

*New York Call*

L A W S  
OF THE  
STATE OF NEW-YORK,

PASSED AT THE  
SEVENTY-SIXTH SESSION  
OF THE  
LEGISLATURE.

THE REGULAR SESSION BEGUN ON THE FOURTH DAY OF JANUARY, AND ENDED  
THE THIRTEENTH DAY OF APRIL, 1858;  
AND THE SPECIAL SESSION BEGUN THE FOURTEENTH DAY OF APRIL, AND (AFTER  
A RECESS FROM THE 15<sup>TH</sup> OF APRIL TO THE 24<sup>TH</sup> OF MAY) ENDED THE  
TWENTY-FIRST DAY OF JULY, 1858, AT THE CITY OF ALBANY.

N. B.—THE LAWS PASSED AT THE SPECIAL SESSION COMMENCE ON PAGE 519.



ALBANY:

WEED, PARSONS AND COMPANY, PRINTERS.  
1853.

## Chap. 464.

### AN ACT for the relief of *Ann Eliza Goewey*.

Passed June 25, 1853.

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

§ 1. The said Ann Eliza Goewey, against whom and David Goewey her alleged husband, a judgment has lately been rendered by Henry Frazee, a justice of the peace of the county of Rensselaer, may appeal from said judgment in her own name and separately, from and without joining the said David Goewey, and without any guardian or next friend.

Authority to appeal from a certain judgment.

§ 2. This act shall take effect immediately.

## Chap. 465.

### AN ACT to incorporate the *Ithaca Water Works Company*.

Passed June 25, 1853.

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

§ 1. Henry W. Sage, Alfred Wells, Charles E. Hardy, Anson Spencer and Joseph E. Shaw, and all such persons as may hereafter be associated with them, are constituted a body corporate by the name of the Ithaca Water Works Company.

Body corporate.

§ 2. The capital stock of said company shall be forty thousand dollars, to be divided into shares of fifty dollars each, but may at any time be increased by the directors of the company, provided that such capital stock shall not be increased so as to exceed the sum of two hundred thousand dollars, which stock shall be considered personal property, and shall be assignable and transferable on the books of the company.

Capital stock.

§ 3. The person named in the first section of this act, or a majority of them, shall meet at such place as they may

Meeting to receive sub-

scriptions to  
stock.

select in the village of Ithaca, on the first Monday of June next, (or such other day as they may select), by giving two weeks notice in a newspaper 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; and in case more than the number of shares authorized by this act shall be subscribed, they shall apportion the same among the subscribers as they shall think best for the interest of the company.

Affairs of  
corporations  
to be man-  
aged by di-  
rectors.

§ 4. The affairs of said corporation shall be managed by five directors, who shall be stockholders, three of whom shall constitute a quorum for the transaction of business, and who shall hold their offices for the term of one year, and until others are chosen in their places. The first election of directors shall be held within three weeks after the capital stock is subscribed, as aforesaid, at such time and place as shall be designated by the persons named in the first section of this act. The directors shall thereafter be chosen annually in the village of Ithaca, on the first Monday of June, at such time of day and place in said village as the directors, for the time being, shall appoint. Two weeks' notice of such elections shall be given by a publication at least once a week 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 at least ten days previous to an election; and the subscribers to whom such stock is allotted shall be competent voters at the first 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 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, and for accomplishing the purposes of the corporation, not contrary to the constitution and laws of this state.

Payment of  
subscriptions.

§ 6. The directors may require payment of subscriptions to the stock at such time and in such proportions 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 time and place of such payment shall be published for four weeks previous to such

time, at least once in each week, in a newspaper published in said village.

§ 7. The persons named in the first section of this act shall be inspectors at the first election for directors. In case of vacancy in the direction, by reason of 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 shall, from time to time, appoint three persons who shall act as inspectors at the annual elections. 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 does not take place on the day appointed by this act, the corporation shall not for that cause be dissolved; but an election may be held on any other day in such manner as shall be prescribed by the directors, as provided for by the by-laws, two weeks previous notice having been given in a newspaper printed in said village.

Inspectors of elections.

§ 8. For the purpose of supplying said village of Ithaca 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, or 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 any springs, ponds, fountains or streams, and divert and convey the same or any part thereof to said village, and may lay and construct any pipes, conduits, aqueducts, wells, reservoirs or other works of machinery necessary or proper for said 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 for that purpose, leaving the said lands, streets, roads, lanes and public squares in the same condition as nearly as may be as they were before said entry.

Company may take and hold real estate.

§ 9. Before entering, taking or using any land or water for the purposes of this act, the directors of said company shall cause a survey and map of the lands intended to be taken, or entered upon, for any of said purposes, and by which the land of each owner and occupant intended to be taken and used shall be designated, and which map

Survey of land to be taken.

shall be signed by the surveyor or engineer making the same, and by the president of said company, and be filed in the office of the clerk of the county of Tompkins. The company, by any of its servants, agents or officers, may enter upon any lands for the purpose of making any examination, and of making said survey and map, doing no unnecessary damage.

In case of disagreement with owners, supreme court may appoint commissioners.

§ 10. In case the said company cannot agree with the said owners or 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 any term or session thereof, held in the sixth judicial district, or to the county court of the county of Tompkins, 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 waters 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 court may appoint others in their places. The commissioners shall cause a notice of at least twenty days from the time and place of their meeting to be served upon such of the owners of said land 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 of said owner to act, then upon serving notice in like manner upon his guardian or person appointed to act for him as hereinafter directed; and in case any of said owners cannot be found in the state, such notice shall be given to them by publishing the same for six weeks successively in a newspaper published in said village; and if any of said owners be married women, insane, infants or idiots, the said 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 they or any one of them may administer the usual oath to such witness. 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 be filed of record. The company shall pay to each commissioner the sum of three dollars per day for every day necessarily spent by

Compensation to commissioners.

him in the performance of his duties under this act, and to each witness sworn and testifying, or if not sworn, who the commissioners shall certify were properly and necessarily subpoenaed, the sum of fifty cents per day, and four cents per mile traveling, if living more than three miles from the place of meeting.

§ 11. The said company, or any party to the proceedings of the said commissioners, may appeal to either the supreme court or county court, from any award or determination of the commissioners, provided the party appealing shall, within twenty days after such award or determination shall be made, give written notice of the appeal to the other party or parties interested in the same; and the said court shall, upon the report of the commissioners and upon additional testimony to be taken by them, if they deem the same to be necessary, hear the said appeal, and may confirm the proceedings of the commissioners, or may increase or diminish the amount of compensation awarded by said commissioners; and if their proceedings in any case have been irregular, the court may set the same aside and order new proceedings and appraisements; and the said court may make such orders in reference to the proceedings of the commissioners and of notice 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.

§ 12. Upon the payment or legal tender of the compensation awarded by said commissioners, or in case of appeal by said court, the said company shall be entitled to enter upon, for the purposes contemplated in this act, all the lands, waters and real estate for which the said compensation shall be paid or tendered as aforesaid, and to hold and use the same 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, cannot be found, or shall refuse to receive the sum awarded him, then the payment may be made by depositing the amount of said award to the credit of said person in such bank or banks as may be appointed by said court; a certificate of such deposit signed by the cashier of the bank shall be published by said company in a newspaper in the village of Ithaca, for four weeks successively, immediately after said deposit. If the person to whom a 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

Appeal from  
award of  
commis-  
sioners.

Time when  
company  
may enter  
upon lands.

Persons to  
whom com-  
pensation  
shall be  
awarded.

the said court; and if said guardian or person cannot be found, or shall refuse the same, then by deposit as aforesaid.

Company to further take and hold real estate.

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

Laying pipes and conduits.

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

Rules and regulations concerning use of water.

§ 15. The directors of said company may establish rules and regulations for and concerning the use of water from their works, so as to preserve the same from impurity or 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 penalties may be recovered from the person or persons violating said rules with costs, in the name of the company, before any justice of the peace of said village; said rules and regulations shall be published for three weeks successively, in a paper published in said village; and a copy of said rules and regulations, certified by the president or secretary of said company, with affidavits of such publication of the same, made by any one of the publishers of said paper, or by a foreman in their office, shall be received as evidence in the trial of all such cases.

Water for fires.

§ 16. Said company shall furnish water to the trustees of said village for extinguishing fires, upon such terms as may be agreed upon between said trustees and the company, and in case they cannot agree, either said trustees or said company may apply to the supreme court or county court, as provided in section ten of this act, for the appointment of three commissioners, who shall prescribe the terms upon which water shall be furnished, and said company shall furnish water upon the terms so prescribed, for the term of three years, at the expiration of which time a new commission may be applied for by either the trustees or the company, and thereafter, once in three years, a like application may be made. The company may make any agreements, contracts, grants or leases, for the sale, use and distribution of water, that may be agreed upon between said company and any individuals, associations or corporations; which agreements, contracts, grants or leases, shall be valid and effectual in law.

Company may contract for use of water.

§ 17. Any person who shall maliciously or wilfully destroy or injure any of the works or property of said company, or who shall maliciously or wilfully commit any act which shall injuriously affect or tend thus to affect the water of said company, shall be 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 the damages sustained thereby, to be recovered in any court having cognizance thereof, with cost.

Penalty for  
injuring  
works of  
company.

§ 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.

General  
powers of  
company.

§ 19. 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 fixed and limited by the directors shall be paid in.

Liability of  
stock-  
holders.

§ 20. No person holding stock in said company as executor, administrator, guardian or trustee, and no person holding such stocks 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 held the stock in his own name. Every such executor, administrator, guardian or trustee, shall represent the shares of stock held by him or her, as administrator, guardian or trustee, at all meetings of the company, and may vote thereon as a stockholder.

Executors or  
administra-  
tors not to be  
personally  
liable as  
stockhold-  
er.

§ 21. No stockholder shall be personally liable for the payment of any debt contracted for said company, which is not to be paid within one year from the time the debt is contracted, nor unless a suit for the collection of said debt shall be brought against said company within one year after the debt shall become due; and no suit shall be brought against any stockholder who shall cease to be a stockholder in said company, for any debt so contracted, unless the same shall be commenced within two years from the time he shall have ceased to be a stockholder in said company; nor shall any suit be brought against any stock-

Stockhold-  
ers not to be  
personally  
liable.



holder until an execution against the company shall be returned unsatisfied in whole or in part.

Corporation  
may borrow  
money.

§ 22. The said corporation may borrow, from time to time, such sum or sums of money as may be necessary to complete the works authorized by this act, in the whole not to exceed three-fourths of the amount of capital stock actually paid in, and may issue and dispose of their bonds for any amount so borrowed, and are hereby authorized to mortgage any part of their corporate property and 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 principle due thereon into stock of said company, 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 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 an increase of stock of said company beyond the sum of two hundred thousand dollars.

§ 23. This act shall take effect immediately.

## Chap. 466.

AN ACT to provide for the incorporation of fire insurance companies.

Passed June 25, 1853.

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

Corporations  
may be  
formed.

§ 1. Any number of persons, not less than thirteen, may associate and form an incorporated company for the following purposes, to wit:

To make insurance on dwelling houses, stores and all kinds of buildings, and upon household furniture and other property, against loss or damage by fire, and the risks of inland navigation and transportation.

To effect re-  
insurance.

§ 2. Any company organized under this act, shall have power to effect re-insurance of any risks taken by them respectively.