

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.

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.

Directors, quorum, etc.  
 When to be chosen.  
 First election.  
 Officers.  
 By-laws, etc.  
 Payment for stock.  
 Notice of time and place of payment.  
 First directors.  
 Vacancies, how filled.  
 Inspectors of election.  
 Removals from office.  
 Failure to hold election, not to dissolve corporation.  
 Company may purchase, take and hold real estate, etc.

§ 4. The concerns of said corporation shall be managed by seven directors who shall be stockholders in said corporation, four of whom shall constitute a quorum for the transaction of business, and who shall hold their office for one year, and until others are chosen in their places. The directors shall be chosen annually in the town of Orangetown, county of Rockland, on the first Monday of June, at such time of day and place as the directors may appoint. The first election shall be held on the first Monday of June, eighteen hundred and seventy-three; two weeks' notice of such election shall be given by a publication at least once in each week, for two weeks consecutively, in a newspaper published in said town. Each stockholder shall be entitled to one vote on each share of stock held by him or her for at least ten days previous to an election. Voting shall be by ballot, and may be in person or by proxy.

§ 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, not contrary to the laws and constitution of the State of New York.

§ 6. The directors may require payment of subscriptions to the stock at such times and in such portions 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 the time and place of the payment of all subscriptions shall be published, for two weeks previous to said time, at least once in each week, in a newspaper published in said town, or by notice in writing, served personally upon each subscriber to such stock, at least two weeks prior to said time of payment.

§ 7. The persons mentioned in the first section of this act shall be the first directors of said corporation, and shall hold their offices until the first Monday in June, eighteen hundred and seventy-three, and until others are chosen in their places; and in case of vacancy in the direction, by reason of death or resignation of any director, or by ceasing to be a stockholder, it may be filled by the remaining directors, until the next annual election, or until some other person may be elected to fill the place. The directors herein named may appoint three persons, who shall be stockholders, to be inspectors of election, at the first election of directors, after which the stockholders shall choose three such inspectors at the annual election. If no inspectors shall be chosen at any annual election, the directors may appoint them from time to time. The directors may remove all officers appointed by them, and appoint others in their places, and fill all vacancies in office. If, at any time, an election of directors does not take place on the day appointed by this act, the corporation shall not, in that case, be dissolved, but an election may be held on any other day, in such manner as shall be prescribed by the directors, or provided for by the by-laws, by giving two weeks' previous notice thereof, in all the newspapers published in said town.

§ 8. For the purpose of supplying the inhabitants of the towns of Orangetown and Clarkstown, in the county of Rockland, and particularly the village of Nyack, situate in said towns, with pure and wholesome water, the said company may purchase any real estate necessary for that purpose, and by their directors, agents, servants or other persons employed may enter upon the lands so purchased and which may be necessary for said purpose, and may take the waters from any

springs, ponds, fountains or streams thereon and convert and convey the same to and into and throughout said towns and village, and may lay and construct any pipes, conduits, aqueducts, wells, reservoirs or other works or machinery necessary and proper for said purpose upon any lands so purchased; and 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 out and construct any pipes, conduits, aqueducts or other works for that purpose, leaving the said lands, streets, highways, roads, lanes and public squares in the same condition, or as nearly as may be, as they were before said entry; but the said company shall not, within the said bounds of said towns or village, lay and construct said pipes, conduits, aqueducts or other work through any private garden, court yard or building lot without the written consent of the owners thereof.

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

§ 9. In laying conduits or aqueducts, or constructing or erecting works in the highways, roads, streets, lanes or public squares in either of said towns of Orangetown or Clarkstown, and in the village of Nyack, the said company shall conform to such reasonable regulations as a majority of the commissioners of highways of said respective towns may prescribe; and said highway commissioners are hereby authorized to make such regulations.

To conform to regulations of commissioners of highways.

§ 10. The directors of said company may establish rules and regulations for and concerning the use of the water from their works, so as to preserve the same from 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 penalty or forfeiture may be recovered from the person or persons violating said rules with the costs, in the name of the company, before any justice of the peace of said town of Orangetown. Said rules and regulations shall be published for three weeks successively in a newspaper published in said town, and a copy of said rules and regulations, certified by the president or secretary of said company, with affidavits of the said publication of the same by the publisher of said newspaper, or by a foreman in his office, shall be received as evidence in all courts and places.

Rules and regulations concerning use of water; penalties, etc.

Publication of.

§ 11. The said company shall furnish water for the purpose of extinguishing fires, and for such other purposes as may be agreed upon, to said village of Nyack, and any other portions or quarters of said respective towns, upon such terms and in such manner as may be agreed upon between the supervisors of said respective towns of Orangetown and Clarkstown, acting for their respective towns, or any parts or portions thereof, and said company.

Water to extinguish fires.

§ 12. Any person who shall willfully or maliciously interfere with, trespass upon, injure or destroy any of the works or property of said company, or who shall maliciously or willfully commit any act which shall injuriously affect the water of said company, shall be deemed guilty of a misdemeanor.

Willful injuries, how punished.

§ 13. 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.

§ 14. 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

Liability of stockholders.

capital stock shall be paid in, and certificates thereof shall be made and recorded as prescribed in the following section.

Certificate of payment of last installment of stock to be made and recorded.

§ 15. The president and a majority of the directors, within thirty days after the payment of the last installment of capital stock, shall make a certificate of the amount of capital fixed and paid in, which certificate shall be signed and sworn to by the president and a majority of the directors, and shall, within thirty days, be recorded in the county clerk's office of Rockland county.

Stockholders liable for debts owing to laborers.

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

Amount of indebtedness limited.

§ 17. The indebtedness of said company shall not, at any time, exceed an amount equal to fifty per cent of its capital stock, unless by the consent of the stockholders at a meeting thereof, and if the indebtedness of said company shall, at any time, exceed such amount, without the consent of the stockholders as above mentioned, the directors of such company assenting thereto shall be personally and individually liable for such excess to the creditors of such company.

Liability of persons holding stock in trust, &c.

§ 18. No person holding stock in said company as executor, administrator, guardian or trustee, and no person holding stock 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 estates 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 share or shares of stock owned by him, as administrator, executor, guardian or trustee, at all meetings of the company, and may vote as a stockholder; and every person pledging his stock as aforesaid may, in like manner, represent the same and vote accordingly; provided, however, that nothing in this act contained shall be construed to authorize the subscription to the capital stock of this company by any person as executor, administrator, guardian or trustee.

Increase of capital stock.

§ 19. The said company may hereafter increase the capital stock of said company to the sum of one hundred thousand dollars, as mentioned in section two of this act, by opening the books of said company and receiving subscriptions to said increased capital stock.

§ 20. This act shall take effect immediately.

**CHAP. 163.**

AN ACT to organize and establish a police for the city of Yonkers.

PASSED March 31, 1873; three-fifths being present.

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

Police district.

SECTION 1. The city of Yonkers shall hereafter constitute a separate police district, and a board of police is hereby established therein, with the powers and duties in this act prescribed, to be known and designated "the board of police for the city of Yonkers."