

L A W S  
OF THE  
STATE OF NEW-YORK,

PASSED AT THE

SEVENTY-EIGHTH SESSION

OF THE

L E G I S L A T U R E ,

BEGUN JANUARY SECOND, AND ENDED APRIL FOURTEENTH, 1855, IN THE  
CITY OF ALBANY.



ALBANY:  
VAN BENTHUYSEN, PRINTER.

.....  
1855.

newspaper employed by them, from the time of the passage thereof until that day.

## Chap. 333.

### AN ACT to incorporate the Nassau Water Company.

Passed April 12, 1855, three-fifths being present.

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows:*

§ 1. John Vanderbilt, Benjamin D. Silliman, William Kent, Joseph B. Varnum, Henry Ruggles, Andrew Carrigan and John Randall, and all such persons as are or may hereafter be associated with them, are constituted a body corporate by the name of the Nassau Water Company. Title.

§ 2. The capital stock of said company shall be three millions of dollars, to be divided into shares of fifty dollars each, and the said company are hereby empowered to increase their capital stock at any time to a sum not exceeding six millions of dollars. Capital stock.

§ 3. A majority of the persons named in the first section of this act shall meet at some convenient place in the city of Brooklyn, on the fifteenth day of April instant, (or such other day as they may select,) and shall proceed to receive subscriptions to its capital stock, in such manner as they shall direct, and may adjourn such meetings from time to time, until the whole amount of such capital stock shall be subscribed. The stock shall be considered personal property, and shall be assignable and transferable on the books of the company. Subscriptions.

§ 4. The concerns of said corporation shall be managed by seven directors, who shall be stockholders, and who shall hold their offices for one year, and until others are chosen in their places. The directors shall be chosen annually on the first Monday of May, at such place in said city as the directors for the time being shall appoint. The first election shall be made on the first Monday of May, eighteen hundred and fifty-six. Three weeks' notice of such election shall be given by a publication, at least once a week, in two newspapers published in said city. Each stockholder shall be entitled to one vote upon each share. Directors.

of stock held by him or her for at least ten days previous to an election. Voting shall be by ballot, and may be in person or by proxy.

Officers.

§ 5. The directors shall annually appoint a president, secretary, and such other officers as they shall deem necessary, who shall hold their offices until others are appointed in their places, and they shall make and ordain such by-laws and regulations as they may deem necessary and proper for the management of their business, and for accomplishing the purpose of the corporation.

Payment of  
subscriptions.

§ 6. The directors may require payment of subscription to the capital stock, at such times, and in such proportions, as they may see fit, under the penalty of forfeiting all stock and previous payments thereon, and may sue for and recover all such subscriptions. Notice of the time and place of said payments shall be published for four weeks previous to said time, at least once a week, in two newspapers published in said city.

Vacancies  
and elec-  
tions

§ 7. The persons named in the first section shall be the first directors, and shall hold their offices until the said first Monday of May, eighteen hundred and fifty-six, and until others are chosen in their places. In case of vacancy in the direction, by reason of the death or resignation of any director, or of his ceasing to be a stockholder, it may be filled by the remaining directors until the next annual election, or until some other person shall be elected to fill the same. The directors herein named may appoint three persons, who shall be stockholders, to be inspectors of the first election, after which, the stockholders shall choose three such inspectors at the annual elections. If no inspectors are chosen, the directors may appoint three, from time to time. The directors may remove all officers appointed by them, and appoint others in their places, and fill all vacancies in the offices. If at any time an election of directors shall not take place on the day appointed by this act, the corporation shall not for that cause be dissolved, but an election may be held on another day, in such manner as shall be prescribed by the directors, or provided for by the by-laws.

Real  
estate.

§ 8. For the purpose of supplying the consolidated city of Brooklyn and its vicinity with pure and wholesome water, said company may purchase, take and hold any real estate necessary for the purpose, and by its agents, directors, servants or other persons employed, may, on ma-

king compensation therefor, in the manner provided for in this act, enter upon the lands of any person or persons which may be necessary for that purpose, and may take the water from any springs, ponds, wells, fountains, streams or other sources, and divert and convey the same to said city, and may lay and construct any pipes, conduits, aqueducts, canals, wells, reservoirs, or other works or machinery necessary or proper for said purpose, upon any lands so entered upon, purchased, taken or held. Said corporation may, as aforesaid, enter upon any lands, streets, highways, roads, lanes or public squares, through which they may deem it proper to carry the water from said springs, fountains, ponds, rivers, streams, wells, reservoirs or other sources, and lay and construct therein any pipes, conduits, aqueducts, canals or other works for that purpose, and construct sewers or drains therein, by agreement with the said city corporation for the purpose of carrying off said water, leaving the said lands, streets, highways, roads, lanes, or public squares in the same condition as nearly as may be, as they were before said entry. But said company shall not enter upon or dig into any street, avenue, lane, or public square of the city of Brooklyn, for the purposes of laying pipes or conduits therein, until permission from the common council of the city of Brooklyn for that purpose shall be first had and obtained.

§ 9. Before entering, taking or using any land for the purposes of this act, the directors of this company shall cause a survey and map to be made of the lands intended to be taken or entered upon for any of said purposes, and by which the land of such owner or occupant, intended to be taken or used, shall be designated, and which map shall be signed by the surveyor or engineer making the same, and by the president of said company, and be filed in the office of the clerk of the county of Kings. The company, by any two of its officers, agents or servants, may enter upon any lands for the purpose of making any examination and of making said survey and maps.

Survey and  
map.

§ 10. In case the said company cannot agree with the said owners and occupiers of any land or water, intended to be taken or used as aforesaid, for the purchase thereof, the directors may apply to the supreme court at any term or session thereof held in the second judicial district, or to the county court of said county of Kings, for the appointment of three commissioners, by whom the compen-

Proceed-  
ings to  
acquire  
land.

sation to be paid for the damages suffered, or to be suffered, by any person or persons, by reason of taking said lands and water, and constructing any of the works of said company, shall be ascertained and determined, and in case of the death, resignation, refusal or disability to act, of any of said commissioners, the court may appoint others in their places. The commissioners shall cause a notice of at least twenty days, of the time and place of their meeting, to be served upon such of the owners of the said land and water as can be found in this state, which may be served personally, or in their absence from their dwellings or places of business, by leaving the same thereat, with some person of suitable age, and in case of any legal disability of such owner to act thereupon, serving notice in like manner upon his guardian or person appointed to act for him as hereinafter directed; and in case any of said persons cannot be found in this state, such notice shall be given by publishing the same for six weeks successively in two newspapers published in the said city, and if any of said owners shall be married women, insane, infants or idiots, the said court shall appoint some suitable person to attend in their behalf before the said commissioners, and take care of their interests in the premises. The commissioners may issue subpoenas to compel the attendance of witnesses to testify before them, and they, or any of them, may administer the usual oaths to such witnesses. They shall make a written report of all their proceedings, containing the testimony taken by them, and showing the sum awarded to each owner or any other person, and return the same to said court to be filed on record. The company shall pay to each commissioner the sum of three dollars per day for every day necessarily spent by him in the performance of his duty under this act, and to each witness sworn and testifying, and if not sworn and testifying, who the commissioners shall certify were properly and necessarily subpoenaed, the sum of one dollar per day, and four cents per mile travel in going and returning, if living more than three miles from the place of meeting.

Appeal.

§ 11. The said company, or any party to the proceedings of the commissioners, may appeal from any award or determination of the commissioners, providing the party appealing shall, within ten days after such award or determination shall be made, give written notice of the appeal to the other party or parties interested in the same,

and the said court shall examine the report of the commissioners, and if their proceedings in the case have been irregular, the court may set the same aside, and order new proceedings and appraisement, and the said court may make such orders in reference to the proceedings of the commissioners, and of notices to be given to the parties, as may not be inconsistent with this act, and as the nature of the case and the interest of the parties may require, and the said commissioners shall again examine the case, and their decision then made shall be final. If at any time after an attempted or actual ascertainment of compensation under this act, or any purchase of lands or water for the use of said company, the title acquired to all or any part of said land or water shall fail or be deemed defective, the said company may proceed anew to perfect such title, by procuring an ascertainment of the compensation proper to be made to any person or persons whose title, claim or interest in, or lien upon such lands, shall not have been compensated and extinguished according to law, and by making payment thereof in the manner heretofore provided, as near as may be.

§ 12. Upon the payment or legal tender of the compensation determined as before provided, the said company shall be entitled to enter upon, for the purposes contemplated by this act, all the lands, waters and real estate for which such compensation shall be paid or tendered as aforesaid, and to hold and use the same for the said purposes, to them and their successors forever. If any person to whom any compensation shall be awarded, or who shall be entitled to the same by virtue of said award, cannot be found, or shall refuse to receive the sum awarded to him, then the said payment may be made by depositing the amount of the said award to the credit of said person, in such bank as may be appointed by said court; a certificate of such deposit, signed by the cashier of said bank, shall be published by said company in two newspapers published in said city, for four weeks successively, immediately after said deposit. If the person to whom compensation is awarded, or who is entitled to receive the same as aforesaid, be under legal disability as aforesaid, payment may be made to his guardian or person appointed as aforesaid, by the said court; and if said guardian or person appointed cannot be found, then by deposit in bank as aforesaid.

Payment of  
damages.

Title to  
land.

§ 13. The said company shall also take and hold, for the purposes contemplated by this act, all the lands, waters and real estate which they shall in any way legally enter upon and take by virtue hereof, to them and their successors forever.

Regulations for  
pipe  
laying.

§ 14. In laying pipes and conduits, and constructing or erecting works in the streets, lanes, and public squares of the city of Brooklyn, the company shall conform to such regulations as the common council of said city shall prescribe.

Rules for  
use of  
water.

§ 15. The said directors of said company may establish rules and regulations for and concerning the conduct of all such persons as shall use the water from their works, so far as respects the preservation and use, and restraining the waste thereof, and may thereby impose penalties and forfeitures for any violation of said rules and regulations, so that such penalties and forfeitures shall not in any case exceed ten dollars, which penalties may be recovered, with costs, in the name of the company, before any justice of the peace of the said city. Said rules and regulations shall be published for three successive weeks in two newspapers published in said city, and a copy of said rules and regulations, certified by the president or secretary of said company, with affidavits of the publication of the same, made by any one of the publishers of said papers, or by a foreman in their offices, shall be received as evidence in all courts and places.

§ 16. The said company shall furnish water to the city of Brooklyn, for the purpose of extinguishing fires, and for other public use, upon such terms as may be agreed upon between them; and in case of disagreement, the compensation for the use of said water for the extinguishment of fires, shall be determined by the appraisal of three disinterested men. And the said company may make any agreements, contracts and leases for the sale, use and distribution of waters, as may be agreed upon between said company and any person or persons, associations and corporations, which agreements, contracts, grants and leases, shall be valid and effectual in law.

Penalty for  
injuring  
works.

§ 17. Any person who shall maliciously or wilfully destroy or injure any of the works or property of said company, or who shall maliciously or wilfully commit any act which shall injuriously affect, or tend thus to affect, the water of said company, shall be guilty of a misdemeanor.

§ 18. The corporation hereby created shall possess the Powers.  
powers and be subject to the provisions of title three, chapter eighteen, of the first part of the revised statutes.

§ 19. All stockholders of this company shall be severally and individually liable to the creditors of said company, to an amount equal to the amount of stock held by them respectively, for all debts and contracts made by said company, until the whole amount of capital stock fixed and limited by the directors of the company shall be paid in and a certificate thereof shall have been made and recorded in the clerk's office of Kings county. Liability of stockholders.

§ 20. The president and a majority of the directors, within thirty days after the payment of the last instalment of the capital stock, shall make a certificate of the amount of the capital fixed and paid in, which certificate shall be signed and sworn to by the president and a majority of the directors, and shall within thirty days be recorded in the clerk's office of Kings county. Certificate of payment of stock.

§ 21. The stockholders of said company shall be jointly and severally liable for all the debts that may be due and owing to all their laborers and servants, for services performed for said company. Debts to laborers.

§ 22. No person holding stock in said company as executor, administrator, guardian or trustee, and no person holding such stock as collateral security, shall be personally subject to any liability as a stockholder of said company, but the person pledging the said stock shall be considered as holding the same, and shall be liable as a stockholder accordingly, and the estates and funds in the hands of such executor, administrator, guardian or trustee, shall be liable in like manner and to the same extent as the testator or intestate, or the ward or person interested in such fund would have been if he had been living and competent to act, and held the stock in his own name. Every such executor, administrator, guardian or trustee, shall represent the shares owned by him as such executor, administrator, guardian or trustee, at all meetings of the company, and may vote as a stockholder, and every person pledging his stock as aforesaid, may in like manner represent the same and vote accordingly. Liability of trustees.

§ 23. No stockholder shall be personally liable for the payment of any debt contracted by said company, unless a suit for the collection of said debt shall be brought against said company within six years after the debt shall have Limitation of actions.



become due, and no suit shall be brought against any stockholder for any debt so contracted, until an execution against the company shall be returned, unsatisfied in whole or in part.

Increase of  
stock.

§ 24. If the said directors shall at any time after the organization of said company, determine to increase the capital stock as herein provided, the books of subscription for said additional stock shall be opened in the same manner as provided in section three of this act, and the said directors may require payment of the subscription to the said additional stock, in the same manner as is provided in section six of this act.

City may  
subscribe.

§ 25. The corporation of the city of Brooklyn is hereby authorised to subscribe to the capital stock of said company, to an amount not exceeding thirteen hundred thousand dollars, and to issue and sell its bonds in payment therefor.

City may  
purchase  
all the  
stock.

§ 26. If the corporation of the city of Brooklyn shall at any time within twenty years after the passage of this act, make provision for re-payment to the stockholders of the said company, for the amount of capital stock actually paid in and expended by them, together with twenty per cent premium on the amount thus actually paid in and expended by said company, and assume the outstanding debts and contracts of said company, then the said water works, together with all lands, fixtures and appurtenances, shall vest in and become the property of the city of Brooklyn. And the corporation of the said city of Brooklyn is hereby authorised to make such purchase, and to issue and sell its bonds in payment therefor.

Water  
rates.

§ 27. The said company shall furnish water to the citizens of Brooklyn, wherever its pipes are laid, at a price not exceeding the rates now charged for Croton water by the city of New-York.

Taxation.

§ 28. No taxes shall be assessed on the capital stock or property of this company, until it shall have earned seven per cent per annum on its capital paid in.

Corpora-  
tion lands

§ 29. The corporation of the city of Brooklyn is hereby authorised to sell to the said company, any of its lands, streams and water privileges, in the counties of Kings and Queens, upon such terms and conditions as may be agreed upon by the respective parties.

Proviso.

§ 30. Nothing in this act contained shall be so construed as to interfere with the rights, privileges, powers and immunities, now held by the city of Brooklyn,

§ 31. It shall be lawful for the corporation hereby created, at any time hereafter, to take or purchase all the interest, property and effects of the Brooklyn Water company, or any part thereof, at such price and upon such terms as may be agreed upon by the respective parties. And the said Brooklyn Water company are hereby authorised and empowered to convey, by deed or otherwise, to the corporation hereby created, all their property, effects, rights, privileges and immunities, or any part thereof; and upon the same being so conveyed, they shall absolutely vest in the corporation hereby created.

§ 32. The said company may open and keep offices in Brooklyn and New-York.

§ 33. This act shall take effect immediately.

## Chap. 334.

*AN ACT to authorise the agent and warden of Sing Sing prison to let by contract the labor and services of convicts in that prison, to the business of quarrying, splitting, sawing, and removing stone, for a term of years.*

Passed April 12, 1855, three-fifths being present.

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows :*

§ 1. It shall be lawful for the agent and warden of the Sing Sing prison to let by contract the services of such number of convicts in said prison, as he may have at his disposal from time to time, to any such person or persons as shall conform to the terms hereinafter contained, to be employed in the business of quarrying, splitting, sawing and removing stone from the quarries on the state lands adjacent to said prison, for fifteen years from the date thereof.

§ 2. Such contract shall be in writing, and approved by the inspectors of state prisons and the comptroller of this state, and shall guarantee to such contractor or contractors the exclusive use of the quarries on the said state land at Sing Sing, and the right to get out and quarry stone therefrom,