

L A W S
OF THE
STATE OF NEW-YORK,
==
PASSED AT THE
SEVENTY-EIGHTH SESSION
OF THE
L E G I S L A T U R E ,

**BEGUN JANUARY SECOND, AND ENDED APRIL FOURTEENTH, 1855, IN THE
CITY OF ALBANY.**



ALBANY:
VAN BENTHUYSEN, PRINTER.
.....
1855.

Chap. 15.

AN ACT to confirm the organization of the Ellicottville and Great Valley Plankroad Company.

Passed February 2, 1855, three-fifths being present.

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

§ 1. The several acts of the Ellicottville and Great Valley plankroad company, in the county of Cattaraugus, heretofore made by the stockholders and officers of said company, in procuring the right of way and organising said company, are hereby confirmed and made valid in like manner and to the same effect as though the act entitled "An act to amend the act for the incorporation of companies to construct plankroads and turnpike roads," passed March 16, 1850, had not been passed, and the said company are hereby declared to be a legal and valid corporation, to the same effect as though said act had not been passed.

§ 2. Nothing herein contained shall affect any suit now pending against said company or any of its officers, growing out of its business affairs, and provided further that nothing in this bill shall be so construed as to prevent the Buffalo and Pittsburg railroad company from crossing said plank road, by paying such damage to said plankroad as may be assessed in the same manner as other damages are assessed on other lands for railroad purposes.

§ 3. This act shall take effect immediately.

Chap. 16.

AN ACT to amend "An act to incorporate the Syracuse City Water Works Company," passed April 5, 1849.

Passed February 6, 1855.

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

§ 1. The fifteenth section of the said act is hereby amended, so as to read as follows:

Rules for
use of wat'r

The directors of said company may establish rules and regulations for the use of the water from their works, so as to preserve the same from waste, and may thereby impose such penalties for the violation of such rules and regulations, not inconsistent with the constitution and laws of this state, as they shall deem proper, not exceeding fifty dollars in any case, which penalty or penalties may be recovered before any justice of the peace of said city, with costs, in the name of said company. Such rules and regulations shall be published in two of the papers in which the proceedings of the common council of the city of Syracuse, are published, at least once in each week, during the month of May, in each year; and a copy of such rules and regulations, certified and sworn to by the president or secretary of the company, with the due publication thereof verified by affidavit of the publisher or foreman in the respective offices of said paper, or by the affidavit of the president or secretary of said company, shall be received as evidence in all courts and places.

Appraisal
of lands.

§ 2. In case of the appraisal of lands or water for the company, as provided by the tenth section of the said act, the said company shall apply for the appointment of three commissioners, instead of five, as designated in said tenth section; and said three commissioners shall possess all the powers granted by said tenth section in reference to appraisal, and any two of said commissioners shall be authorized to act in the premises, in case of the absence or disability of the third commissioner.

Mortgage.

§ 3. The said company shall be at liberty at any time when it shall be deemed advisable, to execute a mortgage upon their property as a collateral security for the payment of the bonds which have already been or may hereafter be given for any indebtedness of said company, not exceeding in amount, fifty per cent of its capital.

§ 4. This act shall take effect immediately.