

KFN
5025
1113
1864

L A W S ^c

OF THE

STATE OF NEW YORK,

PASSED AT THE

1437

EIGHTY-SEVENTH SESSION

OF THE

LEGISLATURE,

BEGUN JANUARY FIFTH, AND ENDED APRIL TWENTY-THIRD,
1864, IN THE CITY OF ALBANY.



ALBANY :

VAN BENTHUYSEN'S STEAM PRINTING HOUSE.

1864.



Chap. 452.

AN ACT to incorporate the Cambridge Valley Water Company.

Passed April 30, 1864.

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

SECTION 1. M. D. Hubbard, Samuel W. Crosby, William J. Bockes, Solomon W. Warner, J. Dorr Hall, and all such persons as are or may hereafter be associated with them, are constituted a body corporate by the name of the "Cambridge Valley Water Company."

Incorporation.

§ 2. The capital stock of the said company shall be ten thousand dollars, to be divided into shares of fifty dollars each. And the said company are hereby empowered to increase their capital stock, at any time, to a sum not to exceed fifteen thousand dollars.

Capital stock.

§ 3. A majority of the persons named in the first section of this act shall meet at some convenient place in the village of North White Creek, on the first Monday of May next, or on such other day as they may select, 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 stock shall be subscribed. The stock shall be considered personal property, and shall be assignable and transferable on the books of said company.

Subscriptions.

§ 4. The concerns of said corporation shall be managed by five directors, who shall be stockholders, and who shall hold their office for one year, and until others are chosen in their places. The directors shall be chosen annually on the first Monday of May, at such place in said village as the directors for the time being shall appoint. The first election shall be held on the first Monday of May, A. D., one thousand eight hundred and sixty-five. Two weeks notice of such election shall be given by a publication in a newspaper, printed in said village, or on written notice served on each of the stockholders. Each stockholder shall be entitled to one vote upon each share of stock held by him or

Directors.

Notice of election.

her, for at least two weeks 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 such other officers as they shall deem necessary, who shall hold their offices until others are appointed in their places, and they shall make such by-laws and regulations as they may deem necessary and proper for the management of their business, and for the accomplishing of the purposes of the corporation.

By-laws.

**Payment
of sub-
scriptions.**

§ 6. The directors may require payment of the subscriptions to the capital stock at such time, and in such proportions as they may see fit, under the penalty of forfeiting of all stock and previous payments thereon, and may sue for and recover all such subscriptions. Notice of the place where, and time when, such payments are required, and the amount thereof, shall be published in a newspaper printed in said village for four weeks previous to said time, at least once a week; or personal notice in writing may be served on each of the persons subscribing to said stock, at least four weeks previous to said time of payment.

Vacancies

§ 7. The persons named in the first section of this act shall be the first directors, and shall hold their offices until the first Monday of May, one thousand eight hundred and sixty-five, and until others are chosen in their places. In case of a vacancy in the directors, 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, or a majority of them, shall be inspectors of the elections of the company. The directors may 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 for that cause shall not 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.

**Power of
appoint-
ment and
removal.**

§ 8. For the purpose of supplying the said village of Cambridge Valley with pure and wholesome water, said company may purchase, take and hold any real estate necessary for the purpose, 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 purpose, and may take the water from springs, ponds, wells, fountains or streams, and divert and convey the same to said village, and may raise or force the same into reservoirs by means of steam or any mechanical power, and may lay and construct any pipes, conduits, aqueducts, wells, reservoirs, or other works of 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, 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 and construct any pipes, conduits, aqueducts or other works, engines and machinery for that purpose, leaving the said lands, streets, highways, roads, lanes or public squares in the same condition 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 without the consent of the owners thereof, or without acquiring the right by purchase or gift from the person or persons having the right to such entry.

Power to
take lands
and water.

§ 9. Before entering, taking or using any land for the purposes of this act, unless the right to take, or enter, or use the same shall be acquired by said company by deed from the person or persons having the title thereto, or the right to enter and use the same, 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 in which the lands of such owner or 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 by the

Survey
and map.

president of said company, and be filed in the office of the clerk of the county of Washington. 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.

Commissioners to assess damages.

§ 10. In case the said company cannot agree with the said 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 supreme court, at a general or special term thereof, held in the fourth judicial district, for the appointment of three commissioners by whom the compensation to be paid for the damage suffered or to be suffered by any person or persons, by reason of taking said lands and water, and constituting 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 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 the said lands 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 to act thereupon, by 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 the owners cannot be found in this state, such notice shall be given by publishing in said village and in the state paper; 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 the 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 either of them, may administer the usual oaths to such witnesses. They shall make a written report of their proceedings, containing the testimony taken by them, and showing the sum awarded to each owner, or other person, and return the same to said court to

Notice to owners.

Guardianship of estates of incompetent persons.

Report.

be filed on 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 necessarily sworn and testifying, the sum of one dollar per day. Fees.

§ 11. The said company, or any party to the proceedings of the commissioners, may appeal from any award or determination of the commissioners to the supreme court, provided the party appealing shall within ten days after such award or determination shall be made, give written notice of appeal to the other party or parties interested in the same; and the said court shall examine the report of the commissioners, and on good cause shown, the court may set the same aside and order new proceedings and appraisal before the same or other commissioners, as the court shall deem proper. And the said court may make such orders in reference to the proceedings of the commissioners and of notice to be given to the parties, as may not be inconsistent with this act, and as the nature of the case and the interests of the parties may require. And the said commissioners shall again examine the case, and their 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 lands or water, or rights for the use of said company, the title acquired to all or any part of said land, or water, or rights, 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 in, or lien upon such lands, water or rights, shall not have been compensated and extinguished according to law, and by making payment thereof, in the manner heretofore provided, as near as may be. Appeal from award.

Orders of court.

Perfection of title by company.

§ 12. Upon the payment or legal tender of the compensation determined as before provided, the said company shall be entitled to enter upon, for the purpose contemplated by this act, all the land, waters and real estate for which such compensation shall be paid or Deposit of moneys in certain cases.

tendered as aforesaid, and to use or hold the same for the said purposes, to them and their successors forever. If any person to whom the sum 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 said person in such bank as may be appointed by said court.

§ 13. The said company shall also take and hold for the purposes contemplated in this act, all the lands, waters, real estate and rights which they shall in any way legally enter upon and take, to them and their successors forever.

Laying
pipes and
erecting
works.

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

Rules and
regula-
tions; pen-
alties for
violation.

§ 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, use and restraining the waste thereof, and may thereby impose penalties and forfeitures for any violation of said rules and regulations, so that such penalties and forfeitures shall not in any case exceed ten dollars, which penalties may be recovered, with costs in the name of the company, before any justice of the peace of the towns of White Creek and Cambridge, in the county of Washington. A copy of said rules or either of them, certified by the president or secretary, shall be received as evidence in all courts and places.

Contracts
for water.

§ 16. The said company may make any agreement, contracts, grants and leases, for the sale, use and distribution of water as may be agreed upon between said company and any person or persons, associations and corporations, or with the trustees of said village of Cambridge Valley, which agreements, contracts, grants and leases, and all agreements and contracts made by said company in carrying on its legitimate business, shall be valid and effectual in law. And all contracts

and agreements shall be signed by the president or secretary as follows :

For the Cambridge Valley Water Company, by order of the directors.

President.

Secretary.

Form of contract

§ 17. Any person who shall maliciously or wilfully destroy or injure any of the works or property of said company, or who shall wilfully or maliciously commit any act which shall injuriously affect or tend to affect the water rights or powers of said company, shall be deemed guilty of a misdemeanor.

Penalty for injuring works.

§ 18. 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 said capital stock subscribed and distributed among the stockholders, not exceeding the amount fixed and limited by the directors of the company shall be paid in,) and a certificate thereof shall be made and recorded, as prescribed in the following section.

Stockholders individually liable.

§ 19. The president and a majority of the directors, within thirty days after the payment of the last installment, required to be paid on the capital stock of said company by the directors thereof, for the year ending on the first Monday of May, one thousand eight hundred and sixty-five, shall make a certificate of the amount of capital required and fixed by said directors to be paid in during the year, and the amount actually paid in by the stockholders, 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 clerk's office of the county of Washington.

Payment of subscriptions.

§ 20. No suit shall be brought against any stockholder for debt contracted by said company, until an execution against the company shall be returned unsatisfied in whole or in part.

Suits.

§ 21. If the said 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

Increase of capital stock.

the same manner as provided in the third section of this act, and the said directors may require payment of the subscription to the said additional stock in the same manner as is provided in the sixth section of this act.

§ 22. This act shall take effect immediately.

Chap. 453.

AN ACT to provide for lighting certain streets in the village of White Plains, in the county of Westchester, with gas.

Passed April 30, 1864, three-fifths being present.

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

Assessment for lighting of streets with gas.

SECTION 1. The streets in the village of White Plains, in the town of White Plains, in the county of Westchester, within the White Plains fire district, shall be lighted with gas at the expense of that part of the said fire district situated in the town of White Plains, and the expenses heretofore incurred or made in erecting lamp posts, and lighting such streets, shall also be a charge on the same part of said fire district.

Erection of posts and lamps.

§ 2. The trustees of the White Plains fire department, or a majority of said trustees, are hereby authorized to erect from time to time, and keep in repair, at the expense of said part of said district, such lamp posts as they may deem proper to light such streets, and for the convenience of the inhabitants of said part of said district.

Assessment roll.

§ 3. The said trustees, or a majority of them, shall annually, on the first Monday of May, in each year, make out a tax list and assessment roll, to be based on the last assessment roll of the town of White Plains, so far as the same shall apply to property embraced in said part of said fire district in said town, and shall also make out a warrant for the collection of the ex-