

L A W S  
OF THE  
STATE OF NEW YORK,

PASSED AT THE  
NINETY-SIXTH SESSION

OF THE  
LEGISLATURE.

BEGUN JANUARY SEVENTH AND ENDED MAY THIRTIETH, 1873,  
IN THE CITY OF ALBANY.



ALBANY:  
WEED, PARSONS AND COMPANY, PRINTERS.  
1873.

approved by one of the justices of the supreme court, for the payment of the amount of the award, which may be made by arbitration or by order of the supreme court; and all motions or proceedings in law relating to, affecting or arising under this act, or the authority hereby given, shall be commenced in the supreme court of the first judicial district, and shall have preference over all cases on the calendar of said court not now preferred by statute; but in all cases the use of said streets or avenues for the purposes of said railways, as herein authorized, shall be considered one of the uses for which the mayor, aldermen and commonalty of said city of New York hold said streets and avenues.

Use of  
streets by  
railway &  
public use.

Meeting of  
corpora-  
tions.

Notice of

Annual  
payment  
for fran-  
chise to be  
made to  
city.

§ 4. A majority of the first fifteen persons or grantees named in the foregoing first section of this act shall, as soon as practicable after its passage, by a notice in writing signed by them, convene a meeting of the persons or grantees named in said first section or their assigns, at a time and place in the city of New York, to be designated in said notice. A copy of said notice shall be served upon each of the other grantees or their assigns, either in person or by depositing the same in the post-office, addressed to him at the post-office nearest his last known place of residence or business, at least twenty days before the day therein specified for such meeting.

§ 5. And for the rights and privileges herein granted, the said persons or their assigns shall annually, on the first day of December of each year, pay into the treasury of the city of New York three per centum of the gross receipts from the operation of the railroad, the amount of which gross receipts shall be determined by the sworn statement of the president and treasurer of said railroad, but subject to the inspection of their books by the comptroller of the city.

§ 6. The legislature may at any time alter, amend or repeal this act.

§ 7. This act shall take effect immediately.

## CHAP. 161.

### AN ACT to incorporate the Gloversville Water-works Company.

PASSED March 28, 1873; three-fifths being present.

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

Corpora-  
tion.

Corporate  
name.

Capital  
stock.

Increase  
of.

SECTION 1. U. M. Place, G. W. Rose, W. R. Steele, J. M. Wood, Daniel Potter, Edward Ward, H. C. Day, John McNab, J. G. Steele, H. S. Parkhurst, Seymour Sexton, F. H. Hotchkiss, A. Judson, W. S. Wells, J. McKee, A. C. Churchill, L. T. Marshall, A. D. Brown, Cyrus Stewart, A. D. L. Baker and J. L. Getman, and all such persons as are or may be hereafter associated with them, shall be and are hereby constituted a body corporate by the name of the Gloversville Waterworks Company.

§ 2. The capital stock of said company shall be fifty thousand dollars, and shall be divided into shares of one hundred dollars each, but may, at any time, be increased by the directors whenever the same is authorized by a vote of the stockholders owning two-thirds of the capital stock, at any meeting called for that purpose, in the same manner as annual elections; provided such capital stock shall not be increased so as to exceed one hundred thousand dollars.

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

Subscrip-  
tion books  
to be  
opened.

§ 4. The business of the said company shall be managed by thirteen directors, who shall be stockholders and residents of the village of Gloversville, 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 June in each year, at such place in the village of Gloversville, at such hour of the day as the directors, for the time being, shall appoint. Notice of every election shall be published once in each week for three weeks immediately preceding such election, in a newspaper published in said village. Each stockholder shall be entitled to one vote upon each share of stock held by him or her for thirty days next previous to such election. The election shall be by ballot, and votes may be given either in person or by proxy.

Directors  
residing in  
the village  
of  
etc.

Annual  
election.

Notice of

§ 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 June, in the year one thousand eight hundred and seventy-three, 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 by his ceasing to be a stockholder, or by his removal from the village of Gloversville, it may be filled by the remaining directors until next annual election, or until some other person shall be elected to fill the same. The directors 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, the directors may appoint them from time to time. If, at any time, the 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 shall be prescribed by the directors.

First  
directors.

Vacancies,  
how filled.

Insur-  
tors of  
election.

Failure to  
hold elec-  
tion not  
to dissolve  
corpora-  
tion.

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

Payment  
for stock.

Notice of  
time and  
place of  
payments.

§ 7. The directors shall annually appoint a 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 such by-laws, rules and regulations as they may deem necessary and proper for the management of their business and for the accomplishing the purposes of the corporation.

Officers.

By-laws.

§ 8. For the purpose of supplying the village of Gloversville with pure and wholesome water, the said company may purchase, take and hold any real estate, and by their directors, agents, servants or other persons employed, may enter upon the lands of any person or persons which may be necessary for said purpose, and may take such water from any lake, springs, pond or streams as may be determined by the

Company  
may take  
and hold  
real estate,  
etc.

May enter upon streets, etc., and lay pipes, etc.

board of directors of the corporation hereby created, and divert and convey the same to said village, and may lay, construct, alter and repair any pipes, conduits, aqueducts, wells, reservoirs or other works, pumps or machinery, necessary or proper for such purpose, upon 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 deem it proper to convey the water from said lake, springs, ponds, streams, wells and reservoirs, and lay, construct, alter, repair and replace any pipes, conduits, aqueducts or other works for that purpose, leaving the said lands, streets, highways, lanes, roads 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 and conduct said pipes, conduits and other works through any private garden, court, yard or building lot without the written consent of the owner thereof.

Survey and maps to be made and filed.

§ 9. Before entering, taking or using any land or water for the purpose of this act, the directors of this company shall cause a survey and maps to be made of the lands intended to be taken or entered upon for any of said purposes, and by which the land of such owner or occupant intended to be taken and used shall be designated, and which map shall be signed by the engineer making the same, and by the president of said company, and be filed in the office of the clerk of Fulton county. 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 and map, doing no unnecessary damage.

Entry upon lands to make surveys. Proceed from to regular title to real estate.

§ 10. In case the company cannot agree with the 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 county court of the county of Fulton, for the appointment of three commissioners, by whom the compensation to be paid for 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 death, resignation, refusal or disability to act, of any of said commissioners, the said courts may appoint others in their places. The said commissioners shall cause notice, of at least twenty days, of the time and place of their meeting, to be served upon such owners of said land and water as reside 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 thereupon, serving notice in like manner upon his or her guardian or person appointed to act for him or her, as hereafter directed; and in case any of said owners do not reside in this State, such notice shall be given them by publishing the same for four weeks successively, next proceeding the time of meeting, in a newspaper published in said village; and if any of said owners shall be married women, insane, infants or idiots, the court shall appoint some suitable person to attend in their behalf before said commissioners, and take care of their interest in the premises. The commissioners may issue subpoenas to compel the attendance of witnesses, to testify before them, and may administer the usual oath to such witnesses. They shall make a written report of their proceedings, within ten days after the hearing before them, showing the sum awarded to each owner or any other persons, and return the same to the said court, to be filed on record in the Fulton county clerk's office. The company shall pay to each commissioner the sum of three dollars per day, for each day

Notice of meeting of commissioners. How and upon whom to be served.

Attendance of witnesses.

necessarily spent by him in the performance of his duties under this act, and to each witness sworn and testifying, whom the commissioners shall certify were properly subpoenaed, the same fees as are allowed in courts of record.

For item of compensation.

§ 11. The said company, or any party to the proceedings, may appeal from any award or determination, providing the party appealing shall, within ten days after such award or determination shall be made, serve notice of such appeal upon the parties interested in such award or determination; the said court shall, upon the report of the commissioners and upon additional testimony to be taken by them, if the court deems the same to be necessary, proceed to hear such appeals, and may confirm the proceedings of the commissioners in whole or in part, 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 new proceedings and appraisement; and the said court may make such orders, in reference to the proceedings of the commissioners, and of the notices to be given to parties, as may not be inconsistent with this act, and as the nature of the case and the interest of the parties may require.

Appeal, how taken.

§ 12. Upon the payment or legal tender of the compensation awarded by the said commissioners, or (in case of appeal) by the said court, the company shall be entitled to enter upon, for the purposes contemplated by this act, all the lands, waters and real estate for which said compensation shall be paid or tendered, as aforesaid, to hold and use the same for said purposes, to them and their successors forever. If any person to whom any compensation shall be awarded, or who shall be entitled to the same by virtue of said award, does not reside in this State, or shall refuse the sum awarded him, then such payment may be made by depositing the same to the credit of said person, in such bank as may be designated by said court. If any 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 said court, and if said guardian or person appointed cannot be found by them, by depositing in bank as aforesaid.

Upon payment or tender, lands may be taken.

Where sum shall not be deposited to credit of owner.

When out to persons under legal disability.

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

What real estate to be held.

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

Company to conform to regulations prescribed by trustees.

§ 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, as far as respects the preservation 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 village of Gloversville; said rules and regulations shall be published for two weeks successively in a newspaper published in the said village, and a copy of said rules and regulations, certified by the president of the company, with affidavits of the publication of the same, made by any one of the pub-

rules and regulations concerning the use of water: penalties, etc.

lishers of said paper, shall be received in evidence in all courts and places.

Water for  
extin-  
guishment  
of fire.

Tax for.

Proced-  
ure in  
case of  
non-agree-  
ment as to  
terms.

§ 16. The said company may furnish water to the village of Gloversville, for the purpose of extinguishing fires, upon such terms as may be agreed upon between them and the trustees of said village, and the said trustees are hereby authorized to contract with the said company for water for the purpose of extinguishing fires, constructing hydrants, fountains, and furnishing public buildings, and to levy and assess the costs thereof, annually, upon the taxable property of said village by general tax. In case the directors and trustees cannot agree on such terms, said directors or trustees may apply to the county judge of the county of Fulton, or a judge of the supreme court, upon a notice of ten days to the other party, for the appointment of three commissioners, who shall prescribe the terms upon which such water shall be furnished, and such company shall furnish water upon the terms so prescribed for the period of two years, at the expiration of which time a new commission may be applied for by the trustees or directors in their discretion, and thereafter, once in two years a like application may be made; and the said company may make any agreements, contracts, grants, 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, grants and leases shall be valid and effectual in law.

Penalty  
for willful  
injuries.

§ 17. Any person who shall willfully or maliciously destroy or injure any of the works or property of said company shall be deemed 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 the company treble damages sustained thereby, to be recovered in any court having cognizance thereof, with costs.

General  
powers.

§ 18. 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.

Liability  
of stock-  
holders.

§ 19. The stockholders of the company hereby created shall be individually liable for the payment of the debts of said company, equal to the amount of stock held by them respectively; and any stockholder who may have paid any demands against said company, either voluntarily or by compulsion, shall have a right to resort to the stockholders who were liable to contribution. No suit shall be brought against any stockholder until a demand against the company shall be returned unsatisfied, in whole or in part. Every contract to be made under this act by said company shall be in writing.

Of persons  
holding  
stock  
in trust.

§ 20. No person holding stock in said company as executor, administrator, guardian or trustee, and no person holding such stock as collateral security, shall be personally liable as stockholder of said company, but the person pledging such stock shall be considered as holding the same, and shall be liable as stockholder accordingly; and the estate and funds in the hands of such executor, administrator, guardian or trustee shall be liable in the 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 held such stock in his own name.

In case of  
increase  
of capital,  
new stock  
how ill-  
vided, &c.

§ 21. If the directors shall, at any time after the organization of 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 respectively 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 said additional stock shall be opened in the manner as provided in section three of this act; and the directors may require payment of the subscription to the said additional stock, in the same manner as provided section six of this act.

§ 22. The said corporation may borrow such sum or sums of money as may be necessary to complete said work, and for other purposes authorized by this act, in the whole not to exceed the amount of the capital stock actually paid in and expended, and for that purpose may issue and dispose of their bonds for any amount so borrowed; and the company is hereby authorized to mortgage any or all of their corporate property or privileges to secure the payment of such bonds; and the said directors may confer on the holder of any bond they may issue for any money so borrowed the right to convert the principal due thereon in stock of the corporation, at any time not exceeding five years from the date of said bond, under such regulations as the directors may see fit to adopt; and for such purpose the said corporation is authorized to increase its capital stock to the amount so borrowed, whenever the persons, or any of them, to whom such money is due, shall elect to convert the same into stock; but nothing herein contained shall be construed to authorize any increase of the capital stock of said company beyond the sum of one hundred thousand dollars.

Corporation may borrow money, issue bonds and mortgage property, to secure payment thereof.

Limitation as to increase of stock.

§ 23. This act shall take effect immediately.

## CHAP. 162.

AN ACT to incorporate the Nyack Water-works Company.

PASSED March 26, 1873; three-fifths being present.

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

SECTION 1. David J. Blauvelt, Amos L. Christie, Isaac S. Lydecker, Tunis Smith, William Voorhis, George Green, Peter Voorhis, Peter De Pew, Abram E. Smith, William E. White, Daniel D. Demarest, David D. Smith, John R. Van Houton, John H. Polhamus and all such persons as are or may be hereafter associated with them, are hereby constituted a body corporate by the name of the Nyack Water-works Company.

Corporation.

Corporate name.

§ 2. The capital stock of said company shall be fifty thousand dollars, to be divided into shares of fifty dollars each, and the capital stock may at any time hereafter be increased to one hundred thousand dollars; and the said company are empowered so to increase said capital stock upon the direction of a majority of the directors thereof; the said capital stock is hereby declared to be personal property, and as such may be assigned and transferred in such manner as said company may by its by-laws provide.

Capital stock. Increase of, etc.

§ 3. A majority of the persons mentioned in the first section of this act shall meet at such place as they may select, in the village of Nyack, in the county of Rockland, on the first Monday of June next, or such other day as they may select, giving two weeks' notice in a newspaper published 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 said capital stock shall be subscribed.

Subscriptions to stock.