

L A W S
OF THE
STATE OF NEW-YORK,

PASSED AT THE

SEVENTY-EIGHTH SESSION

OF THE

L E G I S L A T U R E ,

BEGUN JANUARY SECOND, AND ENDED APRIL FOURTEENTH, 1855, IN THE
CITY OF ALBANY.



ALBANY:
VAN BENTHUYSEN, PRINTER.

.....
1855.

month, nor more than six months, or by fine not exceeding one thousand dollars, or both, in the discretion of the court.

§ 3. This act shall take effect immediately.

Chap. 200.

AN ACT to incorporate the Rome Hydraulic Company.

Passed April 9, 1855.

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

§ 1. Edward Huntington, John Stryker, Samuel W. Mudge, David Utley, William E. Wright, Seth B. Roberts, and Newton M. Wardwell, and all such other persons as are or may hereafter be associated with them, are hereby constituted a body corporate, by the name of "Rome Hydraulic Company."

Title.

§ 2. The capital stock of said company shall be one hundred thousand dollars, and may be increased to any sum not exceeding two hundred thousand dollars, to be divided into shares of one hundred dollars each; and said company may organize and commence business when fifty thousand dollars are subscribed; said stock shall be considered personal property, and shall be transferable on the books of the said company.

Capital stock.

§ 3. The business of said company shall be managed by seven directors, who shall be stockholders, and be chosen annually by ballot; each stockholder shall be entitled to one vote, either in person or by proxy, upon each share of stock held at least ten days previous to an election.

Directors.

§ 4. The directors shall 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 accomplishing the purposes of the corporation.

Officers.

§ 5. The persons named in the first section shall be the first directors, and shall hold their offices until the first Wednesday in May, one thousand eight hundred and fifty-

Term of office.

six, and until others are chosen in their places; in case any vacancy in the directors by reason of death, resignation, or his ceasing to be a stockholder, it may be filled by the remaining directors, or until the next annual election, or until some other person shall be elected to fill the same. The directors, or any three of them shall be inspectors of the elections of the company; if at any time an election of directors shall not take place on the day appointed, 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 in the by-laws.

Powers.

§ 6. The said corporation is hereby authorized and empowered :

1st. To maintain or re-construct a dam across the Mohawk river, at or near the Ridge mills (so called), in the town of Rome, Oneida county, and convey the waters of said river to the village of Rome, for working any kind of machinery that can be driven by water, in such manner, and to such extent, as the directors shall prescribe.

2d. To purchase and hold, sell and convey lands ; to construct dams, canals, reservoirs, trunks, ditches, gates, embankments, wiers, and all necessary erections and buildings ; and to repair, maintain, protect and use the hydraulic power acquired by them.

3d. To contract with and receive grants from any person or corporation, for the use of the waters and streams on their land, and for the right of constructing one or more raceways and culverts in the streets or lands under their control.

4th. To construct and use any kind of manufactory, mills or machinery, and to sell and convey, or to lease to others, the lands and water power annexed to the same, in such manner, and upon such terms, as they may deem proper ; and to receive mortgages and other securities for the payment of any moneys that may be at any time owing to them.

Real estate.

§ 7. For the purpose of supplying the village of Rome with pure and wholesome water, said company may purchase, take and hold any real estate necessary, and by their directors, agents or employees, may enter upon the land of any person or persons, and may take the water from springs, ponds, 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 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 and reservoirs, and lay and construct any pipes or other works for that purpose, leaving said lands, streets, highways, roads, lanes, or public squares, in the same condition, as nearly as may be, as they were before said entry.

§ 8. Before taking or using any land for the purpose expressed in section seven in this act, the directors shall cause a survey and map of the lands intended to be taken or occupied for said purposes, on which the lands of such owner intended to be taken or used shall be designated, and which maps shall be signed by the surveyor making the same, and the president of said company, and to be filed in the office of the clerk of the county of Oneida. The company, by any two of its officers or employees, may enter upon any lands for the purpose of making any examination, and of making said survey and map.

Survey and
map.

§ 9. In case said company cannot agree with the owner of any lands or water intended to be taken or used, as per section seven aforesaid, for the purchase thereof, the directors may apply to the supreme court, at any general or special term thereof, for the appointment of three commissioners, by whom the compensation to be paid, by reason of taking said lands or water and constructing any of the works of said company, shall be ascertained and determined; and in case of the death, resignation, refusal, or inability to act, of any of said commissioners, the court may appoint others in their places. The commissioners shall cause a notice of at least ten days of the time and place of their meeting to be served upon such owners of land or 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 the guardian, person or agent authorised to act for him; and in case the owners cannot be found in this state, such notice shall be given by publishing the same for four weeks

Proceed-
ings to ob-
tain title.

successively in one of the papers published in said village, and in the state paper; and if any 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 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 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 two dollars per day for every day necessarily spent in the performance of his duties under this act, and to each witness sworn and testifying, the usual fees.

Appeal.

§ 10. Any party to the proceedings of commissioners may appeal from any award thereof, to the supreme court, within ten days after such award shall be made, by giving written notice of the appeal of the other party or parties interested in the same; and the same court shall examine the report of the commissioners, and make such order in the premises as to them may seem just.

Damages how paid.

§ 11. Upon the payment or legal tender of compensation determined as before provided, the said company shall be entitled to enter upon, for the purpose contemplated by section seven herein, all the lands, waters and real estate for which such compensation shall be paid or tendered, and to hold and use the same for the said purposes to them and their successors forever; if any person or party to whom any sum shall be awarded, cannot be found, or shall refuse to receive the same, then the said payment may be made by depositing the amount to the credit of such party, in any bank in the village of Rome.

Lands how held.

§ 12. The said company shall also take and hold for the purposes contemplated by this act, all the lands, waters and real estate which they shall any way legally enter upon, and take by virtue hereof, to them and their successors during the continuance of this corporation.

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

§ 14. 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, or regulate conflicting interests in the use of the same, and may thereby impose penalties and forfeitures for any violation of said rules, so that said penalty shall not in any one case exceed twenty-five dollars, which penalty or penalties may be recovered from the party violating said rules, with costs, in the name of the company, before any justice of the peace; said rules shall be published three weeks successively in one newspaper published in said village; a copy of said rules, certified by the president or secretary on oath, shall be received as evidence in all courts and places.

Rules and regulations.

§ 15. Said company shall furnish water to the trustees of said village for extinguishing fires, upon such terms as may be agreed upon between said trustees and said company, whenever arrangements for supplying the village are perfected. They may also make any agreements, contracts, and leases for the sale, distribution and use of water, that may be agreed upon between said company and any individuals, or corporations, which agreements, contracts and leases, shall be valid and effectual in law.

Water rents.

§ 16. Any person who shall maliciously or wilfully injure or destroy any of the works or property of said company, or commit any act which shall injuriously affect, or tend thus to affect the water or property of said company, shall be guilty of a misdemeanor, and may be punished by fine or imprisonment, or both, in the discretion of the court, and shall also forfeit and pay to the company, treble damages sustained thereby, to be recovered in any court having cognizance thereof, with costs.

Penalty for injuring works.

§ 17. 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, so far as the same are applicable, and not otherwise provided for in this act.

Powers of corporation.

§ 18. The directors may require payment of the subscription 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 payments thereon, and may sue for and recover all such subscriptions. Notice of the time and place such payments are required, shall be published thirty days previous, at least once in each week, in two of the newspapers printed in said village.

Subscriptions to stock.

Annual re-
port of sec-
retary.

§ 19. The secretary shall present, at each annual meeting, a statement of the affairs of the company, showing the whole capital stock, all the receipts and disbursements of the company during the preceding year ; and the books of the company shall, at all seasonable hours, be open for the inspection of the stockholders.

Liability.

§ 20. The stockholders of said company shall be individually liable to the creditors of said company, to an amount equal to the amount of stock held by them respectively when the debt is contracted, over and above such stock until the whole amount of such capital stock subscribed shall be paid in, and a certificate thereof shall have been made and recorded as prescribed in the following section.

Certificate
of stock
paid in.

§ 21. The president and secretary, within thirty days after the payment of the last instalment of the capital stock, shall make a certificate, under oath, of the amount of capital stock paid in, which certificate shall, within thirty days, be recorded in the clerk's office of Oneida county.

Liability of
trustees.

§ 22. No person holding stock in said company, as executor or administrator, guardian or trustee, or as collateral security, shall be personally liable as a stockholder of said company ; but the person pledging the stock shall be considered as holding the same, and liable accordingly ; and the estate 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.

Liability
for debts
limited.

§ 23. No stockholder shall be personally liable for the payment of any debt contracted by said company, which is not to be paid within one year from the time the debt is contracted, nor unless a suit for the collection of the same shall be brought against said company within one year after the debt shall have become due ; nor shall any suit be brought against any stockholder until an execution against the company shall be returned unsatisfied in whole or in part.

§ 24. This act shall take effect immediately.