

L A W S
OF THE
STATE OF NEW YORK

PASSED AT THE
ONE HUNDRED AND FOURTEENTH SESSION

OF THE
LEGISLATURE,

BEGUN JANUARY SIXTH, 1891, AND ENDED APRIL THIRTIETH, 1891,
IN THE CITY OF ALBANY.



ALBANY:
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1891.

CHAP. 259.

AN ACT to incorporate the Niagara County Irrigation and Water Supply Company.

APPROVED by the Governor April 25, 1891. Passed, three-fifths being present.

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

SECTION 1. John Fleming, Willard Hopkins, Eugene Murphy, Eugene K. Sage, George P. Eddy, Galen Miller, Frederick W. Bartlett, Richard Armstrong, Thomas C. Robinette and such other persons as they may associate with them under the provisions of this act are hereby constituted a corporation by the name of "The Niagara County Irrigation and Water Supply Company." The principal office of said corporation shall be in the village of Lewiston, in the county of Niagara in this state.

Corporators.

Corporate name and location.

§ 2. The capital stock of said corporation shall be fixed by the directors thereof not to exceed the sum of five million dollars, and shall be divided into shares of one hundred dollars each. Such capital stock may be increased not to exceed the sum specified or diminished as the necessities of the corporation may require.

Capital stock.

§ 3. The purposes for which said corporation is incorporated are the construction and maintenance of a public water-way from a point in the Niagara river between the west bank of Cayuga creek and the east line of lot seventy-one of the Mile Reserve, so called, as may be most convenient, which water-way may be constructed as a canal, ditch or tunnel as shall be necessary and convenient for the proper operation thereof and the uses for which it is constructed. The supplying from said waterway and conduits, ditches, canals, tunnels and pipes leading therefrom of pure and wholesome water to the village of Lewiston and the inhabitants thereof, and to any other city or village now or hereafter located in the towns of Niagara, Lewiston or Porter in the county of Niagara, and the inhabitants thereof. The storage, accumulation, conduct, supply, lease and sale of water for fire, sanitary, municipal, mechanical, mercantile, manufacturing, domestic, commercial or agricultural purposes including the purpose of irrigation.

Objects and purposes.

§ 4. Said corporation may, for the purposes of its corporation, take water from the Niagara river between the points hereinbefore specified, and may discharge such water into the Niagara river at such points within or adjacent to the towns of Lewiston or Porter as it may select. It may intercept and divert the flow of water from the lands of riparian owners and from persons owning or interested in waters which may be necessary for the purposes of said corporation, and prevent the flow of impure water or matter from the lands of other persons or corporations into any canal, ditch, conduit, reservoir or other work of said corporation. It may build, erect, construct, dig and lay any canals, raceways, ditches, locks, piers, inlet piers, cribs, bulkheads, 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 take water from river, etc.

Diversion of flow of waters.

Impure drainage.

Erection of canals, works, etc.

§ 5. Said corporation may enter upon and use the ground under any street, highway, road, railroad land or public ground in the towns

Right to enter upon streets.

- public lands, etc. within which its operations are carried on 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 continued for such purposes; provided further, that where the open canals or other open works of said corporation shall cross any street, highway, public road or ground, or railroad lands, said corporation shall construct and maintain suitable and proper bridges over its said works, and provided further that the power herein granted shall not be construed as permission to cross, intersect or infringe on the state reservation at Niagara. And in case said corporation can not agree with any railroad corporation whose road or lands it shall be proper or necessary to cross with its canals, raceways, or other works, upon the amount of compensation to be made therefor, or the point or manner of crossing, the same shall be determined in the mode provided for determining the manner of the crossing or intersecting of one railroad by another railroad, in and by the railroad law, being chapter five hundred and sixty-five of the laws of eighteen hundred and ninety.
- Bridges over open works.**
- Proviso as to state reservation.**
- Proceeding in case of disagreement with railroad companies.**
- Title to lands, how acquired.**
- Pipes, etc., not to interfere with navigation.**
- General powers and liabilities.**
- Directors.**
- By-laws.**
- Capital stock, how fixed.**
- Subscriptions to capital.**
- Liability of stockholders.**
- § 6. Said corporation may acquire title to such lands as may be necessary for the construction and maintenance of its canals and other works, and for the purposes of its incorporation, and for such purpose is vested with the right of eminent domain and with the general powers and privileges, and subject to the restrictions and liabilities contained in the railroad law aforesaid, and may construct, operate and maintain its said canals and other works for the purposes of said corporation as hereinbefore specified, provided that in case of pipes or tunnels under the waters of the Niagara river they are so laid and constructed as not to interfere with the navigation of said river.
- § 7. Said corporation shall possess the powers and privileges, be subject to the restrictions and liabilities contained in and be regulated by the following statutes so far as the same are applicable, to wit: The general corporation law, being chapter five hundred and sixty-three, laws of eighteen hundred and ninety; the stock corporation law, being chapter five hundred and sixty-four, laws of eighteen hundred and ninety; article seven of the transportation corporations law, being chapter five hundred and sixty-six of the laws of eighteen hundred and ninety.
- § 8. The number of directors of said corporation shall be nine. The persons named in section one of this act shall be the first directors of said corporation and shall hold their offices for one year and until their successors are elected and qualified. They shall have power to adopt by-laws for said corporation consistent with the laws of this state which shall continue in force until amended or altered by said corporation. As soon after the passage of this act as shall be practicable said directors shall meet, adopt said by-laws, elect such officers as shall be therein provided, determine the amount of capital stock and make duplicate certificates showing the amount thereof, and within ten days thereafter file one of said certificates in the office of the secretary of state and one in the office of the clerk of the county of Niagara.
- § 9. Books of subscription for the capital stock of said corporation shall be opened under the direction of and subject to such regulations as may be prescribed by the directors: The stockholders of said corporation shall be severally individually liable, to an amount equal to the amount of stock held by each of them respectively until the whole amount of the capital stock so held by them respectively shall have been paid in and a certificate showing such payment filed as herein-

after provided. The president and a majority of the directors shall within thirty days after the payment of the last installment of capital stock make a certificate in duplicate signed and verified by each of them respectively stating the amount of capital stock so fixed and paid in and shall within ten days thereafter file said certificate in the office of the secretary of state and the office of the clerk of the county of Niagara.

Certificate of full payment of capital.

§ 10. If the work of said corporation is not actually and in good faith begun within five years from and after the date and of the passage of this act, its corporate rights and powers shall cease and determine.

Work to begin within five years.

§ 11. The duration of said corporation shall be fifty years.

Duration of corporation.

§ 12. This act shall take effect the first day of May, eighteen hundred and ninety-one.

CHAP. 260.

AN ACT to establish a hospital in and for the city of Cohoes, and to provide for the erection, government and maintenance thereof.

APPROVED by the Governor April 25, 1891. Passed, three-fifths being present.

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

SECTION 1. Ten days after the passage of this act the mayor of the city of Cohoes, by and with the advice and consent of the common council thereof, is hereby authorized to appoint eight citizens of said city four of which shall be chosen from each of the two principal political parties into which the citizens thereof are divided, two of whom shall be appointed for one year, two for two years, two for three years, and two for four years, and who shall constitute a commission with power and authority by this act to select a site in the city of Cohoes in the county of Albany, for the erection of a hospital, at which shall be received such persons as may require medical or surgical advice, aid or treatment, and where medicines may be provided and dispensed for their benefit, and where they may receive all necessary care and suitable medical and surgical treatment; and to do all things necessary in, pertaining to, and as now performed at other like institutions now existing. Nominations of commissioners made by the mayor of said city under provisions of this act unless rejected by the common council within thirty days after the names of said proposed commissioners are sent to it shall stand confirmed.

Commissioners appointed of.

Nominations, when confirmed.

§ 2. After such site has been selected as aforesaid, the said commissioners are empowered by this act to take such property by purchase in the name of the city of Cohoes, after the city attorney shall have approved the validity of the title to the same. It is hereby made the duty of said city attorney to approve of such title whenever competent proof of valid title shall be presented to him.

Acquisition of property.

§ 3. The management and control of said hospital shall be under the direction of said commissioners.

Control of hospital.

§ 4. The said commissioners are hereby authorized to procure plans and estimates for the erection and to erect the necessary building or buildings of said hospital by contract, at a cost not to exceed the sum of twenty thousand dollars.

Erection of same.

§ 5. The common council of the city of Cohoes is hereby authorized, Certificates