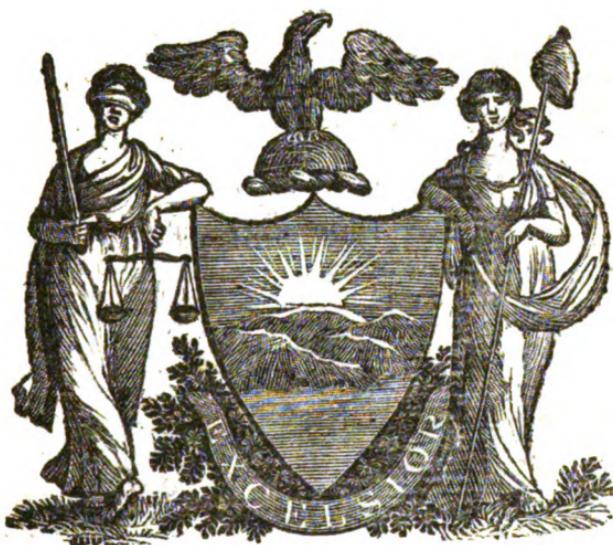


L A W S

OF THE

State of New-York.



V O L. III.

Containing
ALL THE ACTS

Passed from the Revision of 1801, to the End of the 27th Session of the Legislature, 1803.

A L B A N Y :
PRINTED BY CHARLES R. AND GEORGE WEBSTER,
1804.

Albany Water-Works.

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An ACT to incorporate the Proprietors of the Albany Water-Works.

Passed February 17th, 1802.

WHEREAS certain persons have associated for supplying the city of Albany and its neighbourhood with water, and have by their petition prayed to be incorporated: Therefore,

I. *Be it enacted by the People of the State of New-York, represented in Senate and Assembly,* That Stephen Lush, Philip S. Van Rensselaer, John Tayler, and their present associates, shall be and hereby are constituted a body corporate and politic, in fact and in name, by the name of "The Trustees and Company of the Albany Water-Works," and by that name shall and may have continual succession, sue and be sued, plead and be impleaded, answer and be answered unto, defend and be defended, in all manner of actions, matters and causes whatsoever; have a common seal, and make, change or alter the same at pleasure; purchase and take by conveyance from the said Stephen Lush, and the other trustees herein after named, who are now also trustees of the said associates, and hold and convey all the real estate acquired by them, by conveyance to and for the use of themselves and their associates, and to take, hold, and convey any other estate real or personal; *Provided,* Such real estate shall be necessary to attain the object of this incorporation; that the stock of the said corpo-

ration shall be deemed personal property, and shall consist of four hundred shares of one hundred dollars each ; that each of the present stockholders of the said association shall be entitled to two shares of the said stock created by this act for every share they now hold respectively ; that the sums paid on each such share now held, shall be divided equally between the two shares so substituted for the one share now held by the present stockholders ; and that the remainder of the said sum of one hundred dollars constituting a share of stock created by this act, shall be paid by the persons respectively holding such shares, in such proportions, and at such periods of time as the said trustees shall direct and appoint, upon pain of forfeiture of their shares, and all previous payments thereon to the said trustees for the use of the company ; that the management of the concerns of the said company, shall be entrusted to five trustees being stockholders and inhabitants of the city of Albany, which trustees shall hold their offices for one year from the first Tuesday of June in every year ; that an election shall be held on the Tuesday preceding every such first Tuesday of June in every year, at such place in the city of Albany and at such hour, as the said trustees shall from time to time appoint, by notification to be published in one of the public newspapers printed in the said city, at least one day before such election day ; that the election shall be held by such person, being a stockholder as the stockholders present, immediately before the opening of such election and after the hour so appointed, shall by plurality of votes appoint ; and such person shall after he shall have then and there openly counted and estimated the votes, forthwith make return in writing under his hand, of the result of such election to the clerk of the trustees ; that all elections shall be by ballot, by the stockholders personally or by proxy, each stockholder voting in the following proportions. to wit : One vote for every share not exceeding four ; five votes for six shares ; six votes for eight shares ; and one vote for every five shares above ten ; but no person, co-partnership or body politic shall be entitled to more than forty votes ; and the five persons having the greatest number of votes shall be trustees ; that if any two or more persons have an equal number of votes, so as that five trustees shall not be elected, the stockholders shall on the succeeding day, at the same place and at the same hour, in like manner elect, out of the persons so having an equal number of votes, so many as shall complete the number of five trustees ; that the trustees shall on the second Tuesday of June in every year elect one of their number president ; that in case of the absence of the president from any meeting, the trustees present may by plurality of votes, appoint one of their number president for the meeting ; and that in case of vacancy in the office of any of the said trustees by death, resignation or removal from the said city, others shall be elected by the stockholders in the manner aforesaid, to fill such vacancy ; that Stephen Lush shall be the first president, and Stephen Lush, Jeremiah Van Rensselaer, John Lansing, junior, Philip S. Van Rensselaer and John Tayler, the first trustees of the said company, to remain in office until the first Tuesday of June next.

II. *And be it further enacted,* That the trustees shall be authoriz- 12
 ed in their discretion to appoint a clerk, a superintendent, and such
 other officers, agents and servants as they shall from time to time
 deem necessary for carrying into effect the powers vested in the
 said company; to declare the dividends on the stock of the said 13
 company; to establish rules and regulations by ordinances and
 bye-laws, for and concerning the conduct and government of such
 officers, agents and servants; and for determining the compensa-
 tion to which they shall be entitled; and for and concerning the 14
 manner of making transfers of the said stock; and 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 fur-
 nished by the said company, and the use thereof, and to restrain
 the waste thereof; and by such bye-laws and ordinances to im- 15
 pose penalties and forfeitures for a neglect or refusal to comply
 therewith, so as that such penalty and forfeiture in any one case,
 shall not exceed five dollars; which penalties or forfeitures shall be
 recoverable in the name of the clerk or superintendent before
 any justice of the peace of the city and county of Albany, with
 costs, in an action of debt: And that for the purpose of effectu- 16
 ally supplying the said city, and the inhabitants in the neighbor-
 hood thereof in the town of Watervliet with water, it shall and
 may be lawful to and for the said trustees and company, to lay
 and conduct any number of conduits necessary for, and calculated
 to supply such water, through or over any lands in the city
 of Albany or town of Watervliet; and in case of disagreement 17
 with the owner or owners of any lands or tenements, as to the
 compensation to be made for the injury committed by such opera-
 tions, or if the owner or owners thereof be out of the state,
 feme covert, under age or insane, that then, and in every such 18
 case, it shall be lawful for any justice of the peace of the city or
 county of Albany, upon the application of the said trustees, to
 appoint three indifferent persons, being freeholders, to appraise
 such damages, and they or any two of them, shall, with all con-
 venient speed, make such appraisement, and report the same to 19
 the justice who shall have made such appointment, in writing,
 subscribed by them, which report the said justice shall forthwith
 cause to be filed in the office of the clerk of the said county, with
 a certificate to be subscribed by him of his having made such ap-
 pointment: That the said trustees shall thereupon pay to the 20
 owner or owners of such lands or tenements, or person or persons
 legally authorized to receive the same, whenever he, she or
 they shall demand it, the amount of such damages, and shall
 forthwith after such appraisement shall have been completed, pay
 to such justice all the costs, charges and expenses, attending the
 making of the said appraisement, and perfecting such report,
 which payments shall be deemed a full compensation for such in-
 jury: And that it shall and may be lawful to and for the said trus- 21
 tees and company, to conduct and lay their conduits below the
 surface of any street or public highway, in the said city or town
 of Watervliet, putting such street or highway in as good con-

- 32 dition as the same was before such conduits were laid. *Provided always,* That nothing in this act contained, shall be construed to impair, alter or contravene any contract made by Benjamin Prescott, with the mayor, aldermen and commonalty of the city of Albany, or with Stephen Van Rensselaer, esquire, in force at the passing of this act.
- 23 III. *And be it further enacted,* That if any person or persons shall wilfully stop, impair, break or deface any conduit, reservoir or other matter or thing appertaining to the conducting or preserving the water aforesaid, he, she or they shall forfeit and pay to the trustees and company aforesaid, treble the damages thereby sustained, to be recovered by the said trustees in an action of trespass, in any court having cognizance thereof, with costs.

Catskill Aqueduct.

C H A P . LXI.

C O N T E N T S .

9. Appraisers, how appointed.
10. Clerk, Collector and Treasurer, their duty.
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8. Damages, how ascertained.
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- 4, 5. Penalties to a certain amount, may be imposed.
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1. Style and coporate Rights of the Company.
3. Stockholders may elect their Officers and establish Bye-Laws.
11. Transfers of Stock, Rules for, to be prescribed.

An ACT for the incorporating an Aqueduct Association in the Village of Catskill, in the County of Greene.

Passed March 26th, 1802.

WHEREAS James Bogardus, together with sundry other citizens, have associated for the purpose of supplying the village of Catskill with pure and wholesome water, for the use of such inhabitants thereof and others, as may be inclined to take the same :

- 1 I. *Be it enacted by the People of the State of New-York, represented in Senate and Assembly,* That James Bogardus, John Bogardus, Peter Bogardus, Thomas Thompson, John V. D. S. Scott, and Garrit Abeel, and such other persons as may become interested in the association or company, formed for supplying the village of Catskill in the county of Greene with water, by means of conduits or aqueducts, shall be, and hereby are created a body politic and corporate, in fact and in name, by the name of the "Aqueduct Association in the village of Catskill," and by that name shall be