

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 15TH OF APRIL TO THE 24TH 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.

no case less than one and a half miles apart; but their location shall be in all respects consistent with the provisions of section one hundred and nine, page eleven hundred and six, of volume first of the fourth edition of the Revised Statutes.

§ 2. This act shall take effect immediately.

Chap. 146.

AN ACT for the relief of the "President and Directors of the Williamsburgh Turnpike-Road and Bridge Company."

Passed April 11, 1853.

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

Sections four
and five
amended.

§ 1. Sections four and five of the act entitled "An act to amend the charter of the Long-Island Railroad Company," passed April 30, 1847, are hereby repealed.

§ 2. This act shall take effect immediately.

Chap. 147.

AN ACT to incorporate the Poughkeepsie Aqueduct and Hydraulic Company.

Passed April 11, 1853, three-fifths being present.

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

Corporation.

§ 1. Matthew Vassar, Seward Barculo, James Hooker, John Thompson, George C. Marshall, James Bowne and Samuel B. Dutton, and all such persons as are or may hereafter be associated with them, are constituted a body corporate by the name of "Poughkeepsie Aqueduct and Hydraulic Company."

Capital
stock.

§ 2. The capital stock of said company shall be twenty-five 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 to a sum not to exceed one hundred thousand dollars.

§ 3. A majority of the persons named in the first section of this act shall meet at some convenient place in the village of Poughkeepsie, on the first Monday of May next, or such other day as they may select, upon giving two weeks' notice in one of the newspapers printed 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 such stock shall be subscribed; and in case more than the number of shares authorized by this act shall be subscribed, they shall apportion the same amongst the subscribers, as they shall think best for the interest of the company. The stock shall be considered personal property, and shall be assignable and transferable on the books of said company.

Meeting to receive subscriptions to stock.

Stock to be personal property.

§ 4. The concerns of said corporation shall be managed by seven directors, who shall be stockholders, and who shall hold their offices for one year, and until others are chosen in their places; the directors shall be chosen annually, on the first Monday of March, at such place in said village as the directors for the time being shall appoint. The first election shall be held on the first Monday of March, one thousand eight hundred and fifty-four. Two weeks' notice of such election shall be given by a publication in one of the newspapers printed in said village. Each 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.

Corporation to be managed by seven directors.

First election of directors.

Notice of election.

§ 5. The directors shall annually appoint a president, secretary 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 the accomplishing the purposes of the corporation.

Officers to be appointed, who shall make by-laws and regulations.

§ 6. The directors may require payment of the subscriptions to the capital stock at such times and in such proportions as they may see fit, under the penalty of forfeiting all stock and previous payment thereon, and may sue for and recover all such subscriptions. Notice of the time when and place when said payments are required shall be published for four weeks previous to said time, at least once a week, in one of the newspapers printed in said village.

Payment of subscription to capital stock.

Notice of time and place of payment.

First directors, and term of office.

Vacancies, how filled.

Directors to be inspectors of elections.

An election may be held on any other day than that appointed.

Supply of water, and power of company.

Survey and map of lands to be taken.

§ 7. The persons named in the first section shall be the first directors, and shall hold their offices until the first Monday of March, one thousand eight hundred and fifty-four, and until others are chosen in their places. In case of a vacancy in the directors, by reason of the death or resignation of any director, or of his ceasing to be a stockholder, it may be filled by the remaining directors until the next annual election, or until some other person shall be elected to fill the same. The directors or a majority of them shall be inspectors of the elections of the company. The directors may remove all officers appointed by them, and appoint others in their places, and fill all vacancies in the offices. If at any time an election of directors shall not take place on the day appointed by this act, the corporation for that cause shall not be dissolved, but an election may be held on another day, in such manner as shall be prescribed by the directors or provided for by the by-laws.

§ 8. For the purpose of supplying the said village of Poughkeepsie 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 and 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 springs, ponds, wells, rivers, fountains or streams, and divert and convey the same to said village, and may raise or force the same into reservoirs by means of steam or any mechanical power, 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. 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, rivers, streams, wells and reservoirs, and lay and construct any pipes, conduits, aqueducts or other works, engines and machinery 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, lay and construct said pipes, conduits, aqueducts and other works through any private garden, court-yard or building, without the written consent of the owners thereof.

§ 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 lands 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 Dutchess. 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.

§ 10. In case the said company cannot agree with the said 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 Supreme Court, at any general or special term thereof held in the second judicial district, for the appointment of three commissioners, by whom the compensation to be paid for the damage 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 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 water 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 to act thereupon, by serving notice in like manner upon his guardian or person appointed to act for him, as hereinafter directed; and in case any of the owners cannot be found in this state, such notice shall be given by publishing the same for four weeks successively in one of the newspapers published in said village and in the state paper; and if any of said owners shall be married women, insane, infants or idiots, the said court shall appoint some suitable person to attend in their behalf before the 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 oaths 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

Disagreement with owners and occupants of lands to be taken.

Commissioners.

Meeting of commissioners, and notice therefor.

Commissioners may issue subpoenas.

Commissioners to make a written report.

Compensation of commissioners.

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, the sum of one dollar per day.

Appeal from decision of commissioners.

§ 11. The said company, or any party to the proceedings of the commissioners, may appeal from any award or determination of the commissioners to the Supreme Court, provided the party appealing shall, within ten days after such award or determination shall be made, give written notice of the appeal to the other party or parties interested in the same; and the same court shall examine the report of the commissioners, and, on good cause shown, the court may set the same aside and order new proceedings and appraisement; and the same court may make such orders, in reference to the proceedings of the commissioners and of 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; and the said commissioners shall again examine the case, and their decision then made shall be final. If, at any time after an attempted or actual ascertainment of compensation under this act, or any purchase of lands or water for the use of said company, the title acquired to all or any part of said land or water shall fail or be deemed defective, the said company may proceed anew to perfect such title by procuring an ascertainment of the compensation proper to be made to any person or persons whose title, claim or interest in or lien upon such lands shall not have been compensated and extinguished according to law, and by making payment thereof in the manner heretofore provided, as near as may be.

Company to enter upon lands, &c., upon payment or tender of compensation determined upon.

If person to whom any sum is awarded cannot be found, how to proceed.

§ 12. Upon the payment or legal tender of the compensation determined, as before provided, the said company shall be entitled to enter upon, for the purpose contemplated by this act, all the lands, waters and 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 sum shall be awarded, or 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 the said award to the credit of the 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 a newspaper published in said village, 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 person appointed as aforesaid by said court; and if said guardian or person appointed cannot be found, then by deposit in bank as aforesaid.

§ 13. The said company shall also take and hold, for the purpose contemplated by this act, all the lands, waters and real estate which they shall in any way legally enter upon and take, by virtue thereof, to them and to their successors forever.

Lands, waters and real estate, which company may hold.

§ 14. In laying pipes, conduits or aqueducts, or constructing or erecting works in the streets, lanes or public squares of the village of Poughkeepsie, the company shall conform to such regulations as the trustees of said village shall prescribe.

Regulations to be conforming to in laying pipes, &c.

§ 15. 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 the use and waste of their steam or mechanical power, and may thereby impose penalties and forfeitures for any violation of said rules and regulations, so that such penalties and forfeitures shall not in any case exceed ten dollars, which penalties may be recovered with costs in the name of the company, before any justice of the peace of the town of Poughkeepsie, in the county of Dutchess. A copy of said rules, or either of them, certified by the president or secretary, shall be received as evidence in all courts and places.

Regulations for use of water.

§ 16. The said company may furnish water to the village of Poughkeepsie, for the purpose of extinguishing fires, upon such terms as may be agreed upon between them and the trustees of said village. The said company may make any agreements, contracts, grants and leases, for the sale, use and distribution of water, and for the use and distribution of any surplus steam or mechanical power, 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.

Water for extinguishment of fires.

Injury to
works a mis-
demeanor.

§ 17. Any person who shall maliciously or willfully destroy or injure any of the works or property of said company, or who shall willfully or maliciously commit any act which shall injuriously affect or tend thus to affect the water or power of said company, shall be guilty of a misdemeanor.

General
powers.

§ 18. 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.

Stockholders
liable.

§ 19. 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 said capital stock subscribed and distributed among the stockholders, not exceeding the amount fixed and limited by the directors of the company, shall be paid in, and a certificate thereof shall have been made and recorded, as prescribed in the following section).

Certificate of
capital paid
in.

§ 20. 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 Dutchess county.

Executors,
&c., holding
stock, not to
be personally
liable.

§ 21. 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 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.

Executors,
&c., may
vote.

§ 22. No suit shall be brought against any stockholder, for any debt so contracted, until an execution against the company shall be returned unsatisfied in whole or in part.

Suits
against
stockholders.

§ 23. If the said 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 is provided in section sixth of this act.

Increase of
capital stock.

§ 24. This act shall take effect immediately.

Chap. 148.

AN ACT to incorporate the Firemen's Benevolent Association of the village of Le Roy.

Passed April 11, 1853.

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

§ 1. All such persons as now are or hereafter shall be engineers of the fire department, or members of any fire engine, hook and ladder, hose or bucket company (and shall comply with the constitution and by-laws hereinafter provided for) in the village of Le Roy, are hereby constituted a body corporate, by the name of "The Firemen's Benevolent Association of the village of Le Roy," for the purpose of accumulating a fund for the relief of indigent and disabled firemen or families, and for that purpose shall have power to take, hold, transfer and convey real and personal property, to an amount not exceeding ten thousand dollars.

Corporation.

§ 2. The officers of said corporation, who shall have the control and disposal of the funds, property and estate thereof, and the management of its affairs, shall consist of a president, vice-president, secretary, treasurer, and as many directors as there are regularly organized companies belonging to the fire department of said village, who shall be elected by ballot, according to the constitution and by-laws of said corporation, hereinafter provided, on the first Wednesday in February, in each year, and shall hold their re-

Officers to
control and
manage
funds of
corporation.