

L A W S

OF THE

STATE OF NEW YORK,

PASSED AT THE

ONE HUNDRED AND ELEVENTH SESSION

OF THE

LEGISLATURE,

BEGUN JANUARY FOURTH, AND ENDED MAY ELEVENTH, 1888,
ALSO, LAWS PASSED AT EXTRAORDINARY SESSION, JULY SEVENTEENTH TO
TWENTIETH, 1888, IN THE CITY OF ALBANY.



ALBANY :
BANKS & BROTHERS, PUBLISHERS.
1888.

Chap. 559.

AN ACT to authorize George H. Lounsbury to construct a bridge over the westerly branch of the creek in the village of Port Chester, in the county of Westchester.

APPROVED by the Governor June 9, 1888. Passed, three-fifths being present.

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

SECTION 1. George H. Lounsbury is hereby authorized and empowered to construct and build at his own expense, a bridge, not less than twelve feet long and not less than eighteen feet wide, over the westerly branch of the creek near the mouth of the Bulkley Brook in the village of Port Chester on the line of the drift way running from the road leading to Lyons Point, to the creek.

§ 2. This act shall take effect immediately.

Chap. 560.

AN ACT to authorize the use of sand upon tracks of street surface railroads in cities of this State having a population of five hundred thousand or more.

APPROVED by the Governor June 9, 1888. Passed, three-fifths being present.

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

SECTION 1. After the passage of this act it shall be lawful for the owner or operator of any horse or surface street railroad in cities of this State having a population of five hundred thousand or more to place upon the space between the tracks of said road, sand in sufficient limited quantities to prevent the horses traveling thereon from slipping.

§ 2. All acts or parts of acts inconsistent with the provisions of this act are hereby repealed.

§ 3. This act shall take effect immediately.

Chap. 561.

AN ACT to incorporate the Lewiston Water Supply Company, in Niagara county New York.

APPROVED by the Governor June 9, 1888. Passed, three-fifths being present.

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

SECTION 1. Henry Altman, Philo D. Beard, Thomas P. Ramsdell, Robert O. Fulton, Peter A. Porter, Albert G. Hatch and Wilbur E. Houpt and all such other persons as they may associate with them under the provisions of this act, shall be and hereby are constituted a

Use of
sand on
R. R.
tracks in
Brooklyn
and N. Y.
city.

Repeal.

Corpora-
tors.

body corporate by the name of the Lewiston Water Supply Company. Corporate name and location.
 The principal office of said company shall be in the village of Lewiston of this State.

§ 2. The capital stock of said company shall be fixed by the directors thereof, not exceeding the sum of five millions of dollars, and shall be divided into shares of one hundred dollars each. Capital stock.

§ 3. The purposes for which said company is incorporated are the supplying pure and wholesome water to the village of Lewiston and the inhabitants thereof and to any other of the villages, towns, or cities which now are, or hereafter may be in the towns of Niagara and Lewiston in the county of Niagara and the inhabitants thereof, and the accumulating, conducting, storing, selling, leasing, furnishing and supplying water for fire, sanitary, municipal, domestic, commercial, manufacturing, or agricultural purposes. Objects and purposes.

§ 4. The persons named in section first of this act shall be the first directors of said company, each director shall be a stockholder of the company and shall hold his office until his successor is chosen. In case of a vacancy in the office of director by death, resignation or ceasing to be a stockholder, such vacancy may be filled by the board of directors. The first election of directors under this act shall be held on the first Tuesday of June, eighteen hundred and eighty-nine, and on the same day in each year thereafter at the company's office in Lewiston, upon a notice therefor to the stockholders, published for three successive weeks next preceding the day of such election, in any newspaper published in the county of Niagara, and a copy thereof shall be mailed to each stockholder at least three weeks previous to such meeting addressed to him at his last known place of residence. Each stockholder personally, or by proxy, shall be entitled to one vote for each share of stock held by him thirty days previous to the date of such election. First directors. Vacancies, how filled. First election, notice thereof.

§ 5. There shall be seven directors of this company, who shall elect such officers, including a president, secretary and treasurer and appoint such agents as they may deem necessary, as soon after the passage of this act as can reasonably be done. Said directors shall meet and elect the officers aforesaid and determine the amount of capital stock and shall make duplicate certificates, showing the names and residences of the stockholders and the amount of capital stock and shall immediately file one of these in the office of the Secretary of State and the other in the office of the clerk of Niagara county. Board of directors and officers. Capital stock, how fixed, and certificate thereof filed.

§ 6. The directors shall have power to make by-laws and rules consistent with the laws of the State for the government of said company and the management of its business and property and may require from the stockholders payment of all moneys by them subscribed at such times and in such proportions as they deem proper under the penalty of a forfeiture of their respective shares and all payments thereon. By-laws.

§ 7. Said company may for all the purposes of its incorporation heretofore expressed, take water from the Niagara river at such points between Cayuga creek and the east line of lot forty-six, 'Mile Reserve,' so called as may be most convenient and may intercept and divert the flow of waters from the lands of riparian owners and from persons owning, or interested in waters, which may be necessary for the purposes of said company and prevent the flow of impure water, or matter, from the lands of others into any canal or reservoir, or other work of said company, and may discharge water into the Niagara river at such points adjacent to the town of Lewiston, as it may select, Right to take water from Niagara river. May prevent impure drainage. Discharge of water into river.

Erection of canals, locks, etc. and may build, erect, construct, dig and lay any canals, race-ways, ditches, locks, piers, inlet-piers, cribs, bulk-heads, dams, gates, sluices, reservoirs, aqueducts, tunnels, conduits, pipes, culverts, or other works, machinery, or buildings of every kind and description whatsoever, that may be necessary and convenient for any of its purposes.

Right to enter upon streets, public grounds, etc. § 8. Said company may enter upon and use the ground under any street, highway, road, railroad, land or public ground in said two towns for any of its purposes aforesaid and may change, when necessary, the location, or surface grade of any street, highway or road and such right shall be continuous for such purposes, including the repairing, altering, or extending its works, provided, however, where the open canals, or other open works of said company shall cross any street, highway, road, public ground, or railroad land, said company shall construct and at all times thereafter maintain suitable and proper bridges of such kind as it may select, over its said works and in cases where its pipes, tunnels or other covered work shall be laid under the surface of any road, street, highway, public ground, or railroad land, the surface thereof shall be made and kept suitable for public travel and as nearly as may be as it was before said work was done.

Erection of bridges over open canals. § 9. The said company may acquire title to land for the purposes hereinbefore specified in the same manner specified and required in any by the act entitled "An act to authorize the formation of railroad corporations, and to regulate the same," passed April second, eighteen hundred and fifty, and the acts amendatory thereof and supplementary thereto, so far as the same are applicable, and may construct, operate and maintain its said canal, conduits or sewers, for the purposes of said company as hereinbefore specified, and in the case of pipes or tunnels under the waters of the Niagara river, provided they are so laid or built so as not to interfere with the navigation of the same.

Pipes, how laid. § 10. Said company shall possess the general powers and privileges and be subject to the liabilities and restrictions contained in title third, chapter eighteen of the first part of the Revised Statutes, and the provisions of section six, article first, title two, chapter thirteen of the first part of the Revised Statutes, shall apply to the same.

Pipes, etc. not to interfere with navigation. General powers and liabilities. § 11. The stockholders of said company shall be severally individually liable to an amount equal to the amount of the stock held by each of them respectively for all debts and liabilities of the company until the whole amount of the capital stock so held by said stockholders respectively shall have been paid in, and a certificate, or certificates showing such payments shall have been filed in the office of the county clerk of Niagara county. The president and a majority of the trustees within thirty days after the payment of the last installment of the capital stock shall make a certificate, stating the amount of capital stock so fixed and paid in, which certificate shall be signed and sworn to by the president and a majority of the trustees, and they shall within thirty days, record the same in the office of the clerk of Niagara county.

Liability of stockholders. § 12. The stockholders of said company shall be jointly and severally individually liable for all debts that may be due and owing to all their laborers, servants and apprentices for services performed for said company.

Certificate of full payment of capital, how recorded. § 13. Books of subscription for the capital stock of the corporation shall be opened under the direction of the trustees hereinafter named, subject to such rules and regulations as they shall prescribe, and the stock shall be considered personal property, and shall be assignable

Liability for laborers' wages. Subscriptions to capital.

and transferable on the books of the company. And the trustees of such company may purchase lands, interest in lands, and other property necessary for their business and issue shares of the capital stock in payment thereof to the amount of the value of such property, and the stock so issued shall be declared and taken to be full paid stock and not liable to any further calls, and the holders thereof shall only be subject to the same liabilities and have the same rights as other holders of full paid stock in said company. But in all statements and reports of the company to be published this stock shall not be stated or reported as being issued for cash paid into the company, which shall be reported in this respect according to the fact.

Issue of stock in payment for property.

§ 14. Said company shall annually, within twenty days from the first day of January, make a report which shall be published in some newspaper published in the town or village where the business of said company is carried on, which shall state the amount of capital and of the portion actually paid in and the amount of its existing debts, which report shall be signed by the president and a majority of the trustees and shall be verified by the oath of the president or secretary of said company and filed in the office of the clerk of the county of Niagara; and if said company shall fail so to do, all the trustees of the company shall be jointly and severally liable for all the debts of the company then existing, and for all that shall be contracted before such report shall be made.

Annual report, how published.

Report, how executed and filed.

Liability of trustees for failing to file same.

§ 15. Said company shall have power to borrow money for the construction of its work; and to issue bonds and mortgage its property and franchises to secure payment of the same; and may from time to time increase or diminish its capital stock to any amount not in excess of the limit fixed by section two of this act, which the directors may deem sufficient and proper for the purposes of the company by an affirmative vote of stockholders owning not less than two-thirds of the capital stock then subscribed for, at any meeting of the stockholders duly called, and the signing and acknowledging before some competent officer by stockholders owning not less than two-thirds of the stock as aforesaid of duplicate certificates showing the amount of the capital stock of the company, the amount to which it is to be increased or diminished and the amount of the capital stock owned by each of the persons signing the certificates; one of said duplicates shall be filed in the office of said county clerk and the other in the office of the Secretary of State and when so filed the capital stock shall be increased or diminished to the amount specified in such certificates; provided, however, that if the amount of the debts and liabilities of the company exceed the amount to which it is purposed to reduce the capital stock, such amount of debts and liabilities shall be satisfied and reduced until it shall not exceed such diminished amount of the capital stock; and until the debts and liabilities are actually and in good faith so reduced, such proceedings for the diminution of the capital stock shall be void and of no effect.

Power to borrow money and issue bonds, or mortgage franchise, etc. Increase or diminution of capital.

Certificates thereof, how filed.

Proviso.

§ 16. If the work of said company be not actually and in good faith commenced within five years from and after the date of the passage of this act the corporate powers hereby granted shall cease and determine.

Work to begin within five years.

§ 17. The corporate existence of the company shall be fifty years.

Corporate existence.

§ 18. This act shall take effect immediately.