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# L A W S <sup>c</sup>

OF THE

## STATE OF NEW YORK,

PASSED AT THE

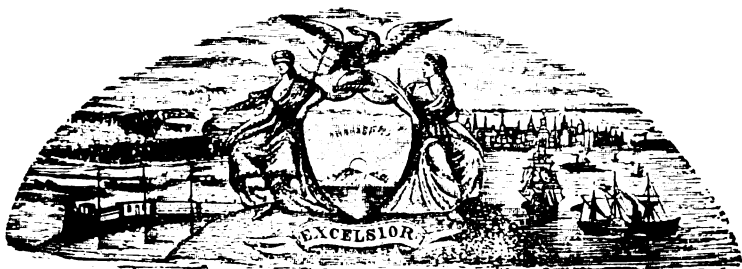
1437

### EIGHTY-SEVENTH SESSION

OF THE

### LEGISLATURE,

BEGUN JANUARY FIFTH, AND ENDED APRIL TWENTY-THIRD,  
1864, IN THE CITY OF ALBANY.



ALBANY :

VAN BENTHUYSEN'S STEAM PRINTING HOUSE.

1864.



as the highway tax is now levied and collected; and one hundred and forty thousand dollars of the said tax shall be levied and collected in the same manner as the taxes are now levied and collected for the payment of the contingent debt. And money raised by virtue of this act shall be applied for the purposes herein specified, and for none other.

Redemption of bonds.

§ 3. The said mayor, recorder, aldermen and commonalty shall, in the manner provided in the second section of this act, raise by tax, in such year in which the bonds which are authorized to be issued under this act shall become payable, a sufficient sum of money to pay the bonds due in that year; and such money shall be applied for that purpose only.

§ 4. This act shall take effect immediately.

## Chap. 451.

### AN ACT to incorporate the Long Island City Water Company.

Passed April 30, 1864; three-fifths being present..

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

Incorporation.

SECTION 1. William Nelson, Charles Ely, Henry S. Anable, Charles H. Rogers, Francis Pidgeon, James M. Waterbury, William Hart, and all such persons as are, or may hereafter be associated with them, are hereby constituted a body corporate by the name of the Long Island city Water Company.

Capital stock.

§ 2. The capital stock of said company shall be twenty thousand dollars to be divided into shares of fifty dollars each, and the said company are hereby empowered to increase their capital stock at any time, not to exceed one hundred and fifty thousand dollars.

Subscriptions.

§ 3. Books of subscription for the capital stock of said corporation shall be opened under the direction of the persons named in the first section of this act, subject to such rules and regulations as they shall pre-

scribe, and the stock shall be considered personal property and shall be assignable and transferable on the books of the company.

§ 4. The business of said corporation shall be managed by seven directors, who shall be stockholders, and who shall hold their offices for one year or until others are chosen in their places. The directors shall be chosen annually on the first Wednesday in May at such time of day and place in Long Island city as the directors may appoint. The first election shall be held on the first Wednesday of May, one thousand eight hundred and sixty-four. Notice of such election shall be given by publication at least once in each week for two successive weeks previous to such election, in one newspaper published in Queens county nearest to the office of said company; each stockholder shall be entitled to one vote upon each share of stock held by him or her; voting shall be by ballot and may be in person or by proxy.

Directors.

Elections;  
notice of.

§ 5. The directors shall annually elect a president, treasurer and secretary, 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 the accomplishing the purposes of the corporation, not inconsistent with the provisions of this act, and laws of this State.

Officers.

§ 6. The directors may require payments of subscriptions to the stock at such times and in such proportions as they may see fit, under the penalty of forfeiting all stock and previous payments thereon, and they may sue for and recover all such subscriptions. Notice of the time and place of said payments shall be left at the residence or place of business of each stockholder at least one week previous to the time of payment.

Payment  
of sub-  
scriptions.

§ 7. The persons named in the first section of this act shall be the first directors, and shall hold their offices until the first Wednesday of May, one thousand eight hundred and sixty-four, and until others are chosen in their places, and in case of vacancy in the directors from any cause it may be filled by the remaining

Inspectors  
of elec-  
tion.

Appoint-  
ments.

directors until the next annual election. The directors herein named may appoint three persons to be inspectors at the first election, and annually thereafter the directors shall appoint three persons to be inspectors of election at each annual meeting, any two of whom may hold the election. The directors shall have power to remove all officers appointed by them and appoint others in their places and fill all vacancies in the offices. If an election of directors shall 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 another day by the directors giving the same notice required in section four of this act.

Vacancies.

Corpora-  
tion may  
hold real  
estate,  
take wa-  
ter, and  
furnish the  
same  
through  
pipes.

§ 8. For the purpose of supplying said Long Island city and its neighborhood with pure water, the said company may purchase, take and hold any real estate in Queens county, and by their directors, agents 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 ponds, springs, rivers, streams or lakes in said county not owned or used by the city of Brooklyn, and may divert and convey the same to the said Long Island City, and may lay, construct and repair pipes, conduits, aqueducts, reservoirs or other works and machinery necessary or proper for said purpose, upon any lands so entered upon, purchased, taken or held and may, as aforesaid, enter upon any lands, streets, highways, roads, lanes and squares in Queens county, first obtaining consent of the local authorities thereof, leaving the said lands, streets, highways, roads, lanes and public squares in the same condition as nearly as may be as they were before said entry.

Survey  
and map of  
lands.

§ 9. Before entering, taking or using any land for the purpose of this act, the directors of this company shall cause a survey and map 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 or 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 Queens 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 damages.

§ 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 judge of the county of Queens 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 judge may appoint others in their places. The commissioners shall cause a notice of at least twenty days, of the time and place of meeting, to be served upon such of the 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 hereinafter 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 in a newspaper published in Queens county nearest the office of said company. And if any of said owners shall be married women, insane, infants or idiots, the judge shall appoint some suitable person to attend in their behalf before said commissioners and take care of their interests in the premises. The commissioners may issue subpoenas to compel the attendance of witnesses to testify before them, and they may administer the usual oaths to such witnesses. They shall make a written report of all their proceedings within ten days after the hearing before them, showing the sum awarded to each owner, or any other person, and return the same to the said judge to be filed and recorded in a book of deeds in Queens county clerk's

Commissioners to assess damages.

Notice to owners.

Guardianship for incompetent persons.

Report of commissioners; fees.

office. The company shall pay to each commissioner the sum of three dollars per day for each day necessarily spent by him in the performance of his duties under this act, and to each witness sworn and testifying who the commissioners shall certify were properly subpoenaed the same fees as allowed in a court of record.

Appeal  
from re-  
port of  
commis-  
sioners.

§ 11. The said company, or any party to the proceedings, may appeal from any award or determination, provided the party appealing shall, within ten days after such award or determination shall be made, serve notice thereof in writing to the other parties interested, and thereupon the said judge shall, upon the report of the commissioners and upon the additional testimony to be taken by them, if he deems the same to be necessary, proceed to hear said appeals, and may confirm the proceedings of the commissioners in whole or 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 judge may set the same aside and order new proceedings and appraisement, and the said judge 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.

Action of  
court.

When cor-  
poration  
may enter  
upon lands.

§ 12. Upon the payment or legal tender of the compensation awarded by the said commissioners or (in case of an appeal) by the said judge, 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, and to hold and use the same for the 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 to receive the sum awarded him, then the said payment may be made by depositing the same to the credit of said person in such bank as may be designated by said judge. If the person to whom compensation is awarded or who is entitled to receive the same, as aforesaid, be

Deposit  
of awards  
for per-  
sons who  
refuse to  
receive  
same, and  
for incom-  
petent per-  
sons.

under legal disability, as aforesaid, payment may be made to his guardian or person appointed, as aforesaid, by said judge, and if said guardian or person appointed, cannot be found by them, by depositing in bank as aforesaid.

§ 13. The 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, to them and their successors forever.

§ 14. The said water company shall establish a scale of annual rents for the supply of the water adapted to the different classes of building in said Long Island city and its neighborhood, with reference to their dimensions, value, exposure to fires, their ordinary use for dwellings, stores, shops, private or other stables, or other common purposes, number of families or other occupants, or probable consumption of water, as near as may be practicable, and may change said scale, from time to time, and also extend it to other descriptions of buildings, occupants and uses; such rent shall be collected from the owners and occupants of all such buildings, respectively, which shall be situated upon lots adjoining any street, avenue, lane, or court in said Long Island city and its neighborhood, in which the distributing water pipes shall have been laid, and from which they can be supplied with water; they may also establish rates to be collected from any vacant lot situated upon any street, avenue, lane, alley, or court, through or into which distributing pipes shall have been laid; said regular rates together with all interest that may accrue thereon, shall be a lien upon such houses and lots respectively. Hotels, factories, stables, livery stables, and other buildings and establishments which shall consume extra quantities of water, and steamboats and shipping may be charged extra rates to be established in like manner as the regular rent.

Scale of  
water  
rents.

§ 15. Such rents as shall remain unpaid for thirty days after they are payable, shall be subject to an additional charge of one per cent. a month until paid, and such additional charge shall be a lien upon the premises.

Rents a  
lien upon  
premises.

§ 16. All taxes and rents authorized by this act to be imposed, shall be a lien upon the premises on which they are charged, and may be collected of either the owner or occupants; such lien may be enforced according to existing laws for the collection of taxes in Queens county.

Penalty for destroying or injuring works of company.

§ 17. Any person who shall wilfully 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 forfeit and pay to the company treble the damage sustained thereby, to be recovered in any court having cognizance thereof, with costs.

§ 18. The corporation hereby created shall possess the power and be subject to the provision 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.

Increase of capital stock.

§ 19. If the directors shall, at any time, after the organization of said company, determine to increase the capital stock, as herein provided, the books of subscription for said additional stock, shall be opened in the same manner as provided in section three of this act, and the said directors may require payment of the subscription to the said additional stock, in the same manner as provided in section six of this act.

§ 20. This act shall take effect immediately.