

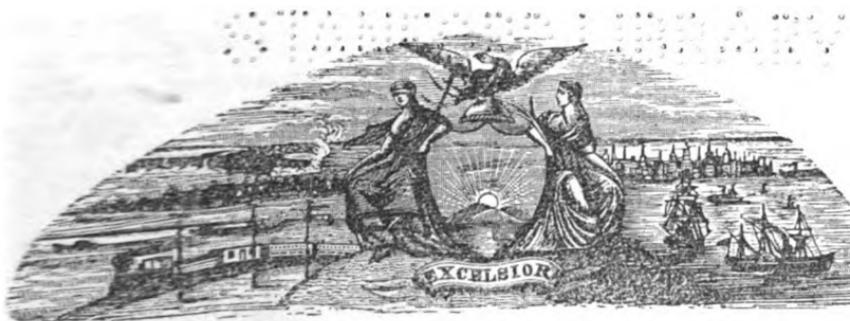
L A W S
OF THE
STATE OF NEW YORK

PASSED AT THE
NINETY-FIRST SESSION

OF THE
LEGISLATURE,

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

VOL. I.



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

cent. per annum, payable semi-annually, but no part of the principal to become due in less than five years; and after said time two thousand dollars a year shall become due for ten years, and after that time the sum of three thousand dollars a year shall become due till all the principal sum and interest shall be paid.

Bonds;
when pay-
able.

§ 2. The said supervisor shall issue new bonds corresponding in date with those now issued by the said supervisor, with the interest not already paid, payable semi-annually, as in the third section of said act provided, as hereby amended, for an amount equal in amount to the bonds by the said company from time to time proposed to be surrendered to him, which said bonds when surrendered, shall by the president of said company be satisfied and canceled on the receipt by him of the bonds hereby provided to be issued; and the subscription to the stock of said company, and the certificate of stock issued to the said town of Middleburgh shall stand as and for the said substituted bonds to the same extent and effect as provided in the act hereby amended.

New bonds
to issue.

§ 3. The said company may increase their capital stock to one hundred thousand dollars by a vote of a majority of the directors.

Capital
stock may
be increas-
ed.

§ 4. This act shall take effect immediately.

Chap. 58.

AN ACT to incorporate the Ithaca Water Works Company.

Passed March 25, 1868; three-fifths being present.

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

SECTION 1. Alonzo B. Cornell, Charles M. Titus, George W. Schuyler, John L. Whiton, George McChain, Elias Treman, Sewell D. Thompson, Edward S. Esty, Abel Burritt, Henry J. Grant, Edwin J. Morgan, Henry L. Wilgus, John Rumsey, John H. Selkreg, Henry R. Wells, and all such persons as are or may hereafter be associated with them, are constituted a body corporate by the name of the Ithaca Water Works Company.

Corpora-
tors.

Corporate
name.

Capital stock.

§ 2. The capital stock of said company shall be seventy-five thousand dollars, to be divided into shares of one hundred dollars each, and the said company are hereby empowered to increase their capital stock at any time not to exceed one hundred and fifty thousand dollars.

Subscriptions to stock.

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

Stock to be personal property.

Board of directors.

§ 4. The concerns of said corporation shall be managed by thirteen 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 time of day and place, in said village of Ithaca, as the directors for the time being shall appoint. The first election shall be held on the first Wednesday of May, eighteen hundred and sixty-eight. Three weeks' notice of such election shall be given by a publication at least once in each week, in two newspapers published in said village. Each stockholder shall be entitled to one vote upon each share of stock held by him, or her, for at least twenty days previous to an election. Voting shall be by ballot, and may be in person or by proxy.

Annual election.

Notice thereof.

Manner of voting.

Officers.

§ 5. The directors shall annually appoint a president, secretary and treasurer, and such other officers as they shall deem necessary, who shall hold their offices until others are appointed in their places, 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.

By-laws.

Payment of subscriptions.

§ 6. The directors may require payment of subscriptions to the 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 in each week, in two newspapers published in said village.

§ 7. The persons named in the first section shall be the first directors, and shall hold their offices until the said first Wednesday of May, eighteen hundred and sixty-eight, and until others are chosen in their places, and 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 at 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.

First directors.

Vacancies; how filled.

Inspectors of election.

Directors may remove officers.

§ 8. For the purpose of supplying the said village of Ithaca 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 lauds of any person or persons which may be necessary for said purpose, and may take the water from any springs, streams, fountains, wells, rivers, or lakes, and divert and convey the same to the said village, and may lay and construct any pipes, conduits, aqueducts, wells, reservoirs and other works or machinery necessary or proper for said purpose, upon any lands so entered upon, purchased, taken or held; and 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, streams, fountains, wells, rivers, or lakes, and lay and construct any pipes, conduits 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.

Company may hold real estate.

May lay water-pipes.

May enter upon lands.

Survey and map of lands to be made.

§ 9. Before entering, taking or using any land for the purpose 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 Tompkins. 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 map.

Company may acquire lands.

§ 10. 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 may apply to the supreme court at any term or session thereof held in the sixth judicial district, for the appointment of three commissioners, by whom the compensation 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 said 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 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 owners cannot be found in this State, such notice shall be given them by publishing the same for six weeks successively in two newspapers published in said village; 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 said commissioners, and

Commissioners to appraise damages.

Notice to resident owners of land.

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

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 one 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 the said court, to be filed of 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 duties 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.

Report of commissioners.

Compensation.

§ 11. The said company, or any party to the proceedings of the commissioners, may appeal 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, in writing, 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 appeals, and may confirm the proceedings of the commissioners, or may increase or diminish the amount of compensation awarded by the said commissioners; and if their proceedings in any 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 the notice 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.

Appeals.

§ 12. Upon the payment or legal tender of the compensation awarded by the said commissioners, or, (in case of appeal) by the said court, 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

When company shall be entitled to enter upon lands.

Payment
and tender
of awards.

said 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 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 said company in two newspapers published in said village of Ithaca, 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.

Company
may hold
lands, wa-
ters, etc.

§ 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 thereof, to them and their successors forever.

Rules and
regula-
tions for
use of wa-
ters.

§ 14. 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 penalty and forfeitures shall not, in any case, exceed ten dollars, which penalties may be recovered, with the costs, in the name of the company, before any justice of the peace of said village; said rules and regulations shall be published for three weeks successively, in two newspapers published in said village, 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 of the publishers of said papers, or by a foreman in their offices, shall be received as evidence in all courts and places.

Penalties
for viola-
tion there-
of.

Rules and
regulations
to be pub-
lished.

§ 15. The said company shall furnish water to the village of Ithaca for the purpose of extinguishing fires, upon such terms as may be agreed upon between them and the board of trustees of said village. The said 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 person or persons, associations and corporations, which agreements, contracts, grants and leases shall be valid and effectual in law.

Company shall supply water to village, etc.

§ 16. Any person who shall maliciously or willfully destroy or injure any of the works or property of said company, or who shall 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.

Injury to water-works; how punished.

§ 17. 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.

General powers and provisions.

§ 18. All the stockholders of the company hereby created 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 the capital stock fixed and limited by the directors of said company shall be paid in.

Individual liability.

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

Compensation of laborers.

§ 20. The indebtedness of said company shall not, at any time, exceed an amount equal to seventy-five per cent of its capital stock; and if the indebtedness of said company shall, at any time, exceed such amount, the directors of said company assenting thereto shall be personally and individually liable for such excess to the creditors of said company.

Limitation of indebtedness.

Liability of directors.

§ 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

Liability of executors, guardians, etc.

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 of stock owned by him as such 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.

Personal liability of stockholders.

§ 22. No stockholder shall be personally liable for the payment of any debt contracted by said company, except to laborers and servants, as provided in section nineteen, 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 debt shall have become due; and no suit shall be brought against any stockholder who shall cease to be a stockholder in said company, for any debt so contracted, unless the same shall be commenced within two years from the time he shall have ceased to be a stockholder in said company, nor shall any suit be brought against any stockholder until an execution against the company shall be returned unsatisfied in whole or in part.

Increase of capital stock.

§ 23. 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.

§ 24. This act shall take effect immediately.