

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

BEGUN JANUARY SIXTH, AND ENDED APRIL EIGHTEENTH, 1857, IN THE  
CITY OF ALBANY.

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VOL. I.

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ALBANY :  
VAN BENTHUYSEN, PRINTER.

.....  
1857.

Examina-  
tion of  
books.

§ 3. The regents of the university may at any time examine the books and apparatus purchased by means of this appropriation, and also the condition of the fund invested as herein provided, and shall have power to make, in their discretion, proper regulations for better care of such property.

§ 4. This act shall take effect immediately.

## Chap. 351.

AN ACT to incorporate the Binghamton Water Works company.

Passed April 13, 1857.

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

Corporate  
name.

SECTION 1. James Eldredge, George Park; Charles Eldredge, Levi M. Rexford, Thomas Jackson, Phineas B. Tompkins, and all such persons as are or may hereafter be associated with them, are constituted a body corporate by the name of "The Binghamton Water Works Company."

Capital  
stock.

§ 2. The capital stock of said company shall be one hundred thousand dollars, and shall be divided into shares of twenty-five dollars each, but may be at any time increased by the directors of the company, provided that such capital stock shall not be increased so as to exceed the sum of one hundred and fifty-thousand dollars.

Subscrip-  
tions.

§ 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.

Directors.

§ 4. The concerns of said corporation shall be managed by six directors, who shall be stockholders and residents of the said village, and who shall hold their offices for one year, and until others are chosen in their places. The directors shall be chosen annually on the first Wed-

nesday of May, at such time of day and place in said village as the directors for the time being shall appoint; notice of such election shall be published once in each week for three weeks immediately preceding such election, in two newspapers published in said village. Each stockholder shall be entitled to one vote upon each share of stock held by him or her for at least ten days previous to such election. The elections shall be by ballot, and votes may be given either in person or by proxy.

§ 5. The persons named in the first section of this act shall be the first directors, and shall hold their offices until the first Wednesday of May, A. D. eighteen hundred and fifty eight, and until others are chosen in their places. In case of a vacancy in the direction by reason of the death or resignation of any director, or his ceasing to be a stockholder, or by his removal from the village of Binghamton, 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 elections. If no inspectors are so chosen, or there shall be a vacancy, the directors may appoint them from time to time. 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 reason be dissolved, but an election may be held on any other day, in such manner as shall be provided for by the by-laws, or prescribed by the directors.

§ 6. The directors may require payments of subscriptions to the stock, at such times and in such proportions as they shall 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 such payments shall be published for four weeks previous to the time so fixed, at least once in each week, in two newspapers published in said village.

Payments.

§ 7. The directors shall annually appoint a president, secretary and treasurer, and such other officers and agents as they shall from time to time deem necessary, and may remove all officers appointed by them, and appoint others

Officers.

in their places, and fill all vacancies in the offices; 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 accomplishing the purposes of the corporation.

Real estate,  
&c.

§ 8. For the purpose of supplying the village of Binghamton with pure and wholesome water, the said company may purchase, take and hold any real estate, and by their directors, agents, servants, and other persons employed, may enter upon the lands of any person or persons which may be necessary for said purposes, and may take such water from any springs, ponds or streams, that will not deprive the owner or owners thereof from a sufficient supply for their individual use, and divert and convey the same to said village, and may lay and construct any pipes, conduits, aqueducts, wells, reservoirs, or other works or machinery necessary or proper for such purpose, upon any lands so entered upon, purchased, taken or held. Said corporation may as aforesaid, enter upon any lands, streets, highways, rivers, roads, lanes or public squares, through which they may deem it proper to convey the water from said springs, ponds, fountains, streams, wells, and reservoirs, and lay and construct any pipes, conduits, aqueducts, or other works for that purpose, leaving the said lands, streets, highways, rivers, roads, lanes and public squares, in the same condition, as nearly as may be, as they were before said entry; but the said company shall not lay or construct said pipes, conduits, aqueducts, and other works, through any private garden, court yard or building lot, without the written consent of the owner thereof, or unless just compensation shall have been made to such owner for his damages, which shall be ascertained and determined by commissioners, as in the other cases provided for in this act.

Surveyors.

§ 9. Before entering, taking or using any land or water for the purposes of this act, the directors of the 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 each owner or occupant intended to be taken or used shall be designated, and said map shall be signed by the surveyor or engineer making the same, and by the president of said company,

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

§ 10. In case the said company cannot agree with the said owners and occupants of any land or water intended to be taken or used as aforesaid for the purchase thereof, the directors may apply to the supreme court at any term or sessions thereof held in the sixth 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 to act of any of said commissioners, the said 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 land and 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 his guardian or person appointed to act for him.

Compensation for damages.

§ 11. The said company, or any party to the proceedings before said commissioners, may appeal from the award or determination of the commissioners, provided the party appealing shall, within ten days after any such award or determination shall be made, give notice of the appeal to the other party or parties interested in the same, and the said court shall, upon the report of the commissioners, and upon additional testimony to be taken by them, if they deem the same to be necessary, proceed to hear the said appeal, and may confirm the proceedings of the commissioners, 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 court may set the same aside and order a new appraisal; and the said court may make such orders in refer-

Appeals.

ence to the proceedings of the commissioners, and to the notices to be given to the parties, as may not be inconsistent with this act, and the nature of the case and the interests of the parties may require.

Payment of  
damages.

§ 12. Upon payment or legal tender of the compensation awarded by the said commissioners, or (in case of an appeal) by the said court, the said company shall be entitled to enter upon, for the purposes contemplated by this act, all the lands and waters and real estate for which said compensation shall have been paid, or tendered, as aforesaid, and to hold and use the same for the said purposes to them and their successors. If any person to whom any compensation shall be awarded, or who shall be entitled to the same by virtue of 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 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 bank, shall be published by said company for four weeks successively immediately after such deposit. 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 the court; and if said guardian or person cannot be found, then by deposit in bank, as aforesaid.

§ 13. The said company shall also take and hold for the purposes contemplated by this act, all the lands, waters, easements and real estate which they shall in any way legally enter upon, require 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 the said village, the said company shall conform to such regulations as the board of trustees of said village shall prescribe.

Rules of  
corporation.

§ 15. The directors of said company may establish rules and regulations for and concerning the conduct and government 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 im-

pose penalties and forfeitures for any violation of such rules and regulations, so that such penalty or forfeiture shall not in any case exceed five dollars; which penalty or penalties may be recovered from the person or persons violating the said rules and regulations, with costs of suit, in any court having jurisdiction thereof. Said rules and regulations shall be published for three weeks successively, in two newspapers published in said village; and a copy of said rules and regulations, certified by the president or secretary of said company, with affidavits of such publication of the same, made by any one of the publishers of said newspapers, or by a foreman in their offices, shall be received as evidence in all courts and places.

§ 16. Said company shall furnish water to the trustees of the said village, for extinguishing fires, and other purposes, upon such terms as may be agreed upon between the said trustees and the said company; and in case they cannot agree on such terms, said trustees may apply to the court, as provided in section ten of this act, for the appointment of three commissioners, who shall prescribe the terms upon which water shall be furnished, and said company shall furnish water upon the terms so prescribed for the term of three years, at the expiration of which time a new commission may be applied for, in the discretion of the trustees, and thereafter, once in three years, a like application may be made. The 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 individuals, associations, and corporations, which agreements, contracts, grants and leases shall be valid and effectual in law, as hereinafter directed; and in case any of said owners cannot be found in this state, such notice shall be given to them by publishing the same for six weeks successively in two newspapers published in said village; and if any of said owners shall be married women, insane, infants or idiots, the said court 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 or any one of them may administer the usual oath to such witnesses. They shall make a

Extinguishing  
fires.

Leases, &c.

written report of all their proceedings, containing the testimony taken by them, and showing the sum awarded to each owner or other person, 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 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, and if not sworn, but certified by the said commissioners to have been properly subpoenaed, the same fees as are allowed by law to witnesses in courts of record.

Injury to  
work.

§ 17. Any person who shall maliciously or wilfully destroy or injure any of the works or property of said company, or who shall maliciously or wilfully commit any act which shall injuriously affect, or tend thus to affect the water of said company, or the streams or fountains from which said company shall be supplied with water, shall be 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 said company treble the damages sustained thereby, to be recovered in any court having cognizance thereof, with costs.

Loan.

§ 18. The directors of the said water company are hereby authorized to borrow on the credit of the said company, a sum not exceeding fifty thousand dollars, and to secure the payment of the principal and interest of said loan, to execute a bond and mortgage on the real and corporate property of said company.

Liability of  
stock-  
holders.

§ 19. The stockholders of said company shall be severally and individually liable for the payment of the debts of said company, to an amount equal to the amount of the stock they severally shall have subscribed or hold in said company, over and above such stock, to be recovered of the stockholder who is such when the debt is contracted, or of any subsequent stockholder; and any stockholder who may have paid any demand against said company, either voluntarily or by compulsion, shall have a right to resort to the rest of the stockholders, who were liable to contribution.

§ 20. No stockholder shall be personally liable for the payment of any debt contracted by said company, which is not to be paid within one year from the time the debt is contracted, nor unless a suit for the collection of said

debt shall be brought against said company, within one year after the debt shall have become due, nor shall any suit be brought against any stockholder until an execution against the company shall be returned unsatisfied in whole or in part.

§ 21. 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.

§ 22. This act shall take effect immediately.

## Chap. 352.

AN ACT in regard to the incorporation known as the Sisters of Charity of St. Vincent de Paul, and to extend the powers and purposes thereof.

Passed April 13, 1857.

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

SECTION 1. The sisters of charity of St. Vincent de Paul, a corporation formed under and pursuant to chapter three hundred and nineteen of the laws of eighteen hundred and forty-eight, are hereby authorised and empowered to purchase land and buildings, and to erect buildings for the purposes of a hospital in the city of New-York, and to have, keep and maintain a hospital in said city. Hospital.

§ 2. The sisters of charity aforesaid may purchase, take, hold and mortgage such lands as may be necessary or proper for the purposes of their incorporation, but for no other purpose; provided, always, that the value of such lands shall not at the time of acquiring the same, exceed the sum of three hundred thousand dollars; and all lands of which a conveyance or deed shall have been heretofore made to the said sisters of charity of St. Vincent de Paul, shall be held, owned and possessed by them for the pur- Limited Valuation.