

L A W S  
OF THE  
STATE OF NEW YORK,

PASSED AT THE

NINETY-FIFTH SESSION

OF THE

LEGISLATURE,

BEGUN JANUARY SECOND, AND ENDED MAY FOURTEENTH, 1872,  
IN THE CITY OF ALBANY.

VOL. I.



ALBANY:  
V. W. M. BROWN, PUBLISHER.  
1872.

## Chap. 51.

AN ACT to authorize the election of an additional justice of the peace in the town of Manlius, in the county of Onondaga.

Passed February 19, 1872; three-fifths being present.

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

An additional justice of the peace to be elected, who shall reside and keep his office on the north side of the N. Y. C. R. R.

SECTION 1. In addition to the justices of the peace in the town of Manlius, now provided by law, there shall be elected at the next town meeting to be held in said town, on the third Tuesday of February next, a justice of the peace, to reside and keep his office on the north side of the New York Central Railroad in said town, who shall qualify and enter upon the duties of his office on the first day of January succeeding his election, and his term of office shall expire on the last day of December, eighteen hundred and seventy-six.

May elect an additional justice in 1876, and every four years thereafter.

§ 2. At the town meeting to be held in said town of Manlius, in the year eighteen hundred and seventy-six, in addition to the election of a justice of the peace, as now provided by law, and at every fourth annual town meeting thereafter, there shall be elected an additional justice of the peace, to reside and keep his office on the north side of the New York Central Railroad in said town, and the term of office of each such additional justice shall begin on the first day of January next after his election, and expire on the last day of December of the fourth year of his term of office.

§ 3. This act shall take effect immediately.

## Chap. 52.

AN ACT to incorporate the Delhi Water Company.

Passed February 19, 1872; three-fifths being present.

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

Corporators.

SECTION 1. Horatio N. Buckley, Charles Hathaway, William Youmaus, Junior, Charles Marvine, James H.

Graham, William C. Sheldon, T. Benjamin Meigs, James H. Wright, Daniel T. Arbuckle and Caleb A. Frost, and all such persons as are, or may be hereafter, associated with them, are constituted a body corporate, by the name of the "Delhi Water Company."

Corporate name.

§ 2. The capital stock of said company shall be twenty thousand dollars, and shall be divided into shares of one hundred dollars each, but may at any time be increased by a vote of the stockholders, called for that purpose, provided, such capital stock shall not be increased so as to exceed the sum of one hundred thousand dollars.

Capital stock.

§ 3. Books of subscription to the capital stock of said company shall be opened under the direction of the directors, and subject to such rules as they may prescribe, and the stock of said company shall be considered as personal property, and shall be assignable and transferable on the books of the company.

Books of subscription.

Stock to be personal property.

§ 4. The business of said company shall be managed by ten directors, who shall be stockholders, and a majority of whom shall be residents of the town of Delhi, in Delaware county, and who shall hold their offices for one year, and until others are chosen in their places. The annual election of directors shall be held on the first Monday of July in each year, at such place in the village of Delhi, and at such hour in the day, as the directors shall appoint. Notice of such election shall be published once in each week for two weeks immediately preceding such election, in a newspaper published in the village of Delhi. Each stockholder shall be entitled to one vote upon each whole share that shall have been paid to the company on the stock held by him or her at the time of such election. The election shall be by ballot, and votes may be given either in person or by proxy.

Board of ten directors.

Annual election of directors.

§ 5. 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 July, eighteen hundred and seventy-three, and until others shall be chosen in their places. In case of a vacancy in the direction by reason of the death or resignation of any director, or of his

First directors.

Vacancies, how filled.

ceasing to be a stockholder, or of his removal from the town of Delhi after his election as a director, 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 election. If no inspectors are so chosen, 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.

Inspectors of election.

Failure to hold an election.

Payment of subscriptions to stock.

§ 6. The directors may require payment of subscriptions to the stock at such times and in such proportions as they shall see fit, under the penalty of forfeiting all the stock, and previous payments thereon, and may sue for and recover all such subscriptions. Notice of the time and place of such payment shall be published for two weeks next preceding the time so fixed, once in each week, in a newspaper published in the village of Delhi.

Appointment of officers, etc.

§ 7. The directors shall annually appoint a president, a vice-president, a secretary and a 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 in their places and fill all vacancies in the offices; and they may make and ordain by-laws and regulations as they shall deem necessary and proper for management of their business, and for accomplishing the purposes of the corporation.

May purchase and hold real estate, etc.

§ 8. For the purpose of supplying the village of Delhi with water from abundant and unfailing sources, for extinguishing fires, and to furnish good water for the use of the householders and inhabitants in said village, the said company may, by purchase, grant or devise, take and hold any water rights and privileges, and real estate and easements requisite for carrying out the purposes before mentioned, agreeably to the terms and conditions in the said conveyances from the proprietors to

the said company; and may, in pursuance thereof, lay and construct any pipes, conduits, aqueducts, reservoirs or other works or machinery necessary or proper for such purpose, doing no unnecessary damage, and leaving the premises entered upon, as nearly as may be, in the same condition as they were before such entry. And the said company having obtained the consent and authority of the trustees of the said village, may also lay, construct, alter, repair and replace, any pipes, conduits, aqueducts and hydrants necessary for supplying water for the extinguishment of fires and for supplying water for the householders and inhabitants of the said village, in and through all the public streets, roads and highways now open and hereafter to be opened in the said village, and on the public square, causing as little obstruction and inconvenience, and leaving the same in as good condition, as nearly as may be, as before the entry and excavations for the purposes aforesaid.

May lay and construct pipes, conduits, etc.

§ 9. The said company, when duly requested by the trustees of said village, shall place at each corner of the street, and at such other places as shall be deemed necessary, leading from the main water-pipe as far as the same shall have been laid, a suitable hydrant to furnish water for the extinguishment of fires and for exercising the fire engines, the use whereof for all other purposes is to belong exclusively to the said company. The cost of such hydrants, and the expense of attaching them to the main pipe and of keeping them in repairs, shall be raised by tax on the inhabitants of said village and paid to the company. For whatever other purpose, except those before mentioned, the village corporation shall want the use of the water, the said company is to receive such an amount of compensation as shall be agreed on by the company and the trustees of the village, to be raised and paid to the said company in the manner before mentioned.

Upon request of trustees, shall place at each corner of street and at other necessary places a suitable hydrant.

Cost of same to be paid by tax on village.

§ 10. The said 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 person or persons, associations and corporations, which agreements, contracts and leases shall be valid and effectual in law; provided, that

May make agreements for sale of water.

no privilege shall be granted for the use of water for any fountain or fountains that shall materially diminish or interfere with the use of the water for other purposes.

Rules concerning the conduct of persons using the water.

Rules to be published.

May increase capital stock.

§ 11. The said company shall hold, for the purposes contemplated in this act, all the lands, water privileges and easements, which they shall legally enter upon and take by virtue hereof, to them and their successors forever. The directors of said company may establish rules and regulations for and concerning the conduct of 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 impose penalties and forfeitures for any such violation, any such penalty not to exceed the sum of ten dollars, and which may be recovered, with costs of suit, in any court having jurisdiction thereof. Such rules and regulations shall be published for three weeks successively in a newspaper published in the village of Delbi, and a copy of said rules and regulations, certified by the president of the company, with the affidavit of the publication of the same, made by any one of the publishers of said paper, shall be received as evidence in all courts and places.

§ 12. If the directors shall, at any time after the organization of the said company, determine to increase the capital stock, as herein provided, the said new stock shall be divided among the stockholders, in proportion to the amount held by them at the time of such increase, as they shall severally elect; and in case the same shall not be so distributed, then books of subscription for the balance of such additional stock shall be opened in the same manner as provided in section six of this act. When any vote of the stockholders shall be taken to determine or increase the amount of stock, or for the election of directors, or of any officers of the said company, or for any purpose whatever, the stockholders shall severally be entitled to only one vote on every full share of one hundred dollars that shall have been paid to the company on the stock held by him or her at the time of taking the vote. And whenever any dividend shall be made and declared of the profits or proceeds arising from the business of the

company, the sum to be allotted and paid to every shareholder shall be in proportion to the amount that shall have been paid to the company on the stock held by him or her at the time of making the dividend.

§ 13. Any person who shall willfully or maliciously destroy or injure any of the works of said company, or who shall willfully or maliciously commit any act which shall injuriously affect or tend thus to damage any of the works of the said company, or the streams or fountains from which the works of the said company shall be supplied with water, shall be guilty of a misdemeanor, and may be punished by fine not exceeding fifty dollars, 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.

Misde-  
meanor to  
malicious-  
ly destroy  
or injure  
water-  
works.

§ 14. The stockholders of the company hereby created shall be individually liable for the payment of the debts of said company, to an amount equal to the amount of stock held by them, respectively, and any stockholder who may have paid any just demand against said company, either voluntarily or by compulsion, shall have a right to resort to the other stockholders, who were liable to contribution; and said stockholders shall be individually liable for the payment of any debts due by said company to its laborers and servants; but no suit or proceeding shall be commenced against any stockholder for recovery of any money due by said company, unless suit shall be brought for the recovery thereof against said company within one year from the time when the same became due, unless judgment therefor shall have been obtained against said company, and execution issued thereon, and returned unsatisfied.

Liability  
of stock-  
holders.

§ 15. No person holding any stock in said company as executor, guardian, or trustee, and no person holding such stock as collateral security, shall be personally liable as stockholders of said company, but the persons pledging such stock shall be considered as holding the same, and shall be liable as stockholders of said company accordingly, and the estate and funds in the hands of such administrator, guardian or trustee, shall be

Persons  
holding  
stock in  
trust not  
to be per-  
sonally  
liable as  
stock-  
holders.

liable in like manner and to the same extent as the testator or the intestate, or other person interested in the estate would have been had he been living, and had held the same in his own name.

§ 16. This act shall take effect immediately.

## Chap. 53.

AN ACT to confirm the conveyance of real and personal estate by the "Beth El" congregation of Jews of the city of New York, to the congregation "Shaaray Tefila," of the city of New York.

Passed February 23, 1872.

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

Action conveying real and personal property ratified, and confirmed.

SECTION 1. The action of the "Beth El" congregation of Jews, of the city of New York, a religious corporation organized under the laws of the State of New York, in conveying and transferring its real and personal property to the congregation "Shaaray Tefila," also a religious corporation of the city of New York, is hereby ratified and confirmed.

Deed confirmed.

§ 2. The deed heretofore executed by the said religious corporation, "The Beth El congregation of Jews, of the city of New York," to the said religious corporation the congregation "Shaaray Tefila," of the city of New York, bearing date the sixth day of September, one thousand eight hundred and seventy-one, and recorded in the office of the register of the city and county of New York, in liber eleven hundred and eighty-seven of conveyances, page three hundred and fifty-six, on the seventh day of September, one thousand eight hundred and seventy-one, is hereby ratified and confirmed.

Liabilities not affected.

§ 3. Nothing herein contained shall be construed as in any wise affecting the liabilities of said "Beth El" congregation of Jews of the city of New York.

§ 4. This act shall take effect immediately.