

L A W S
OF THE
STATE OF NEW YORK

PASSED AT THE
NINETY-FIRST SESSION

OF THE
LEGISLATURE,

BEGUN JANUARY SEVENTH, AND ENDED MAY SIXTH, 1868,
IN THE CITY OF ALBANY.

VOL. II.



ALBANY:
VAN BENTHUYSEN & SONS' STEAM PRINTING HOUSE.
1868.

Chap. 589.

AN ACT to incorporate the Chateaugay Water Works Company.

Passed May 5, 1868.

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

SECTION 1. Nathan Beman, Hial S. Farnsworth, Daniel S. Coonley, Abel H. Miller, John Hughes, Thomas W. Cantwell, Samuel S. Clark, Calvin S. Douglass, James Jordan, George W. Roberts, George T. Hall, Truman C. Hall, Justus Sargeant, Silas W. Hatch, John W. Beman, Hollis S. Martin, Duke H. Brooks, Alexander McGuire, Henry W. Hall, John Van Vechten, John B. Bort, David W. Davies, William Mott, Thomas Peak, Putnam B. Fisk, Ralph Swinburne, John McCoy, James Mitchell, William S. Alvord, William W. Sriver, Henry W. Derby, S. A. Douglas, William V. Derby, George C. Stewart, Franklin Atwater, George Howe, Timothy B. Ladd, John Addoms, Jonathan Hoyt, Clark S. Patterson and Ossian Stiles, and all such persons as are or may be hereafter associated with them, shall be and are hereby constituted a body corporate, by the name of "The Chateaugay Water Works Company."

Corporators.

Corporate name.

§ 2. The capital stock of said company shall be ten thousand dollars, and shall be divided into shares of fifty dollars each, but may at any time be increased by the stockholders of the company, provided that such capital stock shall not be increased so as to exceed the sum of thirty thousand dollars.

Capital stock.

Increase thereof.

§ 3. Books of subscription to the capital stock of said company shall be opened under the direction of the commissioners hereinafter named, and subject to such rules as they may prescribe; and the stock of such company shall be considered personal property, and shall be assignable and transferable on the books of the company.

Subscription to stock.

Stock to be deemed personal property.

§ 4. The concerns of said company shall be managed by seven directors, who shall be stockholders, and residents of the town of Chateaugay; and shall hold their office for one year and until others are chosen in their

Board of directors.

Terms of office.

Vacancies;
how filled.

places. In case of a vacancy in the direction, by reason of the death or resignation of any director, or of his ceasing to be stockholder, or his removal from the town of Chateaugay, 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 commissioners hereinafter named may appoint three persons, who shall be stockholders, to be inspectors at the first election, after which the stockholders shall choose three such inspectors at the annual elections. If no inspectors are so chosen, the directors may appoint them from time to time. 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 reason be dissolved, but an election may be held on any other day in such manner as shall be provided for by the by-laws, or shall be prescribed by the directors.

Inspectors
of election.

Corpora-
tion not to
be dissolved
for failure
to elect
directors.

Commis-
sioners to
receive
subscrip-
tions, etc.

§ 5. Clark S. Patterson, Daniel S. Coonley, Hial S. Farnsworth, Thomas W. Cantwell and John Hughes, are hereby appointed the commissioners to perform the acts and duties hereinbefore designated to be performed by commissioners.

First
election

§ 6. The first election of directors shall be held on the first Wednesday of June next, at Douglass' Hall, in Chateaugay village, at two o'clock in the afternoon of that day, and annually thereafter on the first Wednesday of June in each year, at such place in said village, and at such hour of the day as the directors for the time being shall appoint. Notice of such election shall be published once in each week for two successive weeks immediately preceding such election, in the newspaper published in said village. Each stockholder shall be entitled to one vote upon each share of stock held by him or her at the time of, and which shall have been held by him or her for thirty days next previous to such election. The elections shall be by ballot, and votes may be given either in person or by proxy.

Annual
elections.

Notice
thereof.

Manner of
voting
thereat.

Directors
may en-
force col-
lection of
subscrip-
tion to
stock.

§ 7. The directors may require payment of subscriptions to the stock at such times and in such proportions as they shall 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 such payments shall be published for three weeks next preceding the time so fixed, once in each week, in the newspaper published in Chateaugay village.

§ 8. The directors shall annually appoint a president, a secretary and treasurer, and such other officers and agents as they shall from time to time deem necessary, and may remove all officers appointed by them, and appoint others in their places, and fill all vacancies in the offices; and they may 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 purposes of the corporation.

§ 9. For the purpose of supplying Chateaugay village with pure and wholesome water, the said company may purchase, take and hold any real estate, and by their directors, agents, servants or other persons employed, may enter upon the lands of any person or persons, which may be necessary for said purpose, and may take such water from any springs, ponds or streams, as may be determined by the commissioners appointed as hereinafter named, and divert and convey the same to said village, and may lay and construct any pipes, conduits, aqueducts, 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 convey the water from said springs, ponds, streams, wells and reservoirs, and lay and construct any pipes, conduits, aqueducts or other works for that purpose; leaving the said lands, streets, highways, roads, lanes and public squares, in the same condition, as nearly as may be, as they were before said entry, but the said company shall not lay and construct said pipes, conduits, aqueducts and other works, through any private garden or building lot, without the written consent of the owner thereof.

§ 10. Before entering, using or taking any land or water for the purposes of this act, the directors of said 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 each owner

Notice of calls therefor, upon stockholders. Officers,

By-laws.

Company may hold real estate.

May lay water pipes, etc.

May enter upon lands, streets, etc.

Lands, streets, etc., to be restored in good order.

Survey and map of lands to be made and filed.

and occupant intended to be taken and 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 Franklin. Notice of the time and place of filing the same shall be given by said company to each person whose land or water it is proposed to take, such notice to be served in a manner prescribed in the next section of this act. The company, by any of its officers, agents or servants, may enter any lands for the purpose of making any examination, and of making said survey and map, doing no unnecessary damage.

Notice of filing same; how to be served.

Company may acquire title.

Commissioners to appraise damages.

Notice to resident owners of lands.

Notice to guardians, non-residents, infants, etc.

§ 11. In case the said company cannot agree with the said owners and occupants of any lands or water intended to be taken or used as aforesaid, for the purchase thereof, the directors, upon giving such notice as is hereinafter required to be given by the commissioners, may apply to the supreme court, at any term or session thereof, held in the county of Franklin, or to the county court of the county of Franklin, for the appointment of three disinterested persons commissioners, who are hereby authorized to determine the compensation to be paid for damages suffered, by any person or persons by reason of taking said lands and water, and constructing any of the works of said company; and in case of the death, resignation, refusal or disability to act of any of said commissioners, the said court may appoint others in their places. The said commissioners shall give to the owners of said land and water, a notice of at least twenty days, of the time and place of their meeting; such notice may be served on such owners personally, or by leaving the same at their dwellings with some person of suitable age; and in case of any legal disability of such owner to act, then upon serving notice in like manner upon his guardian or person appointed to act for him as hereinafter directed; and in case any of said owners cannot be found in this State, such notice shall be given to them by publishing the same for six weeks successively in the newspaper published in Chateaugay village, and the State paper; and if any of the said owners shall be married women, insane, infants, or idiots, the said court shall appoint some suitable person to attend in their behalf before said com-

missioners, 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 oath to such witnesses. They shall make a written report of all the proceedings, containing the testimony taken by them, and showing the sum awarded to each owner or other person, and return the same to the said court, to be filed of record. The company shall pay to each commissioner the sum of two dollars per day for every day necessarily spent by him in the performance of his duties under this act, and to each witness sworn and testifying, or if not sworn and testifying, whom the commissioners shall certify was properly and necessarily subpoenaed, the sum of fifty cents per day, and four cents per mile travel in going and returning, if living more than three miles from the place of meeting.

Report of commissioners.

Their compensation.

Appeals.

Proceedings thereon.

§ 12. The said company, or any party to the proceedings of the said county commissioners, may appeal to the supreme court or the county court, and may also appeal from the county court to the supreme court, from any award or determination of the commissioners, provided the party appealing shall, within ten days after any such award or determination shall be made, give notice of the appeal to the other party or parties interested in the same, and the said court shall, upon the report of the commissioners, and upon additional testimony to be taken by them, if they deem the same to be necessary, proceed to hear the said appeal, and may confirm the proceedings of the commission in relation to taking any land or water in whole or in part, or may increase or diminish the amount of compensation awarded by the said commissioners, and if their proceedings have in any case been irregular, the court may set the same aside, and order a new proceeding 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 parties, as may not be inconsistent with this act, and as the nature of the case and the interest of the parties may require.

§ 13. If any person to whom any compensation shall be awarded, or who shall be entitled to the same by

Payment and tender of award.

to infants,
etc.

Deposits
thereof to
be made in
a bank.

Company
to take
and hold
lands,
water, etc.
for pur-
poses of
act.

Pipes, etc.,
to be laid
under
direction
of village
trustees.

Rules and
regulations
for use of
water.

Penalties
for viola-
tions.

Publication
of such
regula-
tions.

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 the bank, shall be published by the said company in the newspaper published in Chateaugay village, for three weeks successively, immediately after such 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 or shall refuse to receive the same, then by deposit in bank as aforesaid.

§ 14. The said company may take and hold, for the purposes contemplated by this act, all the lands, water, and real estate which they may in any way legally enter upon and take by virtue hereof, to them and their successors, during the continuance of this corporation.

§ 15. In laying pipes, conduits, or aqueducts, or constructing or erecting works in the streets, lanes or public squares, of the said village, the company shall conform to such regulations as the trustees thereof shall prescribe.

§ 16. The directors of said company may establish rules and regulations for and concerning the use of the water from their works, so as to preserve the same from waste, and may thereby impose penalties and forfeitures for any violation of said rules and regulations, so that said penalty or forfeiture shall not in any case exceed the sum of five dollars, which penalty or penalties may be recovered from the person or persons violating the said rules, with costs, in the name of the company, before any justice of the peace; said rules and regulations shall be published for three weeks successively in the newspaper published in said village, and a copy of said rules and regulations, certified by the president or secretary of said company, with affidavits of such publications of the same, made by any one of the publishers of the said paper, or by a foreman in their office, shall be received as evidence in all courts and places.

§ 17. Said company shall furnish waters to the trustees of the said village for extinguishing fires and other purposes, upon such terms as may be agreed upon between the said trustees and the company, and in case they cannot agree on such terms, said trustees may apply to the court, as provided in section ten of this act, for the appointment of three commissioners who shall prescribe the terms upon which water shall be furnished, and said company shall furnish water upon the terms so prescribed for the period of three years, at the expiration of which time a new commission may be applied for by the trustees in their discretion, and thereafter once in three years a like application may be made. The company may make any agreements, contracts, grants and leases for the sale, use and distribution of water that may be agreed upon between said company and any individuals, associations and corporations, which agreements, contracts, grants and leases shall be valid and effectual in law.

Company may supply water to village.

Terms thereof; how settled.

May make contracts and leases, for sale and use of water.

§ 18. Any person who shall wantonly, maliciously or willfully destroy or injure any of the works or property of said company, or who shall wantonly, maliciously or willfully commit any act which shall injuriously affect or tend thus to affect the water of said company, shall be guilty of a misdemeanor, and may be punished by a fine or imprisonment, or both, in the discretion of the court, and shall also forfeit and pay to the company treble the damages thereby, to be recovered in any court having cognizance thereof, with costs.

Injury to water-works; how punished.

§ 19. The corporation hereby created shall possess the powers and be subject to the provisions of title three, chapter eighteen of the first part of the Revised Statutes, so far as the same are applicable, and not otherwise provided for in this act.

General powers and provisions.

§ 20. The stockholders of said company shall be individually liable for the payment of the debts of said company, to an amount equal to the amount of the stock they severally shall have subscribed or held in said company, over and above such stock, to be recovered of the stockholder who is such when the debt is contracted, or of any subsequent stockholder; and any stockholder who may have paid any demand against said company,

Individual liability of stockholders.

either voluntarily or by compulsion, shall have a right to resort to the rest of the stockholders who were liable to contribution.

Liability of executors, guardians, etc.

§ 21. 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 such stock shall be considered as holding the same, and shall be liable as a stockholder accordingly; and the estate 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.

Stockholders not to be liable for debts, when not paid in one year from contracting same.

§ 22. No stockholder shall be personally liable for the payment of any debt contracted by said company, which is not to be paid within one year from the time the debt is contracted, nor unless a suit for the collection of said debt shall be brought against said company within one year after the same shall have become due, nor shall any suit be brought against any stockholder until an execution against the company shall be returned unsatisfied in whole or in part.

Contracts under this act to be in writing. Copy of 21st section to be attached thereto, *

§ 23. Every contract to be made under this act by which said company shall obtain credit, shall be in writing, and there shall be attached to the copy of said contract delivered to the creditor a printed copy of the twenty-first section of this act.

§ 24. This act shall take effect immediately.