

**L A W S**  
**OF THE**  
**STATE OF NEW-YORK,**  
**PASSED AT THE**  
**EIGHTIETH SESSION**  
**OF THE**  
**LEGISLATURE,**  
**BEGUN JANUARY SIXTH, AND ENDED APRIL EIGHTEENTH, 1857, IN THE**  
**CITY OF ALBANY.**

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**VOL. I.**

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**ALBANY:**  
**VAN BENTHUYSEN, PRINTER.**  
.....  
**1857.**

## Chap. 155.

AN ACT requiring the Hudson Aqueduct Company to make annual reports to the common council of the city of Hudson.

Passed March 23, 1857.

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

SECTION 1. The Hudson Aqueduct Company shall make to the common council of the city of Hudson, at their last regular meeting in each and every year, a true report of all their receipts and expenditures in specific items, with dates and amounts, which report shall be verified by the oaths of the president and treasurer of said company.

Yearly report.

## Chap. 156.

AN ACT to incorporate the Malone Water Works Company.

Passed March 23, 1857.

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

SECTION 1. Samuel C. Wead, Benjamin Raymond, Hiram H. Thompson, Edwin L. Meigs, Ebenezer Man, Calvin Skinner, William A. Wheeler, Obadiah T. Hosford, William King, Reuben S. Brown, Daniel Brown, William G. Dickinson, Hiram Horton, John A. Fuller, Andrew W. Ferguson, Nathan Knapp, Abraham C. Lewis, Howard E. King, and William Wallace King, 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 "Malone Water Works Company."

Names of corpora-tors.

§ 2. The capital stock of said company shall be fifteen thousand dollars, and shall be divided into shares of fifty

Capital stock.

dollars each, but may at any time be increased by the directors of the company, provided, that such capital stock shall not be increased so as to exceed the sum of twenty-five thousand dollars.

Subscriptions.

§ 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.

Concerns how managed.

§ 4. The concerns of said company shall be managed by nine directors, who shall be stockholders and residents of the town of Malone; and shall hold their offices for one year and until others are chosen in their places. In

Vacancy.

case of a vacancy in the direction, by reason of the death or resignation of any director, or of his ceasing to be a stockholder, or by his removal from the town of Malone, 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 first election.

Commissioners.

§ 5. Samuel C. Wead, Hiram H. Thompson, William W. King, Obadiah T. Hosford and Calvin Skinner 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 May next, at King's Hall, in Malone village, at two o'clock in the afternoon of that day, and annually thereafter on the first Wednesday of May 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

Notice of election.

in each week for two weeks immediately preceding such election, 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 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.

Votes of stockholders

Election by ballot.

§ 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 previous to the time so fixed, once in each week, in two newspapers published in Malone village.

Payment of subscription.

Notice of time and place of payment.

§ 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.

Officers.

§ 9. For the purpose of supplying Malone 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,

May take and hold real estate.

Construct pipes, &c.

May enter upon any lands.



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.

Surveys  
and maps.

§ 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 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 the 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.

Filing  
same.

Application  
to court.

§ 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 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 authorised to determine the compensation to be paid for 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; 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

Com-  
missioners.

Duties of  
commis-  
sioners.

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 two newspapers published in Malone 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 commissioners, and take care of their interest 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 oath 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 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.

May issue  
subpoenas.

Report.

Compensation.

§ 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 commissioners in relation to taking any land or water,

Appeals.

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 appraisal, 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 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 two newspapers published in Malone village, for three 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 or shall refuse to receive the same, then by deposit in bank as aforesaid.

§ 14. The said company shall 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, 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.

Payments  
may be de-  
posited.

Publishing  
certificate.

Payments  
may be  
made to  
guardians.

May hold  
all neces-  
sary lands  
and waters.

Laying  
pipes  
through  
streets.

Rules and  
regula-  
tions.

Penalties.

ered 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 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 such 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.

Copies to  
be evi-  
dence.

§ 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.

Water for  
extinguish-  
ing fires.

Agree-  
ments &c.  
for use of  
water.

§ 18. 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, and may be punished by fine or imprisonment, or both, in the discretion of the court, and shall also forfeit and pay to the company treble the damages sustained thereby, to be recovered in any court, having cognizance thereof, with costs.

Misde-  
meanor.

§ 18. 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.

so far as the same are applicable, and not otherwise provided for in this act.

Liability of  
stockhold-  
ers.

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

Pledging of  
stock.

§ 20. 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 trustees, 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.

Further  
liabilities.

§ 21. 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.

Written  
contracts.

§ 22. 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.

§ 23. This act shall take effect immediately.