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I N T H E C I T Y O F A L B A N Y .

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ALBANY:
WEED, PARSONS AND COMPANY, PRINTERS.
1881.

CHAP. 339.**AN ACT to incorporate the St. Johnsville Water-works Company.**

PASSED May, 23, 1881; three-fifths being present.*

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

Corpora- tors.	SECTION 1. Dewitt C. Cox, Adam Horn, William H. Saltsman, Sidney Smith, Samuel Knickerbocker, Martin Williams, and all such persons as are, or may be hereafter, associated with them, are constituted a body corporate by the name of the St. Johnsville Water-works Company.
Name.	
Capital stock.	§ 2. The capital stock of said company shall be fixed by the directors thereof; but the same shall not be less than two thousand dollars, nor exceed twenty-five thousand dollars, to be divided into shares of twenty-five dollars each.
Directors.	§ 3. The persons first named herein shall be the first directors of such corporation, and shall hold their office until others are chosen in their place, and, in case of vacancy by death, resignation, or his ceasing to be a stockholder, it may be filled by the remaining directors until the next annual meeting, or until some other person shall be elected to fill the same. The directors may remove all officers appointed by them, and appoint others in their place, and fill all vacancies in the office. If, at any time, an election of directors shall not take place on the day appointed by this act, the corporation shall not for that cause be dissolved; but an election may be held on any other day, in such manner as may be prescribed by the directors, or provided for by the by-laws. The first election of directors, under this act, shall take place on the first Tuesday of May, eighteen hundred and eighty-one, in the village of St. Johnsville, in Montgomery county, upon such public notice, and in such manner as the directors shall prescribe, and shall be held at the same time and in the same manner annually thereafter. The board of directors shall elect a president, secretary and treasurer and such other officers, and appoint such agents as they may deem necessary, and prescribe their duties and powers, and may also make such by-laws, rules and regulations for the management of the corporation and protection of its property as the directors shall deem necessary for the purpose of more effectually carrying out the object contemplated by this act.
First election.	
Officers.	
Object of act.	§ 4. The object of this act is the improvement of the Zimerman creek, which runs through the village of St. Johnsville, in Montgomery county, by increasing the amount of water, and regulating the flow thereof, for the supply of mills and establishments on said streams, by forming reservoirs on said stream and tributaries, and connecting reservoirs and ponds with said stream and tributaries, constructing dams and gates at and below the outlets of such reservoirs and ponds, and by such other works and improvements as will increase the usefulness of said stream for the purpose herein declared. The said corporation may purchase, take, hold and possess any real estate adjacent to the said stream and tributaries for the purpose aforesaid.
Proceed-	§ 5. In case any disagreement shall arise between the said corpora-

* Not returned by the governor within ten days after it was presented to him, and became a law without his signature, May 23d, 1881.

tion and the owner or owners of such adjacent land, in respect to the purchase or taking thereof, they shall cause a survey and map of the lands intended to be taken or entered upon for any of said purposes, by which the lands of each owner or occupant intended to be taken or used shall be designated, which map shall be signed by the engineer or surveyor making the same, and by the president of said company, and be filed in the office of the clerk of the county of Montgomery. 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, doing no unnecessary damage.

ings to
acquire
lands.

§ 6. In case the company cannot agree with said owners and occupants of any land or water intended to be taken or used as aforesaid, for the purchase thereof, the directors may apply to the supreme court, at any term in session thereof, held in the fourth judicial district, 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 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 the said commissioners, the said court may appoint others in their places. The commissioners shall cause a notice of at least twelve days of the time and place of their meeting, to be served upon such of the owners of said land and water as can be found in this state, which may be served personally, or in their absence from their dwelling or place of business, by leaving the same thereat, by some person of suitable age; and, in case of any legal disability of such owner to act, then, upon 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 may be served by publishing the same for six weeks successively in at least one newspaper published in the county where said premises are located; and if any of said persons be insane, infants or idiots, the said court shall appoint some suitable person to attend in their behalf, before said commissioners, and take care of their interest 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 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 testifying or if not sworn and testifying, who the commissioners shall certify were properly and necessarily subpoenaed, the sum of fifty cents per day, and four cents per mile going to and returning, if living more than three miles from the place of meeting.

Ibid

§ 7. The said company, or any party to the proceedings of the commissioners, may appeal from any award or determination of the commissioners, provided the party appealing shall, within ten days after any such award or determination shall be made, give notice of the appeal to the other party or parties interested in the same; and the said court shall, upon the report of the commissioners, and upon additional testimony to be taken by them, if they deem the same to be necessary, proceed to hear the said appeal, and may confirm the proceedings of the commissioners, or may increase or diminish the amount

Appeals.

of compensation awarded by the said commissioners, and if the proceedings in any case have been irregular, the court may set the same aside, and order a new proceeding and appraisement; and the said court may make such orders in reference to the proceedings of the commissioners, and of notices to be given to parties as may be consistent with this act, and as the nature of the case and the interest of the parties may require.

On payment or tender of award company may take possession.

§ 8. Upon payment or legal tender of the compensation awarded by the said commissioners, or in case of appeal by the said court, the said company shall be entitled to enter upon, for the purpose contemplated by this act, all lands, water and real estate for which said 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 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 same, then the said payment may be made by depositing the amount of said award to the credit of said person in such bank as the court may appoint. A certificate of such deposit shall be published by said company in one newspaper, published in the county where such bank is situated, for four weeks successively, immediately after such deposit. If the person to whom the compensation is awarded, or who is entitled to receive the same as aforesaid, be under legal disability as aforesaid, payment may be made to the guardian or person appointed as aforesaid by the said court, and if said guardian or person appointed cannot be found, then by deposit in a bank as aforesaid.

Company may take and hold lands.

§ 9. 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 their successors forever.

Willful injuries misdemeanors.

§ 10. Any person or persons who shall wantonly, willfully and maliciously injure or destroy any dam, reservoir, gate or other property of said corporation, or upon or connecting with said stream, or, without authority, shall open or shut any such gate, shall be deemed guilty of a misdemeanor.

§ 11. This act shall take effect immediately.

CHAP. 340.

AN ACT to amend chapter four hundred and twenty-four of the laws of eighteen hundred and eighty, entitled "An act to authorize the construction of a bridge over the Erie canal at Brockport, Monroe county."

PASSED May 23, 1881; three-fifths being present. *

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

SECTION 1. Section one of chapter four hundred and twenty-four of the laws of eighteen hundred and eighty, entitled "An act to authorize the construction of a bridge over the Erie canal at Brockport, Monroe county," is hereby amended so as to read as follows:

* Not returned by the governor within ten days after it was presented to him, and became a law without his signature May 23, 1881.