

L A W S
OF THE
STATE OF NEW YORK,
PASSED AT THE
EIGHTY-EIGHTH SESSION
OF THE
LEGISLATURE,

BEGUN JANUARY THIRD, AND ENDED APRIL TWENTY-NINTH,
1865, IN THE CITY OF ALBANY.



ALBANY:
WILLIAM GOULD, LAW BOOKSELLER, 68 STATE STREET.
1865.

Chap. 409.

AN ACT to incorporate the Schenectady Water Company.

Passed April 13, 1865.

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

SECTION 1. William Van Vrankin, George G. Maxon, David C. Smith, John W. Veeder, Simon C. Groot, Benjamin F. Potter, and Thomas W. McCamus, and all such persons as are or may hereafter be associated with them, are constituted a body corporate by the name of the Schenectady Water Company.

Corpora-
tors.Corporate
name.

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

Capital
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.

Books of
subscription.

§ 4. The business of said corporation shall be managed by seven directors who shall be stockholders, and who shall hold their offices for one year or until others are chosen in their places. The directors shall be chosen annually, on the first Monday in May, at such time of day and place, in the city of Schenectady as the directors may appoint. The first election shall be held on the first Wednesday of May, eighteen hundred and sixty-six. Two week's notice of such election shall be given by publication, at least once in each week, in one newspaper published in said city, previous to such election. 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 such election. Voting shall be by ballot and may be in person or by proxy.

Directors.

President
and other
officers.

§ 5. The directors shall annually appoint a president 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 the accomplishing the purposes of the corporation, not inconsistent with the provisions of this act and laws of this state.

Payment of
subscription.

§ 6. The directors may require payment of subscription 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 they may sue for and recover all such subscriptions. Notice of the time and place of said payments shall be published for three weeks previous to said time, at least once in each week, in one newspaper in said city.

First di-
rectors.

Inspectors
of election.

§ 7. The persons named in the first section shall be the first directors, and shall hold their offices until the first Wednesday of May eighteen hundred and sixty-six, 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 election. If no inspectors are chosen the directors may appoint three, from time to time. The directors may have power to 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.

Powers of
company.

§ 8. For the purpose of supplying the city of Schenectady with pure water, the said company may purchase, take and hold any real estate, and, by their directors,

agents, or other persons employed, may enter upon the lands of any person or persons which may be necessary for said purpose, and may take the water from any ponds, springs, rivers, streams, or lakes, and convert and convey the same to the said city, and may lay, construct and repair pipes, conduits, aqueducts, reservoirs or 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 lands, streets, highways, roads, lanes, or public squares through which they may deem it proper to convey the water so taken, and lay, construct, repair and replace 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.

§ 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 engineer making the same and by the president of said company, and be filed in the office of the clerk of Schenectady county. The company, by any 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, doing no unnecessary damage.

Survey and map.

§ 10. In case the company cannot agree with the 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 judge of the county of Schenectady for the appointment of three commissioners, by whom 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, shall be ascertained and determined; and in case of death, resignation, refusal, or disability to act of any of said commissioners, the judge may appoint others in their places. The commissioners shall cause a notice of at least twenty days,

When county judge to appoint commissioners of damages.

Duty of commissioners.

of the time and place of meeting, to be served upon such of the owners of said land and water as reside 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 or her guardian or person appointed to act for him or her, as hereinafter directed. And in case any of said owners do not reside in this state, such notice shall be given them by publishing the same for four weeks successively, in one newspaper published in said city. And if any of said owners shall be married women, insane, infants, or idiots, the judge shall appoint some suitable person to attend in their behalf before 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 may administer the usual oaths to such witnesses. They shall make a written report of all their proceedings within ten days after the hearing before them, showing the sum awarded to each owner or any other person, and return the same to the said judge to be filed in Schenectady county clerk's office. The company shall pay to each commissioner the sum of three dollars per day for each day necessarily spent by him in the performance of his duties under this act, and to each witness sworn and testifying, who the commissioners shall certify were properly subpoenaed, the same fees as allowed in a court of record.

§ 11. The said company, or any party to the proceedings, may appeal from any award or determination, provided the party appealing shall, within ten days after such award or determination shall be made, serve notice of such appeal in writing on the other parties interested; the said judge shall, upon the report of the commissioners, and upon the additional testimony to be taken by them, if he deems the same to be necessary, proceed to hear said appeals, and may confirm the proceedings of the commissioners, in whole or in part, 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 judge may set the same

Publication
of notice of
meeting;
how to be
given.

Report of
commis-
sioners; to
whom to be
returned
and where
filed.

Compensa-
tion of com-
missioners

Appeal
from re-
port.

aside and order new proceedings and appraisement, and the said judge may make such orders in reference to the proceedings of the commissioners and of the 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.

§ 12. Upon the payment or legal tender of the compensation awarded by the said commissioners or (in case of an appeal) by the said judge, the company shall be entitled to enter upon, for the purposes contemplated by this act, all the lands, waters and real estate for which 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, does not reside in this state, or shall refuse to receive the sum awarded him, then the said payment may be made by depositing the same to the credit of said person in such bank as may be designated by said judge. 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 said judge, and if said guardian or person appointed cannot be found by them, by depositing in bank as aforesaid.

When
company
may enter
upon lands,
&c.

§ 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.

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

In what
case com-
pany to
conform to
regulations
of council.

§ 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 restraining the waste thereof, and may impose penalties

Powers of
directors.

and forfeitures for any violation of said rules and regulations, so that such penalties and forfeitures shall not, in any case, exceed twenty-five dollars, which penalties may be recovered with costs, in the name of the company, before any justice of the peace of said city, or police justice of said city. Said rules and regulations shall be published for two weeks successively in one newspaper published in said city, and a copy of said rules and regulations, certified by the president of the company, with affidavits of the publication of the same made by any one of the publishers of said paper, shall be received as evidence in all courts and places.

Company
to furnish
water for
putting out
fires.

§ 16. The said company shall furnish water to the city of Schenectady for the purpose of extinguishing fires, upon such terms as may be agreed upon between them and the common council of said city. And 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.

Penalty for
injuring
works.

§ 17. Any person who shall willfully or maliciously destroy or injure any of the works or property of said company shall be deemed 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.

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

Individual
liability.

§ 19. The stockholders of the company hereby created shall be individually liable for the payment of the debts of the said company to an amount equal to the amount of stock held by them respectively, until the whole amount of capital stock so fixed and prescribed as above shall have been paid in, and any stockholder who may have paid any demands against said company, either

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

§ 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 liable as stockholders of said company, but the person pledging such stock shall be considered as holding the same, and shall be liable as stockholders 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.

Certain persons not individually liable.

§ 21. If the 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 provided in section six of this act.

Increase of capital stock.

§ 22. The said corporation may borrow such sum or sums of money as may be necessary to complete said work, and for other purposes authorized by this act, in the whole not to exceed the amount of capital stock actually paid in and expended, and for that purpose may issue and dispose of their bonds for any amount so borrowed; and the company is hereby authorized to mortgage any or all of their corporate property and privileges to secure the payment of such bonds; and the said directors may confer on the holder of any bond they may issue for any money so borrowed the right to convert the principal due thereon into stock of the said corporation, at any time, not exceeding five years from the date of said bond, under such regulations as the directors may see fit to adopt; and for such purpose the said corporation are authorized to increase its capital stock to the amount so borrowed, whenever the persons, or any of them, to whom such money is due, shall elect to convert the same into stock; but nothing herein

Corporation to borrow money, &c.

contained shall be construed to authorize an increase of capital stock of said company beyond the sum of one hundred thousand dollars.

§ 23. This act shall take effect immediately.

Chap. 410.

AN ACT in relation to the Hook and Ladder Company of the village of Canandaigua.

Passed April 13, 1865; three-fifths being present.

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

SECTION 1. The trustees of the village of Canandaigua are hereby authorized and empowered to increase the number of members of the hook and ladder company of said village to any number not exceeding fifty. The provisions of chapter one hundred and fifty-one of the laws of eighteen hundred and forty-seven, applicable to hook and ladder companies, shall apply to the hook and ladder company of the village of Canandaigua in all respects, except as to the number of members constituting such company.

§ 2. This act shall take effect immediately.