice of any proposed action by such commissioners being given to said town,) open and construct, in place of said highways so to be discontinued, the following new highways, with necessary and suitable embankments and bridges; namely, a new highway to be laid out as follows: beginning in Whit-

neyville, at a point situated in the said Hartford and New Haven turnpike road, and bearing n. $19\ 1-2^\circ$, w. 2 chains and 55 links from the northwesterly corner of a dwelling-house belonging to Eli Whitney, Esq. ; the point aforesaid also bears n. $31\ 1-2^\circ$, w. 3 chains 51 links from a large wild cherry tree, standing one rod from the northeast corner of the house aforesaid of said Whitney ; from thence the line continues n. $21\ 1-2^\circ$, w. 2 chains 21 links, on the New Haven and Hartford turnpike road ; thence n. $21\ 1-2^\circ$, w. 3 chains 50 links, on land of Eli Whitney ; thence n. $21\ 1-2^\circ$, w. 0 chains 60 links, across an old highway ; thence n. $21\ 1-2^\circ$, w. 2 chains 87 links, on land of said Whitney, and to a point on the slope of the dam ; thence n. 42° , w. 1 chain 89 links, on land of said Whitney ; thence n. $48\ 1-2^\circ$, w. 1 chain 70 links, on land of said Whitney ; thence n. $16\ 1-2^\circ$, w. 4 chains 2 links, on land of said Whitney, to a point in the southerly side of a highway ; thence n. $23\ 3-4^\circ$, w. along in the centre of an old highway, 3 chains 48 links ; thence n. 24° , w. in said highway, 4 chains 8 links ; thence n. $3\ 1-2^\circ$, w. 3 chains 20 links, on land of Stephen C. Babcock ; thence n. $26\ 1-4^\circ$, e. 2 chains 51 links, on land of said Babcock ; thence n. 27° , e. 4 chains 73 links, on land of said Whitney ; thence n. 27° , e. 7 chains 53 links, on land of said Whitney ; thence n. 21° , e. 4 chains 38 links, on land belonging to the heirs of Joseph Smith ; thence n. 21° , e. 60 links, in an old highway ; thence n. $1-2^\circ$, e. 15 chains 50 links, in said old highway ; thence n. $12\ 1-4^\circ$, w. 8 chains 24 links, in said highway ; thence n. 21° , w. 1 chain 78 links, in said highway ; at the northern end of the last named course or line, a large black oak tree bears n. 64° , e. 21 links ; thence n. 11° , e. 47 links, in said highway ; and from that point by either of the two following described courses, as the said New Haven Water Company may elect, namely, either thence n. $17\ 1-2^\circ$, e. 3 chains 44 links, on land of Jared A. Whiting ; thence n. 76° , e. 1 chain 50 links, on land of Jared A. Whiting, and to the western edge of the river or pond ; thence n. 76° , e. 4 chains 38 links, across said river ; thence n. 76° , e. 1 chain, on land of said Whitney ; thence n. 41° , e. 2 chains 10 links, on land of said Whitney, and to the center of the old Cheshire Turn-

pike, so called ; thence n. 12 1-2°, e. 6 chains, to the red bank or red rock, so called, in said Cheshire road ; or from said point before mentioned, n. 11°, e. 2 chains 75 links, on land of Harvey T. Moulton ; thence n. 11°, e. 13 chains 40 links on land of said Moulton ; thence n. 10°, e. 8 chains 55 links on land of Jared A. Whiting ; thence n. 13°, w. 3 chains 58 links, on land of said Whitney ; thence n. 13°, w. 1 chain 91 links, on land of said Whitney ; thence n. 7°, w. 1 chain 44 links, on land of said Whitney ; thence n. 55°, e. 1 chain 10 links, on land of said Whitney to the river ; thence n. 55°, e. 1 1-2 chains, across said river ; thence n. 58°, e. 7 chains 55 links, to an old highway on land belonging to Moses Ford's heirs ; thence n. 58°, e. 50 links across said highway ; thence n. 58°, e. 4 chains 55 links, on land belonging to the heirs of said Ford, and to the centre of the Cheshire turnpike road.

Also a new highway to be laid out as follows : beginning at a point in the centre of the Hartford and New Haven turnpike road, so called, bearing s. 52 1-4°, w. from the southwesterly corner of Eli Dickerman's dwelling-house, and 80 links therefrom ; the line runs from thence n. 67 1-2°, w. 6 chains and 60 links, to the eastern edge of the pond ; thence on the same course two chains, to the edge of the eastern channel of the river ; thence on the same course 2 chains and 50 links, to the high bank on the western side of the river ; thence on the same course 4 chains, to the centre of the old Hamden road, which passes westerly of the church and school-house ; and thence, in the most feasible route, to its intersection with the first mentioned new highway.

The lines described define the centre of said highways, and the opposite sides are to be parallel thereto, and two rods from said center ; but the lines of said highways, and the courses and distances herein specified, may be varied or changed by said company, if the selectmen of said town of Hamden shall consent, in writing, thereto.

And for the purpose of making such new highways, said company are hereby authorized and empowered to take and hold, by purchase or otherwise, any land or real estate, and to

remove to either of said new highways from any part of the present highways, which may be taken as hereinbefore provided, any bridge or bridges suitable for the construction of such new highway.

And upon the opening and construction of said new highways, as aforesaid, all such portions of the before mentioned present highways as may have been taken by said company, and all bridges within their limits, shall thenceforth be discontinued as public highways or bridges, and the same shall remain to the free and exclusive use of the New Haven Water Company.

SEC. 2. The said company shall be liable to pay all damages that shall be sustained by any person or persons, corporation or corporations, in their property or estate, by the taking of any land or estate, as hereinbefore provided. And if at any time, before or after the commencement of the works of said company, it shall appear that any damage has accrued, or may accrue, to any person or persons, corporation or corporations, by reason of the taking of their land or estate for the purposes of said company, pursuant to said company's charter, and such person or persons have not agreed with said company, in writing, for such damage, land, or estate, or have not been compensated therefor, pursuant to the provisions of the act incorporating said company, or of the acts amendatory thereof, the said company may apply to the superior court for New Haven county, or to any judge of the superior court who may by law judge between the parties, causing ordinary legal notice, or such notice as any judge of said court may prescribe, to be given to the adverse party of such application; and thereupon said superior court, or such judge, shall appoint three disinterested and judicious persons, (any vacancies which may occur, to be filled by said court or judge,) who shall, after reasonable notice to the parties, (which may be given in the manner aforementioned,) assess just damages, if any, to the respective owners or parties interested in the premises so required or taken for the purposes of said company, which assessment shall be in writing, under the hands of

said persons, and shall be final, and shall be returned, with the application, to the clerk of the superior court, who shall record it; and such company shall pay to such owner or parties the damages so assessed; and when so paid, may proceed to the construction of the said work for which said estate so taken was necessary; or, in case the owner or parties aforesaid cannot be then ascertained, shall pay the same, within thirty days, to the treasurer of the county of New Haven, to be by him paid to such person or persons as the superior court for said county shall direct.

SEC. 3. When the lands or other estate of any *feme covert*, infant, or person *non compos mentis*, shall be necessary for the purposes of this act, or of the act incorporating said company, or the several acts amendatory thereof, the husband of such *feme covert* and the guardian of such infant or person *non compos mentis*, may, in such cases, be notified, and may release all damages for any lands or estate necessary or taken for the purposes of said company, in the same manner as they might if the said land or estate were holden in their own right respectively.

SEC. 4. It shall be the duty of said New Haven Water Company, so long as their reservoir in the town of Hamden shall be kept up or used as such, at their own expense, to keep and maintain all embankments in the highways, and abutments for the bridges, which may be exposed to the action of the water in such reservoir, in good and safe condition for the public travel thereon; and they shall provide such embankments with a good and sufficient railing or fence on either side of the highway, for the protection of the public travel, and they shall at all times be liable to repair such railing or fence when notified by the selectmen of said town that any repairs thereon are needed. And such company shall be liable to pay just damages to any person who shall suffer in person or property by reason of any neglect on their part in the premises; *provided*, that said town of Hamden shall not be required to support or maintain any more bridges or bridging, in length, than are now erected and in use within

the limits of those portions of the public highways hereinbefore authorized to be discontinued ; but all such additional bridges or bridging shall be supported and maintained by said New Haven Water Company.

SEC. 5. Whenever it shall be necessary, in the construction of any reservoir of said company, to raise the bed of any road or highway, to avoid the flowage from said reservoir, it shall be lawful for said company to raise said road or highway and any bridge therein, *provided*, they restore said road thus raised to its former state, to the acceptance of the county commissioners of New Haven county.

SEC. 6. The third section of the act altering the charter of the New Haven Water Company, passed May session, 1856, and the act amending the charter of said company, passed May session, 1857, authorizing in certain cases the change of line of certain highways, are hereby repealed.

SEC. 7. And the said company may make and establish such public hydrants within the town and city of New Haven, and in such places as may from time to time be deemed proper, and prescribe the purposes for and the manner in which they may be used, and may change and discontinue the same ; may distribute the water throughout said town and city, and for this purpose may lay down pipes to any house or building, the owner or owners thereof consenting thereto ; may regulate the use of the said water within and without the said city, and establish the prices or rents to be paid therefor.

SEC. 8. The occupant of any house, tenement, or building, who shall take the water of said company, shall be liable for the price or rent of the same ; and the agents of the company, entrusted with the superintendence of the works, may, at reasonable times, enter all premises so supplied, to examine the pipes and fixtures, and prevent any unnecessary waste. And if any person shall, without the consent of said company, use any of the said water, an action of trespass on the case may be maintained against such person or persons by the said company, for the recovery of damages therefor.

SEC. 9. If any person or persons shall willfully, wantonly or maliciously divert the water, or any part thereof, of any of the aqueducts, reservoirs, streams, waters, or water-sources, which shall be taken, used or constructed by said company, or shall corrupt the same, or render it impure, or commit any nuisance therein, or shall bathe therein, or shall destroy or injure any aqueduct, pipe, reservoir, conduit, hydrant, machinery, building, structure or other property, held, owned or used by the said company, for the purposes of their incorporation, every such person or persons shall forfeit and pay to the said company three times the amount of the damages that shall be assessed therefor, to be recovered by any proper action.

Approved, June 23d, 1860.

INCORPORATING THE UNIONVILLE WATER COMPANY.

Resolved by this Assembly:—SEC. 1. That Amasa S. Mills, Phineas B. Goodwin, and E. P. Hatch, with all such persons as may be from time to time associated with them, for the purpose of supplying the village of Unionville, in the town of Farmington, with an abundant supply of pure water for public and domestic use, their successors and assigns, be, and they are hereby, incorporated for said purpose, by the name and style of the "Unionville Water Company," and by that name shall be and are hereby made capable in law to have, purchase, receive, possess and enjoy, to them and their successors, lands, rents, tenements, hereditaments, goods, chattels and effects, of what kind soever, to give effect to the specified purposes of said company, and for the accommodation of their business and concerns, and the same to sell, grant, demise, alien and dispose of, sue and be sued, plead and be impleaded, defend and be defended, in all courts of this state and elsewhere; to make and have a common seal, and the