

UNIV. OF
CALIFORNIA
LAWS

OF THE

STATE OF NEW YORK,

PASSED AT THE

NINETY-FOURTH SESSION

OF THE

LEGISLATURE,

BEGUN JANUARY THIRD, AND ENDED APRIL TWENTY-FIRST 1871.
IN THE CITY OF ALBANY.

VOL. II.



ALBANY:
THE ARGUS COMPANY, PRINTERS.
1871.

Award.

Time of hearing.

Award to be levied and assessed upon town.

sixty-nine, through which he fell on the night of said day by reason of the unsafe and dangerous condition of said bridge; and that it shall award to said claimant such amount of damages as he shall have actually sustained by reason of the unsafe and dangerous condition of said bridge and his falling through the same; provided, said damage was sustained without carelessness, negligence or improper conduct on the part of said Hunt, and shall so appear upon such hearing, and that such hearing be had upon ten days' notice of time and place to the members of said board of town auditors; and, at its annual session to audit town accounts, in November next, to audit and allow to him the amount which it shall have determined he has sustained as aforesaid, which amount shall be levied and assessed upon the taxable property of the said town of Northampton, and collected in the same manner in which other taxes in said town are levied, assessed and collected, and when collected to be paid over to the supervisor of said town and by him, upon the reception of the same, paid over to the said George W. Hunt.

Chap. 909.

AN ACT to incorporate the Glen's Falls Water-works Company.

Passed May 10, 1871; three-fifths being present.

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

Corporators.

SECTION 1. Augustus Sherman, Enoch H. Bossertans, William W. Rockwell, Daniel H. Cowles, L. G. McDonald, Thomas S. Coolidge, Buliff Kipp, James Morgan, Charles M. Gilchrist, Stephen Brown, Daniel Peck, F. A. Johnson, junior, Stephen L. Goodman, George Conery, Joseph Fowler and Martin Coffin and all such persons as are or may be hereafter associated with them, are constituted a body corporate by the name of "The Glen's Falls Water-works Company."

Corporate name.

Capital stock.

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

one hundred dollars each, and said capital stock may be hereafter increased to two hundred 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.

May
increase
stock.

Con-
sidered
personal
property.

§ 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 Glen's Falls, Warren county, on the first Monday of May next, or such other day as they may select, giving three 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.

Shall meet
to receive
subscriptions
to
stock.

To give
notice of
meeting.

May
adjourn
meeting.

§ 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 Glen's Falls 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-one; two weeks' notice of such election shall be given by a publication at least once 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.

Annual
election.

Notice.

Voting,
how con-
ducted.

Officers.

§ 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 New York.

By-laws.

Payment
of sub-
scriptions.

§ 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 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.

§ 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-one, 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.

Vacancies
how
filled.

Inspectors
of election

Directors
may
remove
officers.

Corporation
not to
be dis-
solved by
failure
to hold
election.

Company
may hold
real estate.

Right to
enter

§ 8. For the purpose of supplying the said village of Glen's Falls with pure and wholesome water, the said company may purchase, lease and hold any real estate, or the waters of any spring, pond, fountain or stream necessary for that purpose. Said corporation may, with the consent of the trustees of said village of Glen's

Falls, enter upon any highway, road, lane, street or public square through which the said corporation may deem it proper to convey the water from said springs, fountains, ponds or streams, and lay and construct any pipes, conduits, aqueducts, or other works for that purpose, leaving the said highway, roads, lanes, streets or public squares in the same condition, as nearly as may be, as they were before said entry.

upon highways.

To leave streets and lands in proper condition.

Survey and map of lands to be taken, how filed.

§ 9. Whenever the trustees of said village shall consent to the laying and constructing of pipes, conduits, aqueducts, or other works, upon such streets, lanes, roads or highways in said village, as shall be designated upon a map to be made for that purpose, which map, with the written consent of said trustees, shall be filed in the clerk's office of Warren county, such consent shall continue without change, unless by and with the consent of said company.

To hold lands in perpetuity.

§ 10. Said company shall also take and hold, for the purposes contemplated by this act, all the lands, water and real estate which they shall in any way legally enter upon and take by virtue hereof, except the streets, highways, lanes, roads or public squares through or upon which they may run their pipes, to them and their successors forever. Said company is hereby authorized and empowered to make and establish rules and regulations for the distribution and use of said water, and establish the price to be paid therefor, and to collect all water rents.

May make rules for distribution of water, and establish water rents.

§ 11. If any person should willfully and maliciously corrupt the water in any reservoir, hydrant, aqueduct, pipe or other portions of said water-works, or destroy or injure any portions of such works or any materials or property used or designed to be used in connection therewith, he shall forfeit and pay said company treble damages in any action of trespass brought by said company, and such person, on conviction thereof before any court having jurisdiction of the offense, shall be punished by a fine not exceeding three hundred dollars, or by imprisonment not exceeding one year, or by both such fine and imprisonment.

Penalty for corrupting water.

Punish-able by fine or imprisonment.

§ 12. The directors of said company may establish rules and regulations for and concerning the use of the

Rules and regulations for

use of
water.

Penalty
for viola-
tion
thereof.

Regula-
tions to be
published.

Company
to furnish
water to
village.

Village
trustees
may make
contracts
therefor.

Subject to
Revised
Statutes.

Stock-
holders in-
dividually
liable for
debts of
company.

Shall
make and
file with
clerk of

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 the town of Queensbury. 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 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.

§ 13. The said company shall furnish water to the trustees of said village for extinguishing fires and other purposes, as may be agreed upon by said trustees and said company, but said agreement shall provide for the continuance of the same for the period of thirty years, and the erection by said company of at least thirty hydrants, to be located at such places as may be designated therein, and for the payment by said trustees to said company, as an annual rent, the sum of one hundred and fifty dollars for each hydrant. That said agreement so made may or can be modified or changed by mutual consent of the parties only.

§ 14. 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.

§ 15. 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 sections.

§ 16. 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 Warren county.

Warren county certificate of capital stock.

§ 17. 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.

Stockholders liable for labor.

§ 18. The indebtedness of said company shall not at any time exceed an amount equal to fifty per cent of its capital stock, unless by 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 personally and individually liable for such excess to the creditors of such company.

Amount of indebtedness limited.

Directors personally liable for excess.

§ 19. 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 estate 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 hold 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 or executor, administrator, guardian or trustee.

Liability of executors, guardians, &c.

Executors, &c., may vote.

Proviso.

§ 20. The said company may hereafter increase the capital stock of said company to the sum of one hundred

Proceedings to increase

capital
stock.

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.

Trustees
of village
of Glens
Falls may
invest in
stock of
company.

§ 21. The trustees of said village of Glen's Falls are hereby authorized for, and in behalf of the corporation of said village, to take and invest in the stock of said Glen's Falls Water-works Company to an amount not exceeding one-third of said capital stock of one hundred thousand dollars. The said trustees shall have power to assess, levy, and collect, by tax, upon the taxable inhabitants and property of said village, for the purpose of taking and investing such sum and for the purpose of paying the water rent for the hydrants to be provided by said company.

May assess
and levy tax
for that
purpose
and water
rent.

May vote
upon
stock
held.

§ 22. The board of trustees shall designate some one of their number to vote for the stock so held by them in such company, whenever any vote is required, who shall be entitled to one vote for each share of stock so held by said trustees.

Trustees
of village
may bor-
row
money to
amount of
stock and
issue cer-
tificates of
indebted-
ness.
When
payable.

§ 23. The trustees of said village are hereby authorized to borrow on the credit of said village the amount of their subscriptions to the capital stock of said company, and for that purpose may issue bonds or certificates of indebtedness in the name and under the seal of said corporation, signed by the president of the board of trustees and the treasurer of said corporation, in sums of not less than one hundred dollars, payable fifteen years from date thereof with interest payable semi-annually. Due provision shall be made by tax for the payment of the principal and interest falling due on all said bonds or certificates of indebtedness, and such principal and interest shall be assessed, levied and collected in the same manner as any other public or general tax of said village, and in conjunction with the general taxes of said village.

Provision
to be
made for
payments
of interest.

§ 24. This act shall take effect immediately.