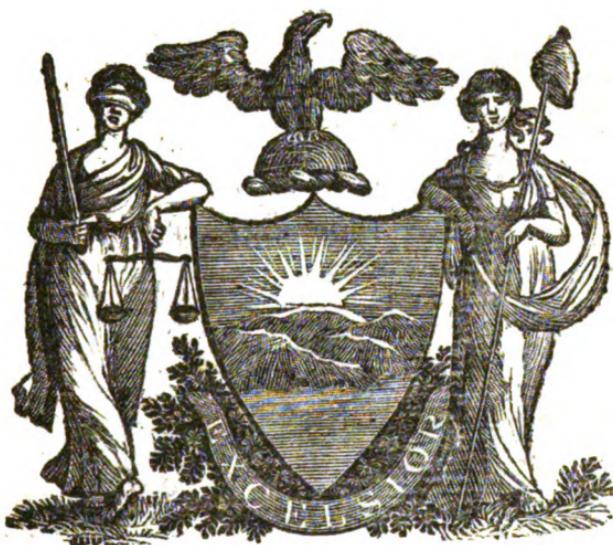


L A W S

OF THE

State of New-York.



V O L. III.

Containing
ALL THE ACTS

Passed from the Revision of 1801, to the End of the 27th Session of the Legislature, 1803.

A L B A N Y :
PRINTED BY CHARLES R. AND GEORGE WEBSTER,
1804.

ing the first Tuesday of June next, the recorder of the said city shall for ever thereafter, by virtue of his office, be one of the trustees of the said company : That at every election for trustees to be held after the passing of this act, instead of five, only four trustees shall be elected : And that the said mayor, aldermen and commonality shall not have more than twelve votes at any such election, for any number of shares they may hold of the stock of the said company ; although such number of shares, by provisions of the act hereby intended to be amended, would otherwise have entitled them to a greater number of votes.

II. *And be it further enacted,* That the stock in the said company belonging to the said mayor, aldermen and commonality, shall for ever hereafter be unalienable.

G E N E V A .

C H A P . LXIII.

C O N T E N T S .

- 23. Act of Incorporation, declared a public act.
- 17. Bye-Laws, directors empowered to make.
 - 1. Company, their style and corporate rights.
 - 5. Directors, five, to manage the concerns of the company.
 - 12. ----- Vacancy among, how filled.---13. Of the first board, named.
 - 15. ----- May appoint officers---18. And determine their compensation.
 - 16. Dividends, to be declared half yearly.
 - 6. Election, anniversary day of.---7. By ballot---may be by proxy.
 - 22. ----- If not held on the day appointed, may be on any other.
 - 19. Lands, to be used by the corporation, value how ascertained.
 - 21. ----- Heretofore granted to the corporation, vested in it.
 - 20. Penalty on persons for injuring conduits, &c.
 - 10. President, how elected.---11. Pro tem. may be chosen---14. First president appointed.
 - 2. Shares, value, number.---8. Apportioned for voting.
 - 4. ----- Instalments on, forfeiture for not paying.
 - 3. ----- Present stockholders entitled to two shares created by this act for every share they now hold.
 - 18. Transfers of stock, mode of making, directors to prescribe.
 - 9. Votes, equality of, for directors, how determined.

An ACT to incorporate the Proprietors of the Geneva Water-Works.

Passed March 31st, 1805.

WHEREAS certain persons have associated for supplying the village of Geneva with pure and wholesome water, and have by their petition prayed to be incorporated : Therefore,

1. *Be it enacted by the People of the State of New-York, represented in Senate and Assembly,* That Jacob Hallett, Herman H. Bogart, Jacob W. Hallett, Samuel Colt, Nathaniel Merrill, David Cook, David Naglee, Ezra Patterfon, William Hortsen, Charles Williamson, Thomas Powell, John Johnston, Polydore B. Wisner and Joseph Annin, and their present and future associates, shall be

P

and hereby are constituted a body corporate and politic in fact and in name, by the name of the President, Directors and Company of the Geneva Water-Works, and by that name shall and may have continual succession, sue and be sued, plead and be impleaded, answer and be answered unto, defend and be defended; in all manner of actions, matters and causes whatsoever, in courts of record, or in any other place whatsoever; have a common seal, and may change or alter the same at pleasure: and they and their successors, by the same name and style, shall be in law capable of purchasing, holding and conveying any estate, real and personal: *Provided*, Such real estate shall be necessary to attain the object of this incorporation: That the stock of the said company shall consist of four hundred shares of fifty dollars each; that each of the present stockholders of the said association shall be entitled to two shares of the said stock created by this act for every share they now hold respectively; that the sums paid on each such share now held shall be divided equally between the two shares so substituted for the one share now held by the present stockholders, and the remainder of the said sum of fifty dollars constituting a share of stock created by this act, and all such sum or sums of money as may be at any time due on any share or shares held in the company shall be paid by all persons now or hereafter respectively holding shares of stock in the said company in such proportions and at such periods of time as the said directors shall direct and appoint, upon pain of forfeiture of their shares, and all previous payments thereon to the said directors, for the use of the company.

II. *And be it further enacted*, That the management of the concerns of the said company shall be entrusted to five directors, being stockholders, and inhabitants of the village of Geneva; which directors shall hold their offices one year from the first Tuesday in May in every year, and until others are elected in their stead: that an election shall be held on the Tuesday preceding the first Tuesday in May in every year, at such place in the village of Geneva, and at such hour as the said directors shall from time to time appoint, by notification to be put up six days before the election, in three public places in the said village of Geneva: that the election shall be held by such person, being a stockholder, as the stockholders present, immediately before the opening of such election, and after the hour so appointed, shall by a plurality of votes appoint; and such person shall, after he shall then and there have openly counted and estimated the votes, forthwith make return in writing, under his hand, of the result of such election, to the clerk of the directors: that all the elections shall be by ballot, by the stockholders personally, or by proxy, each stockholder voting in the following proportions, to wit: one vote for every share not exceeding four, five votes for six shares, six votes for eight shares, and one vote for every five shares above eight; but no person, co-partnership, or body politic, shall be entitled to more than twenty votes, and the five persons having the

greatest number of votes shall be directors ; that if any two or more persons have an equal number of votes, so as that five directors shall not be elected, the stockholders shall forthwith in like manner elect, out of the persons so having an equal number of votes, so many as shall complete the number of five directors : that the said directors shall, on the second Tuesday of May in every year, elect one of their number president ; that in case of the absence of the president from any meeting, the directors present may, by plurality of votes, appoint one of their number president for that meeting ; and in case of vacancy of the office of any of the said directors, by death, resignation, or removal from the said village, others shall be elected by the said stockholders to fill such vacancy, at such time and place in the said village as the directors, for the time being, may from time to time appoint, always giving six days previous notice, by advertisement as aforesaid ; that Jacob Hallett, Thomas Powell, Jacob W. Hallett, David Cook, and David Naglee, shall be the first directors ; and that the said Jacob Hallett shall be the first president : all to remain in office until the first Tuesday of May next.

III. *And be it further enacted,* That the said directors, shall be authorized in their discretion to appoint a clerk, treasurer, superintendent, and such other officers, agents and servants, as they shall from time to time deem necessary, for carrying into effect the powers vested in the said company ; to declare and pay the dividends on the stock of the said company half yearly ; to establish rules, regulations, ordinances and bye-laws, for and concerning the conduct and government of such agents and servants ; and for determining the compensation to which they shall be respectively entitled, and for and concerning the manner of making transfers of the said stock ; and the conduct and government of all such persons as shall use water from their works, so far as respects the preservation of the water furnished by the said company, and to restrain the waste thereof ; and by such bye-laws and ordinances to impose penalties and forfeitures for a neglect or refusal to comply therewith, so that such penalty and forfeiture in any one case shall not exceed five dollars ; which penalties or forfeitures shall be recoverable in the name of the clerk or superintendent, before any justice of the peace with costs in an action of debt ; and for the purpose of effectually supplying the said village, and the inhabitants in the neighbourhood with water, it shall and may be lawful to and for the said directors and company, to lay and conduct any number of conduits necessary for and calculated to convey such water through or over any lands in the town of Seneca, and repair the same ; and in case of disagreement with the owner or owners of any lands or tenements, as to the compensation to be made for the injury sustained by such operations, or if the owner or owners thereof be out of the state, feme covert, under age or insane, that then and in every such case, it shall be lawful for one of the judges of the court of common pleas of the county of Ontario, not interested in the said water-works, upon the applica-

tion of the said directors, to appoint three indifferent persons, being freeholders, to appraise such damages. and they or any two of them, shall with all convenient speed, make such appraisement and report the same to the judge, who shall have made such appointment, in writing subscribed by them, which report the said judge shall forthwith cause to be filed in the office of the clerk of the said county, with a certificate to be subscribed by him of his having made such appointment; that the said directors shall thereupon pay to the owner or owners of such lands or tenements, or person or persons legally authorized to receive the same, whenever he or she shall demand it, the amount of such damages, and shall forthwith after such appraisement shall have been completed pay to such judge all the costs, charges and expenses attending the making the said appraisement and perfecting such report, which payments shall be deemed a full compensation for such injury; and that it shall and may be lawful to and for the said president, directors and company, to conduct and lay their conduits below the surface of any street or public highway, leaving the same in as good condition as the same was before such conduits were laid.

- 20 IV. *And be it further enacted,* That if any person or persons, shall wilfully stop, impair, break, injure, or deface any conduit, reservoir, spring-house or other matter or thing appertaining to the conducting or preserving the water aforesaid, he, she or they shall forfeit and pay to the president, directors and company aforesaid, treble the damages thereby sustained, to be recovered in an action of trespass, in any court having cognizance thereof with costs.
- 21 V. *And be it further enacted,* That all deeds, conveyances, grants, bargains and sales, gifts and privileges, whatsoever, heretofore made, granted, given or confirmed to the said company, of any lands, tenements, springs or fountains of water, and also of any privilege of laying, conducting or repairing conduits or water-pipes or logs, through any lands or tenements, shall be and the same is hereby vested in and confirmed to the said president, directors and company, to all intents, constructions and purposes whatsoever, as fully as if the said company had been incorporated at the time of making the same, by whatsoever name the said company may be known or described in such deed or deeds, conveyance or conveyances.
- 22 VI. *And be it further enacted,* That in case it should happen, that any election of directors should not be made on any day when in pursuance of this act, it ought to be made, the said corporation shall not for that cause be deemed to be dissolved, but it shall and may be lawful, on any other day to hold and make an election of directors, in such manner as shall be regulated by the bye-laws of the said corporation.
- 23 VII. *And be it further enacted,* That this act shall be a public act, and be construed in all courts and places, benignly and favourably for the beneficial purpose therein intended.