

L A W S
OF THE
STATE OF NEW-YORK,
=
PASSED AT THE
FIFTY-FOURTH SESSION
OF THE
LEGISLATURE,
BEGUN AND HELD AT THE CITY OF ALBANY,
THE FOURTH DAY OF JANUARY, 1831.



ALBANY :
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.....
1831.

CHAP. 92.

AN ACT to incorporate "The Poughkeepsie Water-Works."

Passed March 30, 1831.

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

§ 1. All persons who shall become stockholders pursuant to this act, shall be, and they are hereby constituted a body corporate, by the name of "The Poughkeepsie Water-Works," with a capital stock of ten thousand dollars, to be divided into five hundred shares, of twenty dollars each, for the purpose of furnishing a supply of water for the village of Poughkeepsie. Corporation created.

§ 2. Walter Cunningham, James Hooker, Gilbert Brewster William Thomas and Alexander Forbus, be, and they are hereby appointed commissioners to receive subscriptions for said stock; that they or any three of them shall appoint a day and place, in the village of Poughkeepsie, to receive the same, and cause fifteen days' notice thereof to be given in one of the newspapers printed in said village; and at such time and place, receive subscriptions therefor of all persons who on subscribing shall pay to said commissioners one dollar on each share by them subscribed; and also in case more than the whole amount is subscribed, to apportion the stock as they shall think proper among said subscribers, or any part of them; and also in case the whole stock is not then subscribed, to receive subscriptions therefor until the whole is taken. Commissioners to receive subscriptions

§ 3. As soon as said stock is subscribed, (and if need be, apportioned,) said commissioners or any three of them shall appoint a day and place in said village, and give fifteen days notice in one of the newspapers printed in said village, for an election of directors of said company, and shall at such time and place, attend and hold such election; that at such election and all subsequent ones, five directors shall be chosen, who shall be stockholders of said company, and hold their offices for one year, and until others are appointed, and that in all elections of directors, the stockholders shall vote by ballot, in person or by proxy, and be entitled to one vote for each share of stock they may hold, and the persons having a plurality of votes shall be elected; that the second election of directors shall be held on the first Monday in June, one thousand eight hundred and thirty-two, and all subsequent elections annually on the first Monday in June in each year thereafter; at such place in said village as the directors for the time being shall appoint, and of which they shall give at least fifteen days' notice in some public newspaper printed in said village, and Election of directors.

which elections shall be held by the directors ; that in case an annual election should not take place at the time appointed, then the directors then in office shall, as soon thereafter as may be, appoint a time and place for an election as aforesaid, and give the notice as aforesaid, and hold such election ; and the persons chosen directors at such special election, shall be directors for the residue of that year, and until the next annual election, and others are duly appointed.

Affairs how
to be man-
aged.

§ 4. The stock, property, and concerns of the said corporation shall be managed and conducted by five directors, being stockholders and residents in the town of Poughkeepsie, one of whom shall be president thereof ; and the said directors chosen at any election, shall meet as soon as may be after any election, and choose one of their body to be president, who shall preside for one year ; and in case of the death, resignation or inability to serve of the president or any of the directors, such vacancy or vacancies may be filled for the remainder of the year by the directors.

By-laws.

§ 5. Said directors shall have power to demand and receive from the commissioners aforesaid, the money received by them on subscriptions for stock, and the subscription book thereof ; also to call in and collect from the stockholders in one or more calls, the sums remaining due on their subscriptions for stock, and declare all previous payments forfeited to said company on the failure of any stockholder to pay such calls ; also to appoint, employ and pay all such officers, agents, clerks and servants as shall be necessary in the transaction of their business ; to establish rules and regulations, by ordinances and by-laws for and concerning the government of such officers, agents and servants, and for and concerning the conduct and government of all such persons as shall use the water from their works, so far as respects the preservation of the water furnished by said company and the use thereof, and to restrain the waste thereof ; and by such by-laws and ordinances to impose penalties and forfeitures for any neglect or refusal to comply therewith, so as that such penalty and forfeiture in any one case, shall not exceed the sum of five dollars, which penalties and forfeitures shall be recovered in the name of the president before any justice of the peace, not interested in the said water-works, in an action of debt ; also to declare dividends of the profits of their business, and pay over the same to the stockholders.

To enter
upon lands.

§ 6. It shall be lawful for the said corporation, and any persons in their employ, and under their authority, to enter in and upon, and to use and possess any lands and springs, and streams of water, in the town of Poughkeepsie, which shall be necessary for the purpose of obtaining the supply of water aforesaid, and for conveying the same by conduits or pipes to said village and through the same, and for the formation of cisterns and re-

reservoirs where the same may be required, they first agreeing with the owners thereof, and purchasing and paying therefor; and that in case of disagreement with such owners as to the premises to be used or the price to be paid therefor, and in every case where the owner of any water or land so required to be used or taken, shall be absent from the county of Dutchess, or shall not for any cause be capable in law to agree for the same, it shall be lawful for said company to apply to any judge of the court of common pleas for the county of Dutchess, not interested, and he is hereby authorised to appoint under his hand and seal, three freeholders of the county, not interested, and who are not inhabitants of said town of Poughkeepsie, to act as arbitrators between the parties: the president and directors shall give notice to the arbitrators of their appointment, and they or any two of them shall name a day for meeting, which shall not be more than twenty, nor less than ten days from such notice of their appointment, and the said president and directors shall give at least six days notice to the owners of the water or land required to be taken, of the time and place of meeting, appointed by the arbitrators; but if such owner shall be absent, or subject to any legal disability to contract, such notice may be left at the dwelling-house of such owner, or with the guardian of any infant or committee of any lunatic. Each of the said arbitrators before he shall proceed to execute his trust, shall take and subscribe in writing before such judge or before a commissioner authorised to take affidavits, the oath or affirmation prescribed in the constitution of this state. The arbitrators shall then proceed to view the water and premises required to be taken and used by the said president and directors; if in the opinion of the said arbitrators it shall be necessary, they shall, without favor or partiality, assess the damages to the respective owners, by reason of the taking and using their land or water, or both, for the purposes intended by this act. The said arbitrators shall make a report in writing, under their hands and seals, or the hands and seals of any two of them, stating the amount of damages, if any, which each owner of the water so taken and appropriated, will sustain in consequence thereof, and within ten days from the time of making such report, the said arbitrators shall acknowledge the same before a judge of the court of common pleas, or a commissioner of deeds, and cause it to be filed, together with their appointment, in the office of the clerk of the county of Dutchess. The president and directors, upon the payment of the several sums so assessed as damages, in the report of the said arbitrators, or upon making a legal tender thereof to such persons as are under no legal disability when the money shall be refused by them; and in case where the parties are under any legal disability, on paying into the court of chancery, for the use of such parties, the damages so assessed to them, shall be entitled

to take the water and enter upon the land described in said report, and shall have and hold the same to them, their successors and assigns forever.

Conduits.

§ 7. It shall be lawful for said corporation to place their conduits or pipes below the surface of any street or public highway in said town, they putting such street or highway in as good condition as the same was in before such conduit or pipe was placed there.

Right reserved.

§ 8. The legislature may at any time alter or repeal this act, and that nothing herein contained shall authorise said company to procure water for any mill or machinery, or for any other purpose than to supply the inhabitants of said village with water for the common domestic and culinary uses, and at such prices or charges therefor, as shall be agreed on by said company and such inhabitants as shall use the same.

General powers.

§ 9. The corporation created by this act shall be subject to the operations of the provisions contained in the third title of the eighteenth chapter of the first part of the Revised Statutes.

CHAP. 93.

AN ACT *relative to the Port-Wardens and Pilots of the Port of New-York.*

Passed March 30, 1831.

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

§ 1. There shall be appointed, in the manner now provided by law, six wardens of the port of New-York, including the master warden.

Two special wardens to be appointed.

§ 2. Two special wardens shall be appointed in like manner, to reside at the quarantine ground in the county of Richmond, whose duty it shall be to act as wardens only in regard to vessels and goods subject to quarantine at that place.

To make returns.

§ 3. Such special wardens shall make returns of all surveys held by them, and of all other duties by them performed, to the board of wardens, within forty-eight hours after such survey is made.

Their fees.

§ 4. The said special wardens shall be entitled to receive, for the services performed by them, the same rate of fees as are allowed by law to the wardens of the port for similar services.

Branch pilots by way of Sandy Hook.

§ 5. The number of branch pilots of the port of New-York by the way of Sandy-Hook, is hereby fixed at thirty, who shall be appointed in the manner now prescribed by law,