

L A W S
OF THE
STATE OF NEW-YORK

PASSED AT THE
SEVENTY-SEVENTH SESSION
OF THE

LEGISLATURE,

**BEGUN THE THIRD DAY OF JANUARY, AND ENDED THE SEVENTEENTH DAY OF
APRIL, 1854, AT THE CITY OF ALBANY.**



ALBANY:
GOULD, BANKS & CO., 475 BROADWAY.
NEW-YORK :
BANKS, GOULD & CO., 144 NASSAU-STREET.
1854.

proposals, made in compliance with public notice for the full period of ten days; and all such contracts, when given, shall be given to the lowest bidder, with adequate security; all such bids or proposals shall be opened by the trustees, in the presence of the treasurer and such of the parties making them as may desire to be present.

Road district.

§ 7. The said village of Mount Vernon shall be and is hereby constituted a separate road district; and all the streets and avenues in said village shall be considered public highways of the width of sixty feet; and all the taxes raised for highway purposes in said village shall be expended on the streets and avenues in said village, as provided by the aforesaid act; and nothing in this act shall be so construed as to exempt the property within the village of Mount Vernon from the highway tax of the town of Eastchester.

Repeal.

§ 8. All laws and parts of laws inconsistent with the provisions of this act are hereby repealed, so far as they relate to the said village of Mount Vernon; and nothing in this act shall be construed so as to affect in any manner the chartered rights and privileges of said village.

§ 9. This act shall take effect immediately.

Chap. 115.

AN ACT to incorporate the Ogdensburgh Water-Works Company.

PASSED April 1, 1854.

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

Name.

§ 1. All persons who shall become stockholders, pursuant to this act, shall be and are hereby constituted a body politic and corporate, by the name of "The Ogdensburgh Water-Works Company," for the purpose of supplying the village of Ogdensburgh with pure and wholesome water.

Capital stock.

§ 2. The capital stock of said company shall be twenty-five thousand dollars, to be divided into shares of fifty dollars each; and the said capital stock may be increased to such amount as may, in the judgment of the board of directors, be advisable, not exceeding one hundred and fifty thousand dollars; and such increase shall be made from time to time as may be deemed expedient. The

stock of said company shall be personal property transferable on the books of the company.

§ 3. The president and trustees of the village of Ogdensburgh shall be, ex-officio, the commissioners to receive the subscriptions to the said capital stock, and award the same. It shall be the duty of said board to advertise for proposals for said stock, which proposals shall specify the price per annum, for each hydrant, at which the parties proposing will furnish water to the said village corporation for public purposes, and also the terms in which, and the date at and any time after which, they will allow the village corporation to become the owners of the works; and such proposals shall contain any other specifications which the said board may deem important.

Subscriptiona.

§ 4. Upon the opening of said proposals, the said board of trustees may award the said stock to the parties making the proposals which the said board shall deem most for the interest of the village, upon such parties entering into a contract, in the name of the Ogdensburgh Water-Works Company, with the village corporation, in accordance with the terms of their proposal, and giving to the village security satisfactory to the said board for the performance thereof, by the said water-works company; and such contract so executed shall be a valid contract between the corporation created pursuant to this act and the village of Ogdensburgh.

Stock, to whom issued.

§ 5. If no proposals shall be received, or none which the said board shall consider consistent with the interest of said village, they may thereafter, from time to time, advertise for further proposals until such one is received as they shall deem sufficiently favorable.

§ 6. Upon the proposals being accepted by the board of trustees, the said stock subscribed for and awarded, and such contract signed and security given, the incorporation of said company shall be deemed complete. The concerns of such corporation shall be managed by not more than seven nor less than five directors, as the stockholders may determine, and who shall be stockholders, and shall be elected annually, and hold their office for one year and until the election of their successors. The time and place for all elections of directors shall be appointed by the said board of trustees, who shall appoint two inspectors of such elections; and an election shall be held annually at such place in the village of Ogdensburgh as the trustees shall appoint.

Directors.

Two weeks' notice of each election shall be given, by a publication in two newspapers printed in said village. Each stockholder shall be entitled to one vote, in person or by proxy, upon every share of such stock held by him or her for at least ten days prior to any election.

Officers.

§ 7. 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 may be necessary or proper for the management of their business, and for accomplishing the purposes of the corporation.

**Payment of
subscriptions.**

§ 8. The directors may require payment of the subscriptions to the capital stock of said company, in such proportions and at such times 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, when and place where such payments are made shall be published once in each week, for four weeks previous to such time, in two newspapers printed in said village.

Vacancies.

§ 9. In case of a vacancy in the office of director, by the death or resignation of any director, or by his ceasing to be a stockholder, it may be filled by the remaining directors until the next annual election. If at any time an election of directors shall not take place at the time permitted 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 may be prescribed by the board of trustees.

**Real estate,
how taken.**

§ 10. The said company may take and hold any real estate or property, necessary for the purpose of supplying the said village of Ogdensburgh with water, and may enter, by their directors, agents and servants, upon any lands, water and water rights in the county of St. Lawrence which may be necessary for the purpose; and may take the water from any streams, rivers, springs, lakes or ponds, and divert and convey the same to said village, and may raise or force the same into reservoirs, by means of water power or steam, or any mechanical power; and may lay and construct any pipes, conduits, aqueducts, wells, reservoirs, buildings, works or machinery, upon any lands so entered upon, purchased, taken or held. Said corporation may, as aforesaid, enter upon any public lands, streets, highway, or rivers, from, to, through, or along

which they may deem it proper to carry any water for their works, and lay and construct any pipes, conduits, aqueducts, engines, machinery and apparatus, for the purposes aforesaid, leaving the said lands, streets and highways in the same condition, as nearly as may be, as they were before such entry; and may also erect or construct any dams or canals in or from any such lake, stream or river for the purposes aforesaid. But the said corporation shall not take or enter upon the site of any dwelling-house, without the consent of the owner.

§ 11. In case of disagreement between the said company and the owner or owners of or persons interested in any lands, water, water power or privileges, which may be required for the purposes aforesaid, or affected by any operations connected therewith, as to the amount of compensation to be paid to such owner or owners, or in case any such owner or person shall be an infant, married woman, insane, absent from the state, or unknown, the said company may apply to the supreme court, at any general or special term thereof in the fourth district, after ten days' personal notice, or where such notice could not be given within the state, after three weeks' notice of such application, published once a week in two newspapers in said village; such application shall be by petition, setting forth and describing the property, estate, right or privilege required, the name of the owner thereof, or persons affected thereby or interested therein, if known, or if unknown, stating that fact, and describing in general terms the manner in which the rights or interests of such persons are affected; and on presentation of such petition, and proof by affidavit of service of such notice, the said court shall appoint three disinterested persons to examine such property, who, upon being duly sworn faithfully and impartially to discharge their duties, shall estimate and report to the said court the several sums which will be a just compensation to such owners or persons respectively for the appropriation, to the purposes of this act, of any such property so required, or for the temporary use of any such property, or the damage sustained by any such owner or person by the construction or operation of such water works, according to the specification in such petition. In case of the death, resignation or disability to act of any commissioner, 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 on such of the owners of said

Appraisal of
lands.

land and water as can be found in the 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; or in case of the legal disability of any such owner or person, by serving notice in like manner upon his or her guardian, or person appointed to act for him or her, as hereinafter provided; and if any of said owners or persons interested are married women, insane, idiots or infants, the said court shall appoint some suitable person to attend in their behalf before the said commissioners, and take care of their interest in the premises. The said commissioners shall take proof by affidavit or by written admission of the service of such notice, and of the fact of any owner being unknown, or absent, or not to be found in the state, and file such affidavit with their report.

Appeal.

The commissioners, or any of them, may issue subpoenas to compel the attendance of witnesses to testify before them, and any of them may administer the usual oaths to witnesses. They shall make a written report of all their proceedings, containing the testimony, if any, taken before them, and showing the sum awarded to each owner or other person, and the property, right or interest for which the same is awarded, 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 for each day necessarily spent by him in the performance of his duties, and to each witness, whom the commissioners shall determine to have been material, the same fees as are provided for witnesses in civil causes in courts of record. The said company, or any party to the proceedings, may appeal from the report, or any part thereof, to the supreme court, by giving notice of such appeal to the opposite party interested within twenty days after the award or determination shall be made; and the said court, on good cause shown, may set aside the report, or any part thereof, and order new proceedings before the same or other commissioners, or confirm the same.

Payment of
award.

§ 12. Whenever any report shall have been confirmed by said court, the said company may deposit or invest, as the court may direct, or pay to said owner, or to such person or persons as the court may direct, the sum mentioned in such report, in full compensation for the property so required, or for the use of said property, or for the damage sustained; and thereupon the said company shall be-

come seized of such property to themselves and their successors forever, or entitled to the use of such property, or discharged from such damage, as the case may be, according to the terms of the report so confirmed.

§ 13. The said company, in laying down, repairing or replacing pipes, conduits and other works in the streets and other public grounds of said village, shall conform to such reasonable regulations as the board of trustees may prescribe, to the end that the usefulness of such streets and grounds may not be unnecessarily suspended, and may be fully restored.

Rules for
pipe laying.

§ 14. If any person shall wilfully do or cause to be done any act whereby any such water-works, or the appurtenances, shall be in any manner injured, or shall corrupt the water or render it impure, every such person shall be deemed guilty of a misdemeanor, and punished accordingly.

Penalty for
injury.

§ 15. The 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 such rules and regulations, so that such penalties and forfeitures shall not in any case exceed ten dollars; which penalties may be recovered, with cost, in the name of the company, before the police justice of said village.

Rules for use
of water.

§ 16. The corporation hereby created shall possess the power and be subject to the provision of title three, chapter eighteen, of the first part of the Revised Statutes.

§ 17. This act shall take effect immediately.