

*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. 550.

## AN ACT to incorporate the Sing Sing Water Works Company. •

Passed July 18, 1853.

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

Corporators

§ 1. Reuben Quinby, William O. Mills and Samuel C. Nicholls, and all such persons as are or may hereafter be associated with them, are constituted a body corporate, by the name of the Sing Sing Water Works Company.

Capital.

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

Corporation to be managed by three directors.

§ 3. The concerns of said corporation shall be managed by three directors, who shall be stockholders, and shall hold their offices until the stockholders of said company shall determine upon an election for new directors, at a meeting held for such purposes, and until twenty days after such election.

Meeting to be called by president.

§ 4. Such meeting shall be called by the president, at the request of at least three of the stockholders, to be held at some convenient place within the village of Sing Sing, giving at least ten days' previous notice, by written or printed notices being posted up at five public places in the said village, and published once in the village newspapers, if there be any. The persons named in the first section shall be the first directors.

Majority of stockholders to determine upon an election.

§ 5. If a majority of the stockholders, present at such meeting, shall determine upon an election for new directors, then the president shall appoint the time and place for the holding of such election, which shall be within thirty days after the said determination by the stockholders, and the president shall cause a written notice of an election to be served on each stockholder, personally, or if he be absent, by leaving the same at his residence at least five days before any election. Each

Notice to be given.

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. Voting shall be by ballot, and may be in person or by proxy.

§ 6. The directors shall, annually, appoint a president 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 shall 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.

Officers to be appointed annually.

§ 7. The directors herein named shall appoint three persons, who shall be stockholders, to be inspectors at all elections for directors.

Inspectors.

§ 8. For the purpose of supplying the said village of Sing Sing and its vicinity 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 land of any person or persons which may be necessary for said purpose, and may take the water from any springs, ponds, wells, rivers, or fountains within or without said village, 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 or machinery necessary or proper for said purpose, upon any lands so entered upon, purchased, taken or held, provided, however, said company shall not be authorized by this act to take and divert the water from any spring, well, pond, fountain, or stream, without the consent of the owner or person entitled to the use thereof. 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, rivers, wells, and reservoirs, and lay and construct any pipes, conduits, aqueducts, or other works for that purpose, leaving the said lands, streets, highways, roads, lanes, or public squares in the same condition, as nearly as may be, as they were before said entry, but the said company shall not, within the bounds of said village and its vicinity, lay and construct said pipes, conduits, aque-

To purchase real estate.

ducts, and other works, through any private garden, or court yard, without the written consent of the owners thereof.

Survey and map to be made.

§ 9. Before entering, taking, or using any land for the purposes 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 and used shall be designated, and which maps 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 Westchester. The company, by any two 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.

Commissioners to be appointed by county courts.

§ 10. In case the said company cannot agree with said owners and occupants of any lands intended to be taken or used as aforesaid for the purchase thereof, may apply to the county courts of the said county of Westchester for the appointment of three commissioners, by whom the compensation to be paid for the damages suffered, or to be suffered by any person or persons by reason of taking any such lands and water, and constructing any of the works of said company, shall be ascertained and determined, and in case of the death, resignation, refusal, or disability to act, of any of said commissioners, the court may appoint others in their places. The commissioners shall cause a notice of at least twenty days of the time and place of their meeting to be served upon such of the owners of the said land and 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 such owner to act, thereupon 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 this state, such notice shall be given, by publishing the same for six weeks, successively, in two newspapers published in said village, and if any of said owners shall be married women, insane, infants, or idiots, the said court shall appoint some suitable person to attend

Notice to owners.

Notice to be published in certain cases.

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, or any one of them, may administer the usual oath to such witnesses: they shall make a written report of all their proceedings, containing the testimony taken by them, and showing the sum awarded to each owner or any other person, and return the same to the 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 him in the performance of his duties under this act, and to each witness sworn and testifying, and if not sworn and testifying, who the commissioners shall certify were properly and necessarily subpoenaed, the sum of one dollar per day, and four cents per mile travel in going and returning, if living more than three miles from the place of meeting.

Commissioners to make report.

Commissioners, how paid.

§ 11. Upon the payment or legal tender of the compensation determined, as before provided, the said company shall be entitled to enter upon, for the purposes contemplated by this act, all the lands, real estate, for which such 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, cannot be found or shall refuse to receive the sum awarded to him, then the said payment may be made by depositing the amount of said award to the credit of said person in such bank as may be appointed by said court; a certificate of such deposit, signed by the cashier of said bank, shall be published by said company in two newspapers, published in said village, for four weeks successively, immediately after said deposit. If the person to whom 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 the person appointed, as aforesaid, by said court; and if said guardian or person appointed by said court, cannot be found, then by deposit in bank, as aforesaid.

When company to enter upon lands.

Payment made by depositing the amount in bank.

Payment to guardian.

§ 12. The said company shall also take and hold, for the purposes contemplated by this act, all the lands,

Title, how held.

waters and real estate which they shall in any way legally enter upon and take by virtue hereof, to them and their successors forever.

Trustees of village to prescribe rules, &c.

§ 13. In laying pipes, conduits or aqueducts, or constructing or erecting works in the streets, lanes, or public squares of the village of Sing Sing, and its vicinity, the company shall conform to such regulations as the board of trustees of said village shall prescribe.

To make regulations concerning use of water.

§ 14. The said directors of said company may establish rules and regulations for and concerning the conduct of all such persons as shall use the water from their works so far as respects the preservation and use and restraining the waste thereof, and may thereby impose penalties and forfeitures for any violation of said rules and regulations, so that such penalty and forfeitures shall not, in any case, exceed ten dollars, which penalties may be recovered, with the 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 successive weeks, in two newspapers published in said village, and a copy of said rules and regulations, certified by the president or secretary of said company, with affidavits of the publication of the same, made by any one of the publishers of said papers, or by a foreman in their office, shall be received as evidence in all courts and places.

Penalties.

Rules and regulations.

Extinguishment of fires.

§ 15. The said company shall furnish water to the citizens of the village of Sing Sing for the purpose of extinguishing fires, from any and all reservoirs built, kept and maintained, for the purposes of this act, without making or requiring any tax therefor to or upon the said village. The said company may make any agreements, contracts, grants and leases for the sale, use and distribution of water as may be agreed upon between said company and any person or persons, associations and corporations, which agreements, contracts, grants and leases shall be valid and effectual in law.

Grants and leases to be valid.

Injury to works a misdemeanor.

§ 16. 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

§ 17. The corporation hereby created shall possess the powers and be subject to the provision of title three, chapter eighteen, of the first part of the Revised Statutes.

Powers of corporation.

§ 18. 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 the capital stock fixed and limited by the directors of the company shall be paid in, and a certificate shall have been made and recorded as prescribed in the following section, and the capital stock so fixed shall all be paid in, one-half thereof in one year, and the other half within two years from the time of the commencement of the works of the said company under this act, or the corporation hereby created shall be dissolved.

Liability of stockholders to auditors.

Capital stock when to be paid in.

§ 19. The president and a majority of the directors, within thirty days after the payment of the last installment of the capital stock, shall make a certificate of the amount of the 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 clerk's office of Westchester county.

Th. president to make a certificate of amount of capital.

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

Liability of stockholders to laborers, &c.

§ 21. The indebtedness of said company shall not, at any time, exceed the amount equal to seventy-five per cent of its capital stock, and if the indebtedness of said company shall, at any time, exceed such amount, the directors of said company assenting thereto shall be personally and individually liable for such excess to the creditors of said company.

§ 22. No person holding stock in said company as executor, administrator, guardian, or trustee, and no person holding such stock as collateral security shall be personally subject to any liability as a stockholder of said company, but the person pledging the said 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

Executors, &c., not liable.

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 hold the stock in his own name. Every such executor, administrator, guardian, or trustee shall represent the shares owned by him as such executor, administrator, 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.

No stockholder liable unless suit brought, &c.

§ 23. No stockholder shall be personally liable for the payment of any debt contracted by said company, unless a suit for the collection of said debt shall be brought against said company within six years after the debt shall have become due, and no suit shall be brought by any stockholder for any debt so contracted, until an execution against the company, shall be returned unsatisfied in whole or in part.

Cost of pipes, &c., to be divided into shares.

§ 24. All pipes, conduits, wells, reservoirs, pumps, and hydrants which the persons named in the first section of this act, have heretofore, laid and constructed in any of the streets, highways, roads, lanes, or public squares of said village, or which they now own or have the control over, or which are now therein or thereon laid or constructed, shall be and belong to the said corporation, and the costs thereof shall be divided into shares under this act, according to the interest which each now holds in the same, and all the provisions of this act shall apply to such pipes, conduits, reservoirs, pumps, and hydrants, the same and in the same manner as if they had been laid and constructed since the passage of this act, and under the same.

All releases, &c., declared valid.

§ 25. All releases and quit claims made and executed by any person or persons, to the said person or persons named in the first section of this act, or to other persons with them of all the right to damages in laying the pipes, conduits, reservoirs, pumps, and hydrants, mentioned in the last section, and all the right, title, and interest in and to any lands taken for such purposes are hereby ratified and confirmed to the said company, and shall be held as valid and effectual to the said company as if the said releases and quit claims had been given to the said company since the passage of this act.



§ 26. The privileges of the said "Sing Sing Water Works Company," under the provisions of this act, shall be limited and restricted to the works, grants, releases, lands, and possession heretofore made, granted, released, and quit claimed by any person or persons, or body of persons to the parties named in the first section of this act, and to other persons with them, and the said corporation may distribute or lead the water of such works to any place or places for the use of any person or persons by pipes, conduits, or otherwise.

Limitations.

§ 27. This act shall take effect immediately.

## Chap. 551.

AN ACT to amend an act entitled "An act to provide for the incorporation of life and health insurance companies, and in relation to agencies of such companies," passed June 24, 1853.

Passed July 18, 1853.

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

§ 1. Section six of said act is hereby amended so as to read as follows :

No company shall be organized under this act for the purposes mentioned in the first department with a less capital than one hundred thousand dollars ; and no company shall be organized for the purposes mentioned in the second department with a less capital than twenty-five thousand dollars. The whole capital of such company shall, before proceeding to business, be paid in and invested in stocks of the United States, or of the State of New-York, the market value of which shall be at the time at or above par, or in such stocks or securities as now are or may hereafter be receivable by the bank department. No company organized for the purposes mentioned in the first department shall commence business until they have deposited with the comptroller of this state the sum of one hundred thousand dollars in the stocks or securities before mentioned ; but all mortgages deposited by any company under this section shall be upon improved unincumbered real estate, worth

Capital.

How paid in.

Deposit with comptroller certain stocks.