

L A W S  
OF THE  
STATE OF NEW YORK,

PASSED AT THE  
NINETY-SIXTH SESSION

OF THE  
LEGISLATURE.

BEGUN JANUARY SEVENTH AND ENDED MAY THIRTIETH, 1873,  
IN THE CITY OF ALBANY.



ALBANY:  
WEED, PARSONS AND COMPANY, PRINTERS.  
1873.

**CHAP. 437.**

**AN ACT** to provide for the improvement of the southerly portion of Bedford avenue, in the city of Brooklyn.

PASSED May 7, 1873; three-fifths being present.

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

SECTION 1. The common council of the city of Brooklyn are hereby authorized to grade, pave, curb, gutter and flag so much of Bedford avenue, in said city, as lies between Saint Mark's avenue and the city line southerly therefrom, or to make either or any of said improvements in so much or such parts of the above-described avenue as they shall deem most advantageous.

Common council to pave, etc., portion of Bedford avenue.

§ 2. All the provisions of law relating to the grading, paving, curbing, guttering and flagging of streets in said city, except such thereof as require a petition or consent of the owners of adjacent property, and except such as limit the expense of such improvements, or any of them, or the assessment to be laid therefor, by the value of the property assessed, shall be applicable for the purposes of this act.

Certain provisions of law to apply.

§ 3. This act shall take effect immediately.

**CHAP. 438.**

**AN ACT** to incorporate the Ticonderoga Water-works Company.

PASSED May 8, 1873; three-fifths being present.

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

SECTION 1. George C. Weed, Brackett W. Burleigh, Clayton H. Do Lano, Alanson M. Pond, Henry G. Burleigh, William E. Calkins, Daniel M. Arnolds, William S. Fleming, Edwin A. Prescott, Archibald O. Amedon, Clark P. Ives, William Hooper and George B. Marshall, and all such persons as are or may hereafter be associated with them, are constituted a body corporate by the name of "The Ticonderoga Water-works Company."

Corporators.

Name.

§ 2. The capital stock of said company shall be three thousand dollars, to be divided into shares of twenty-five dollars each, and said capital stock may be hereafter increased to twenty thousand dollars, should the directors of said company at any time thereafter so direct; the said capital stock of said company shall be considered personal property, and shall be assignable and transferable upon the books of the corporation.

Capital stock.

§ 3. A majority of the persons named in the first section of this act shall meet at such place as they may select in the village of Ticonderoga, Essex county, on the first Monday of May next, or on such other day as they may select, giving two weeks' notice, by notices posted in at least six conspicuous places in said village, and receive subscriptions to the capital stock of said company, and may adjourn said meeting from time to time until the whole of such capital stock shall be subscribed.

Majority of corporation to give notice and receive subscriptions to stock.

§ 4. The concerns of said corporation shall be managed by seven

**Directors.** directors, who shall be stockholders in said corporation, four of whom shall constitute a quorum for the transaction of business, and who shall hold their offices for one year and until others are chosen in their places. The directors shall be chosen annually in the village of Ticonderoga on the first Monday of May, at such time of day and place as the directors may appoint. The first election shall be held on the first Monday of May, eighteen hundred and seventy-three; two weeks' notice of such election shall be given by notices posted in at least six conspicuous places in said village. Each stockholder shall be entitled to one vote on each share of stock held by him or her for at least ten days previous to an election. Voting shall be by ballot and may be in person or by proxy.

**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, not contrary to the constitution of the State of New York.

**Payment of subscriptions.** § 6. The directors may require payment of subscriptions to the stock, at such times and in such portion as they may see fit, under the penalty of forfeiting all stock and previous payment thereon, and may sue for and recover all such subscriptions. Notice of the time and place of payment of all subscriptions shall be posted in six conspicuous places at least two weeks before said time.

**First directors.** § 7. The persons named in the first section of this act shall be the first directors of said corporation, and shall hold their office until the first Monday of May, eighteen hundred and seventy-three, and until others are chosen in their places; and in case of vacancy in the direction by reason of death or resignation of any director, or by ceasing to be a stockholder, it may be filled by the remaining directors until the next annual election, or until some other person may be elected to fill the place. The directors herein named may appoint three persons who shall be stockholders, to be inspectors of election at the first election of directors, after which the stockholders shall choose three such inspectors at the annual election. If no inspectors shall be chosen at any annual election the directors may appoint them from time to time. The directors may remove all officers appointed by them and appoint others in their places and fill all vacancies in office. If at any time an election of directors does not take place on the day appointed by this act the corporation shall not, in that case, be dissolved, but an election may be held on any other day in such manner as shall be prescribed by the directors or provided for by the by-laws, by giving two weeks' previous notice thereof, by written or printed notices, posted in at least six conspicuous places in said village.

**Water supply.** § 8. For the purpose of supplying the village of Ticonderoga with pure and wholesome water, the said company may purchase, take and hold any real estate necessary for the purpose, 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 the water from any lake, springs, ponds, fountains or streams and convert and convey the same to said village, and may lay and construct any pipes, conduits, aqueducts, wells, reservoirs or other works or machinery necessary and proper for said purpose, upon any lands so entered upon, purchased, taken or held; and said corporation may, as aforesaid, enter upon any lands, streets, highways, roads, lanes, or public squares through which they may deem it proper to carry the water from said

lakes, springs, fountains, ponds, streams, wells and reservoirs, and by out and construct any pipes, conduits, aqueducts, or other works for that purpose, leaving the said lands, streets, highways, roads, lanes and public squares in the same condition, or as nearly as may be, as they were before said entry.

§ 9. Before entering or using any land or water for the purposes of this act, the directors shall cause a survey or 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 filed in the office of the county clerk of the county of Essex. The said company, by any of its officers, agents or servants, may enter upon any lands for the purpose of making said survey or map, doing no unnecessary damage.

Survey and map to be made.

§ 10. In case the said company cannot agree with the said owners or occupants of any lands or water intended to be taken or used as aforesaid, for the purchase thereof, the directors may apply to any court of record, at any time or session thereof, held in the fourth 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 of any of the commissioners, the said court may appoint others in their places. The commissioners so appointed shall cause a notice of at least twenty days, of the time and place of their meeting, to be served upon such owners of said land or 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, then, upon serving notice in like manner upon the guardian or person appointed to act for him or her, and in case any of said owners cannot be found in this State, such notice shall be given by publishing such notice in a newspaper published in said village or county aforesaid. The said commissioners may issue subpoenas to compel the attendance of witnesses to testify before them, and they, or any one of them, may administer the oath to such witness. Upon closing the proofs before them, they shall make a written report of all their proceedings, containing the testimony taken before and by them, showing the sum awarded to such owner or other person, and return the same to be filed of record. The company shall pay to each commissioner the sum of three dollars per day for every day actually and necessarily spent by him in the performance of his duties under this act.

Title to lands, etc., how acquired.

Duty of commissioners.

§ 11. Said company, or any party to the proceedings of the commissioners, may appeal from any award or determination of the commissioners, providing the party appealing shall, within ten days after such award or determination shall be made, give written notice of the appeal to the other party or parties interested in the same, which said appeal may be taken to any court of record in the fourth judicial district, and the said court shall examine the report of the commissioners, and if their proceedings in the case have been irregular, the court may set aside the same 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 notices to be given to the parties, as may not be inconsistent with this act, and as the nature of the case and interest of the parties may require; and the commissioners shall

Appeal from awards made by commissioners.

again examine the case, and their discretion and decision then made shall be final. If at any time after an attempted or actual ascertainment of compensation, under this act, or any purchase of land or water for the use of said company, the title acquired to all or any part of said land or water shall fail, or be deemed defective, the said company may proceed anew to perfect such title by procuring an ascertainment of the compensation proper to be made to any person or persons whose title, claim or interest is a lien upon such lands, shall not have been compensated and extinguished according to law, and by making payment thereof, in the manner herein provided, as near as may be.

When  
company  
may enter  
upon and  
hold  
lands.

§ 12. Upon the legal payment or tender of the compensation determined as before provided, the said company shall be entitled to enter upon, for the purpose contemplated in this act, all the lands, waters and real estate, for which such compensation shall be paid or tendered as aforesaid, and to hold and use the same for 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 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 such person in such bank as may be appointed by said court. A certificate of such deposit, signed by the cashier of the said bank, shall be published by said company in a newspaper published in said village; or if there is none, in any newspaper in the said county for three weeks successively immediately after said deposit. If any person to whom compensation is awarded or who is entitled to receive the same as aforesaid be under legal disability, payment may be made to his or her guardian or person appointed as aforesaid by said court, and if said guardian or person cannot be found, then by deposit as aforesaid.

Lands to  
be held.

§ 13. The said company shall also take and hold for the purposes contemplated in 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.

Rules,  
etc., for  
use of  
water.

§ 14. 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 fifty dollars, which penalty or forfeiture may be recovered from the person or persons violating said rules and regulations, with the costs, in the name of the company, before any justice of the peace of said town of Ticonderoga. Said rules and regulations shall be published for three weeks successively in a newspaper 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 said publication of the same by the publisher of said newspaper, or by a foreman in his office, shall be received as evidence in all courts and places. And if at any time there is no newspaper published in said village, then copies of said rules and regulations, either written or printed, shall be posted in at least six conspicuous places in said village, for the time aforesaid, and shall have the same effect as though published in a newspaper, and accompanied by the affidavit of the person posting them, shall be received as evidence in all courts and places.

To be  
published

§ 15. The said company shall furnish water to the trustees of said



village, for extinguishing fires, and other purposes, as may be agreed upon between the said trustees and the said company.

Water for  
extinguish-  
ing fires,  
willful  
destruction.

§ 16. Any person who shall willfully or maliciously interfere with, trespass upon, injure or destroy any of the works or property of said company, or who shall maliciously or willfully commit any act which shall injuriously affect the water of said company, shall be deemed guilty of a misdemeanor.

§ 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.

§ 18. All the stockholders of the company hereby created shall be severally and individually liable to the creditors of the 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 capital stock shall be paid in and certificates thereof shall be made and recorded as prescribed in the following section.

Liability  
of stock-  
holders.

§ 19. The president and a majority of the directors, within thirty days after the payment of the first installment of capital stock, shall make a statement of the amount of capital fixed and paid in, which certificate shall be signed and sworn to by the president and a majority of the directors, and shall, within thirty days, be recorded in the county clerk's office of Essex county.

Certificate  
of president  
and directors  
to be made  
and filed.

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

Liability  
for debts  
due labor-  
ers.

§ 21. The indebtedness of said company shall not at any time exceed an amount equal to fifty per cent of its capital stock, unless by the consent of its stockholders at a meeting thereof; and if the indebtedness of said company shall at any time exceed such amount without the consent of the stockholders, as above mentioned, the directors of such company assenting thereto shall be personally and individually liable for such excess to the creditors of said company.

Amount  
of indebted-  
ness  
limited.

§ 22. No person holding stock in said company, as executor, administrator, guardian or trustee, and no person holding 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 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 hold the stock in his own name. Every such executor, administrator, guardian or trustee shall represent the shares of stock owned by him as administrator, executor, 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; provided, however, that nothing in this act contained shall be construed to authorize the subscription to the capital stock of this company by any person as executor, administrator, guardian or trustee.

Liability  
of persons  
holding  
stock by  
trust.

§ 23. The said company may hereafter increase the capital stock of said company to the sum of twenty thousand dollars, as mentioned in section two of this act, by opening the books of said company and receiving subscriptions to said increased capital stock.

Increase  
of capital  
stock.

§ 24. This act shall take effect immediately.