

L A W S

OF THE

STATE OF NEW YORK,

PASSED AT THE

NINETY-THIRD SESSION

OF THE

LEGISLATURE,

BEGUN JANUARY FOURTH, AND ENDED APRIL TWENTY SIXTH, 1870.

IN THE CITY OF ALBANY.



ALBANY:

WEED, PARSONS AND COMPANY, PRINTERS.

1870.

transport
passengers.

shall forfeit to the party aggrieved the sum of five dollars, to be recovered in any court of the State having cognizance thereof.

Penalty, for
infringe-
ment of
ferry fran-
chise.

§ 8. If any person or persons, after the passage of this act, shall transport across the said river Arthur Kill, or Staten Island Sound, any person or persons, or property, for hire or pay, to or from any point in the said county of Richmond within one mile of the dock or landing place of the said company, from or to the opposite shore of New Jersey, the said person or persons first mentioned shall each forfeit and pay for every such offense the sum of five dollars to the said company, who may sue for the same in any court having cognizance thereof; but nothing herein contained shall be construed so as to exclude any person or persons from the right of making use of their boats, and transporting themselves and their property across the said stream at their pleasure.

Right of
persons, to
use their
own boats
in trans-
porting.

§ 9. The Legislature may, at any time, alter or repeal this act.

§ 10. This act shall take effect immediately.

Chap. 732.

AN ACT to incorporate the Attica Water Works Company.

PASSED May 6, 1870; three-fifths being present.

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

Corporators

SECTION 1. Gardneir G. Dorrance, Charles B. Benedict, Reuben H. Farnham, James H. Loomis, Robert S. Stevens, John B. Skinner, 2d., Thomas Corlett, Volney C. Barruss, William B. Goodwin, James G. Doty, Henry E. Churchill, Benjamin R. Folsom, John S. Putnam, Joel R. Williams, William H. Hills, Andrew Krauss, David Wyman, John Karcher, William B. Champlin, and Christopher W. Krauss, and all such persons as are or may be hereafter associated with them, are constituted a body corporate, by the name of "The Attica Water Works Company."

Corporate
name.

Capital
stock.

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

How transferable.

§ 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 Attica, Wyoming county, on the first Monday of June next, or such other day as they may select, giving two weeks' notice in a paper printed in said village, and receive subscriptions to the capital stock of said company, and may adjourn such meeting from time to time until the whole amount of such capital stock shall be subscribed.

Notice of receiving subscriptions to stock.

§ 4. The concerns of said corporation shall be managed by seven 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 Attica, on the first Monday of June, at such time of day and place as the directors may appoint. The first election shall be held on the first Monday of June, eighteen hundred and seventy; two weeks' notice of such election shall be given by a publication at least once in each week, for two weeks consecutively, in a newspaper published 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.

Board of directors.

Business quorum.

Annual election.

First election.

Manner of voting.

§ 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.

Officers.

By-laws.

§ 6. The directors may require payment of subscriptions to the stock, at such times and in such portions 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 and place of the payment of all subscriptions shall be published for two weeks previous to said time, at least once

Directors, may enforce payment of subscriptions.

Notice to subscribers to stock.

in each week, in a newspaper published in said village, or by notice in writing served personally upon each subscriber to such stock, at least two weeks prior to said time of payment.

First directors.

Term of office.

Vacancies, how filled.

Inspectors of election.

Appointment and removal of officers.

Corporation, not to be dissolved for failure to hold elections.

Company may take and hold real estate.

May lay water pipes and construct reservoirs, etc.

May enter upon streets, lands, streams, etc.

§ 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 June, eighteen hundred and seventy, 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 in all newspapers published in said village.

§ 8. For the purpose of supplying the village of Attica 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 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 springs, fountains, ponds, streams, wells and reservoirs, and lay 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 ; but the said company shall not, within the bounds of said village, lay and construct said pipes, conduits, aqueducts, and other works through any private garden, court-yard, or building lot, without the written consent of the owners thereof.

To leave lands, streets, etc., in proper condition. Consent requisite, to lay pipes through private gardens, yards, etc.

§ 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 be filed in the office of the clerk of the county of Wyoming. The said company, by any of its officers, agents or servants, may enter upon any lands for the purpose of making said survey and map, doing no unnecessary damage.

Survey and map to be made, of lands required.

How filed.

§ 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 eighth 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. The said commissioners may

Proceedings, to acquire lands or waters, in case of disagreement.

Commissioners of appraisal, to be appointed.

Notice to owners of lands and waters.

Publication thereof, in certain cases.

Report of proceedings and awards to be filed.

Compensation of commissioners and witnesses.

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 by them, and showing the sum awarded to such owner or other person, and return the same to said court to be filed of record. The company shall pay to each commissioner the sum of three 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, who the commissioners shall certify were properly subpoenaed, the sum of fifty cents per day, and four cents per mile travel, going and returning from their residences, if living more than three miles from the place of meeting.

Appeals.

Proceedings thereon.

Proceedings in case of defective title to lands, etc. ¶

§ 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 any 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 eighth 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 the same aside, and order new proceedings and appraisal; 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 again examine the case, and their discretion then made shall be final. If, at any time, after an attempted or actual ascertainment of compensation, under this act, or any purchase of any lands 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.

§ 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 purposes 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, 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.

Company may enter lands, upon payment or tender of award.

Deposit of award in certain cases.

Publication thereof.

§ 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.

Company may hold lands, waters, etc.

§ 14. In laying pipes, conduits, or aqueducts, or constructing or erecting works in the streets, lanes or public squares of the village of Attica, the company shall conform to such regulations as the trustees thereof shall prescribe.

Regulations for laying pipes, etc. in village.

§ 15. 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, with the costs, in the name of the company, before any justice of the peace of said town of Attica. 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

Rules for use of water.

Penalties for violation thereof.

Publication of regulations.

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.

Village to be furnished with water, at fires.

§ 16. 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.

Willful injury to water works, deemed a misdemeanor.

§ 17. 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.

General powers.

§ 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.

Liability of stockholders.

§ 19. All the stockholders of the company hereby created shall be severally and individually liable to the creditors of said 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.

Certificate of capital, fixed and paid, to be recorded.

§ 20. The president and a majority of the directors, within thirty days after the payment of the last installment of capital stock, shall make a certificate 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 Wyoming county.

Liability for debts to laborers.

§ 21. 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.

Limitation of indebtedness.

§ 22. 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 the 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 per-

sonally and individually liable for such excess to the creditors of such company.

§ 23. 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 held 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 executors, guardians, etc.

To represent stock at meetings of company.

§ 24. 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.

§ 25. The trustees of the village of Attica are hereby authorized, for and in behalf of the corporation of said village, to take and invest in the stock of the said Attica Water Works Company, to an amount not exceeding three thousand dollars, provided they shall be so authorized by a vote of the taxable electors of said village, at an annual meeting, or at a special meeting, called as hereinafter provided. The trustees of said village are hereby authorized to call a special meeting of the electors of said village at any time, on the written request of twelve tax-paying freeholders of said village, for the purpose of voting upon the question of taking and investing, as in this section mentioned. A notice of the time and place of holding such meeting shall be published in the newspaper published in said village for two weeks previous to said meeting, successively. The said trustees

Village, may invest in water stock, upon favorable vote.

Special tax meeting, to decide thereon.

Notice thereof.

Tax, how
levied and
collected.

Amount
limited.

shall have power to receive, levy and collect, by tax upon the taxable inhabitants and property of said village, for the purpose of taking and investing such sum (not exceeding three thousand dollars) as shall be voted by said electors for that purpose at any such meeting.

§ 27. This act shall take effect immediately.

Chap. 733.

AN ACT to amend the charter of the Abingdon Square Savings Bank.

PASSED May 6, 1870; three-fifths being present.

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

Additional
number of
trustees
authorized.

Limitation
of deposits.

SECTION 1. The Abingdon Square Savings Bank is hereby authorized and empowered to elect an additional number of trustees, not exceeding eight, in the same manner as the bank is now authorized to fill vacancies in its board of trustees; and said bank may receive deposits from any one person not exceeding ten thousand dollars.

§ 2. This act shall take effect immediately.

Chap. 734.

AN ACT to incorporate the Oswego County Savings Bank.

PASSED May 6, 1870. 1

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

Corporators

SECTION 1. John B. Edwards, Alanson S. Page, Cheney Ames, Delos DeWolf, Gilbert E. Parsons, Charles Doolittle, William Wales, Alonzo H. Failing, J. Lawrence McWhorter, Benjamin S. Stone, George B. Sloane, Harvey Palmer, Peter Lappin, Charles Rhodes, Samuel B. Johnson, Benjamin C. Turner, John H. Mann, Moses Merick, Charles H. Cross, Andrew Miller, Cornelius Wendell, Robert Scott, O. M. Bond, D. L. Couch, John Dunn, Jr., and their successors, shall be and they are hereby con-