

~~A. H. D. S.~~
L A W S

OF THE

E. N. Kumbal
H

State of New-York,

PASSED AT THE

FORTY-EIGHTH SESSION

OF THE

LEGISLATURE,

BEGUN AND HELD AT THE CITY OF ALBANY,

The Fourth day of January, 1825.



ALBANY:

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1825.

commissioners to execute a deed in pursuance of said act, for any lands sold, or hereafter to be sold, as aforesaid, which deed shall have the same force and effect as if executed by two commissioners for any such county.

CHAP. CCCXXII.

AN ACT to incorporate a second Company to supply the City of Albany with Water.

Passed April 21, 1825.

WHEREAS Francis Bloodgood, Ambrose Spencer, I. and J. ^{Preamble} Townsend, Philip S. Parker, and other persons, have associated with intent to supply such parts of the city of Albany as remain now unsupplied by the trustees and company of the Albany water works, with good and wholesome water : Therefore,

I. *Be it enacted by the People of the State of New-York, represented in Senate and Assembly,* That Francis Bloodgood, Ambrose Spencer, I. and J. Townsend, Philip S. Parker, Isaac Hamilton, Mathew Gregory, Jabez D. Hammond, James McKown, James Gourlay, Elisha Jenkins, Jeremiah Smith, John Tayler, and such other persons as may become interested in the association, shall be, and hereby are, constituted a body corporate and politic, in fact and in name, by the name of "The trustees and second 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; and to hold and enjoy such real and personal estate, as may be necessary for the attainment of the object aforesaid; that the stock of the said corporation shall be deemed personal property, and shall consist of six hundred shares, of twenty-five dollars each; that the management of the concerns of the said company, shall be intrusted 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 Monday 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 three days 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 share having a vote; 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

^{Corporation created}

^{Style and general powers}

^{Stock}

^{Elections}

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 city, others shall be elected by the stockholders, in the manner aforesaid, to fill such vacancy; that Francis Bloodgood shall be the first president, and Ambrose Spencer, John Townsend, Isaac Hsmiton, Mathew Gregory, Philip S. Parker, Jeremiah Smith, Jabez D. Hammond, James McKown and James Gourlay the first trustees of the said company; to remain in office until the first Tuesday of June, in the year one thousand eight hundred and twenty-six.

President

Directors

Day of election

II. *And be it further enacted*, That in case it shall at any time happen that an election of directors shall not be made on the day appointed by this act for that purpose, the said corporation shall not, for that cause, or for any non-user, be deemed to be dissolved; but it shall and may be lawful to hold any election for directors on any other day, in such manner as shall be provided for by the by-laws and ordinances of the said corporation.

Clerks and officers

Dividends

Penalties

Proviso

III. *And be it further enacted*, That the trustees shall be authorised, 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 company, to establish rules and regulations by ordinances and by-laws, for and concerning the conduct and government of such officers, agents and servants, and for determining the compensation to which they shall be entitled, and for and concerning the 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 furnished by the said company, and the use thereof, and to restrain the waste thereof; and by such by-laws and ordinances, to impose 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 four dollars; which penalties or forfeitures shall be recoverable in the name of the said corporation, before any justice of the peace of the city or county of Albany, with costs, in an action of debt; and that for the purpose of effectually supplying the said city and its inhabitants, 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; but the same shall not be done without the consent and permission of the corporation of the city of Albany, or the owners of property over or through which it may be necessary to pass: *Provided always*, That nothing in this act contained shall authorise the said trustees and company to supply any house east of Eagle-street in said city, excepting the dwelling houses of I. and J. Townsend on State-street, and the county jail on Eagle-street, without the consent and permission of the trustees and company of the Albany water works first had and obtained.

IV. *And be it further enacted,* That it shall and may be lawful ^{Instalments.} for the trustees, or a majority of them, to require payment of the sum to be subscribed, at such time, and in such proportions, and on such conditions, as they, or a majority of them, shall deem fit, under the penalty of the forfeitures of all previous payments therein ; and that previous notice of the instalments required after the first, and of the time when the same are to be made, shall be published at least one week in two of the public newspapers printed in the city of Albany.

V. *And be it further enacted,* That if any person or persons ^{Trespasser} shall artfully do, or cause to be done, any act and acts whatsoever, whereby the works of the said corporation, or any pipe, conduit, aqueduct, plug, cock, reservoir, or any engine, machine or structure, or any matter or thing appertaining to the same, shall be stopped, obstructed, impaired, weakened, injured or destroyed, the person or persons so offending, shall forfeit and pay to the said corporation treble the amount of damages sustained by means of such offence or injury, to be recovered in the name of the said corporation, with costs of suit, by action of debt, to be brought in any court of record in this state.

VI. *And be it further enacted,* That this act shall be deemed a ^{Public act} public act, and shall be benignly and favorably construed for the purposes therein expressed and declared, in all courts and places whatsoever.

VII. *And be it further enacted,* That nothing in this act shall ^{Restrictions and rights reserved} authorise the corporation hereby granted to carry on any business other than that of supplying the city of Albany west of Eagle-street with water ; and it shall be lawful for the legislature, at any time hereafter, to alter, modify or repeal this act.

CHAP. CCCXXIII.

AN ACT concerning Sales made by order of Surrogates.

Passed April 21, 1825.

Be it enacted by the People of the State of New-York, represented in Senate and Assembly, ^{Act extended} That the provisions of the first section of the act, entitled " An act relative to sales made by order of surrogates," passed April 12, 1819, be and the same is hereby continued and extended until the same shall be repealed, and that the powers and authority by the same section vested in the chancellor, shall and may be exercised in all cases where the order of any surrogate for the sale of real estate shall not have been inserted at large in the conveyances of such real estate, pursuant to the twenty-fourth section of the act, entitled " An act relative to the court of probates, the office of surrogate, and the granting of letters of administration," passed April the 8th, 1813, and the same proceedings shall in all respects be had for confirming such conveyances as are prescribed in the said first mentioned section.