

L A W S

OF THE

STATE OF NEW YORK,



PASSED AT THE

ONE HUNDREDTH SESSION



OF THE

LEGISLATURE.

BEGUN JANUARY SECOND AND ENDED MAY TWENTY-FOURTH, 1877,
IN THE CITY OF ALBANY

ALBANY: WEED, PARSONS AND COMPANY, PUBLISHERS.



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1877.

and described in a deed from James W. Dana, George S. Dana and Mary B. Dana, by N. Curtiss White their special guardian, and Huldah B. Dana, to Francis Kinney, dated March twenty-fourth, eighteen hundred and sixty-two, recorded in Oneida county clerk's office, December thirteen, eighteen hundred and sixty-four, in book of deeds number two hundred and fifty-six, at page four hundred and eighty-one, are hereby released to Mary Kinney, the widow of the said Francis Kinney, deceased, her heirs, executors and assigns forever.

Release.

Rights of certain parties not affected.

§ 2. Nothing in this act contained shall be held or construed to affect the right, title, interest, claim or demand of any heir at law, devisee, grantee or vendee, or of any creditor by judgment, mortgage or otherwise.

§ 3. This act shall take effect immediately.

CHAP. 151.

AN ACT to incorporate the Whitehall water-works company, and to enable the village of Whitehall to contract with said company for the use of water.

PASSED April 14, 1877; three-fifths being present.

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

Names of corporators, etc.

SECTION 1. Edwin W. Hall, J. Sanford Potter, Herman R. Snyder, George A. Hall, Elisha A. Martin, Henry G. Burleigh, James Doren, George Brett, and all such persons as are or may be hereafter associated with them, shall be and are hereby constituted a body corporate, by the name of the Whitehall water-works company.

Capital stock.

§ 2. The capital stock of said company shall be one hundred thousand dollars, and shall be divided into shares of one hundred dollars each.

Books of subscription, opening of, etc.

§ 3. The books of subscription to the capital stock of said company shall be opened under the direction of the corporators hereinbefore named and subject to such rules as they may prescribe; and the stock of said company shall be considered personal property, and shall be assignable and transferable on the books of the company.

Annual election of directors, when held.

§ 4. The business of the said company shall be managed by five directors, who shall be stockholders and residents of the village of Whitehall, and who shall hold their offices for one year and until others are chosen in their places. The annual election of directors shall be held on the first Monday of June in each year, at such place in the village of Whitehall, at such hour of the day as the directors for the time being shall appoint. Notice of every election shall be published once in each week for three weeks immediately preceding such election, in a newspaper published in said village. Each stockholder shall be entitled to one vote upon each share of stock held by him or her for thirty days next previous to such election. The election shall be by ballot, and votes may be given either in person or by proxy.

Notice.

First directors.

§ 5. The persons named in the first section of this act shall be the first directors, and shall hold their offices until the first Monday of June, in the year one thousand eight hundred and seventy-seven, and until others are chosen in their places. In case of a vacancy in the

Vacancies.

direction by reason of the death or resignation of any director, or by his ceasing to be a stockholder, or by his removal from the village of Whitehall, it may be filled by the remaining directors until next annual election, or until some other person shall be elected to fill the same. The directors may appoint three persons, who shall be stockholders, to be inspectors at the first election, after which the stockholders shall choose three such inspectors at the annual elections. If no inspectors are so chosen, the directors may appoint them from time to time. If, at any time, the election of directors shall not take place on the day appointed by this act, the corporation shall not, for that reason, be dissolved, but an election may be held on any other day, in such manner as shall be provided for by the by-laws, or shall be prescribed by the directors.

Inspector of election.
Failure to elect directors on day appointed not to cause dissolution of corporation.

§ 6. The directors may require payment of subscription to the stock at such times and in such proportions as they shall see fit, under penalty of forfeiting all stock and previous payments thereon, and may sue and recover all such subscriptions. Notice of the time and place of such payments shall be published for four weeks next previous to the time so fixed, at least once in each week, in a newspaper published in the village of Whitehall.

Subscription to stock, payment of.
Notice.

§ 7. The directors shall annually appoint a president, a secretary and a treasurer, and such other officers and agents as they shall, from time to time, deem necessary, and may remove all officers appointed by them and appoint others in their places, and fill all vacancies in the offices; and they may make and ordain such by-laws, rules and regulations as they may deem necessary and proper for the management of their business and for the accomplishing the purposes of the corporation.

President, secretary and treasurer, appointment of.
By-laws.

§ 8. For the purpose of supplying the inhabitants of the village of Whitehall, in the county of Washington, with pure and wholesome water, the said company may purchase any real estate necessary for that purpose, and by their directors, agents, servants or other persons employed may enter upon the lands so purchased and which may be necessary for said purpose, and may take the waters from any springs, ponds, fountains or streams thereon and convert and convey the same to and into and throughout said town and village, and may lay and construct any pipes, conduits, aqueducts, wells, reservoirs or other works or machinery necessary and proper for said purpose upon any lands so purchased; and 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, wells and reservoirs, and lay out and construct any pipes, conduits, aqueducts or other works for that purpose, leaving the said lands, streets, highways, roads, lanes and public squares in the same condition, or as nearly as may be, as they were before said entry; but the said company shall not, within the said bounds of said town or village, lay and construct said pipes, conduits, aqueducts or other work through any private garden, court-yard or building lot without the written consent of the owners thereof.

Real estate, etc., purchase of.

Laying of pipes, etc.

§ 9. In laying conduits or aqueducts, or constructing or erecting works in the highways, roads, streets, lanes or public squares in the town of Whitehall, and in the village of Whitehall, the said company shall conform to such reasonable regulations as the commissioner of highways of said town of Whitehall may prescribe; and the said highway commissioner is hereby authorized to make such regulations.

Persons using water subject to rules of company.

Penalties, etc.

Village authorized to contract for water, etc.

Proceedings in case trustees and directors cannot agree as to price.

Leasing of water, etc.

Injury to property declared a misdemeanor. Penalty.

Subject to provision of title 3, chap. 18, part 1, R.S.

Authorized to borrow money.

Stockholders, liability of.

§ 10. The said directors of said company may establish such rules and regulations for and concerning the conduct of all such persons as shall use the water from their works as far as respects the preservation and restraining the waste thereof, 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 Whitehall; said rules and regulations shall be published for two weeks successively in a newspaper published in the village of Whitehall, and a copy of said rules and regulations, certified by the president of the company, with affidavits of the publication of the same, made by any one of the publishers of said paper, shall be received in evidence in all courts and places.

§ 11. The said company may furnish water to the village of Whitehall for the purpose of extinguishing fires, upon such terms as may be agreed upon between them and the trustees of said village, and the said trustees are hereby authorized to contract with the said company for water for the purpose of extinguishing fires, constructing hydrants, fountains, and furnishing public buildings, and to levy and assess the costs thereof, annually, upon the taxable property of said village by general tax. In case the directors and trustees cannot agree on such terms, said directors or trustees may apply to the county judge of the county of Washington, or a judge of the supreme court, upon a notice of ten days to the other party, for the appointment of three commissioners, who shall prescribe the terms upon which such water shall be furnished, and such company shall furnish water upon the terms so prescribed for the period of two years, at the expiration of which time a new commission may be applied for by the trustees or directors in their discretion, and thereafter, once in two years a like application may be made; and the said company may make any agreements, contracts, grants, leases for the sale, use and distribution of water that 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.

§ 12. Any person who shall willfully or maliciously destroy or injure any of the works or property of said company shall be deemed 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.

§ 13. 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.

§ 14. The said corporation may borrow such sums of money as may be necessary to complete said work, and for other purposes authorized by this act, in the whole not to exceed the amount of the capital stock actually paid in and expended, and for that purpose may issue and dispose of their bonds for any amount so borrowed; and the company is hereby authorized to mortgage any or all of their corporate property or privileges to secure the payment of such bonds.

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

§ 16. This act shall take effect immediately.