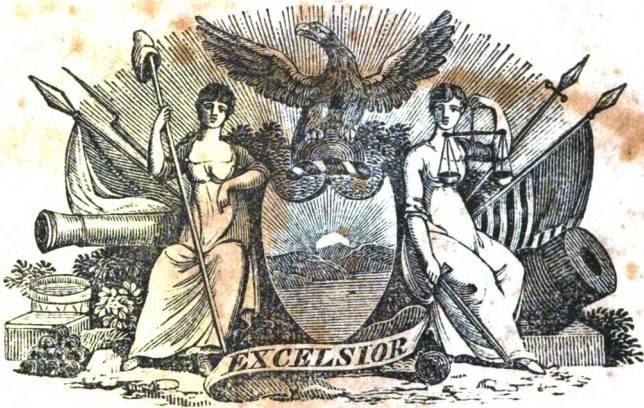


**L A W S**  
OF THE  
**State of New-York,**  
PASSED AT THE  
**FIFTIETH SESSION,**  
OF THE  
**LEGISLATURE,**  
BEGUN AND HELD AT THE CITY OF ALBANY,  
The Second day of January, 1827.

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**ALBANY:**  
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.....  
**1827.**

glect to establish and keep such ferry, as is contemplated by this act, within one year after the passage of the same, or to comply with all the provisions of this act, it shall be lawful for the court of common pleas of the county of Cayuga, to adjudge that all the privileges granted under and by virtue of this act, shall cease and be void and of no effect: and from and after such adjudication, all such rights and privileges shall cease and be void.

6. *And be it further enacted*, That after said ferry shall be established by virtue of this act, the owners and keepers of the said ferry, or either of them, shall be liable to a penalty of ten dollars, for wilfully neglecting or refusing, at all proper seasons and times, to transport or ferry any person or persons, his, her or their carriages, goods or chattels across the said lake, or for detaining such person or persons, his, her or their goods or chattels, wilfully and unnecessarily, in crossing the said lake, to be sued for and recovered before any justice of the peace, either of the county of Seneca or the county of Cayuga, with costs of suit; one moiety whereof, when recovered, to be paid to the overseers of the poor of the town where the same shall be recovered, and the other moiety to the person who will sue for the same: *Provided*, That no such penalty shall be recovered in case the wind, weather or ice shall render the crossing of the said lake dangerous or very difficult, at the time complained of, nor shall it apply to cases of refusal to transport or carry, or of detention caused by unavoidable accidents or casualties: *And provided also*, That the legislature may, at any time hereafter, alter, modify, or repeal this act.

Penalty for neglect.

How recovered.

Applied.

Proviso.

Right to repeal.

## CHAP. 190.

AN ACT to Incorporate the Proprietors of the Jubilee Water Works Company of Buffalo and Black Rock.

Passed April 7, 1827.

1. *Be it enacted by the People of the State of New-York, represented in Senate and Assembly*, That Donald Fraser, Nelson Randall, Horace Bush, Peter B. Porter and Samuel F. Gelston, and such other persons as may become associated with them for supplying the villages of Buffalo and Black Rock, in the county of Erie, with water, by means of conduits or aqueducts, shall be and hereby are created a body politic and corporate, by the name of the Jubilee water works company of Buffalo and Black Rock, and by that name shall be capable in law to sue and be sued, plead and be impleaded in any court whatsoever, in all actions and matters whatsoever, to have a common seal, and to change or alter the same at pleasure, and to purchase, take, hold and convey such real and personal estate as may be necessary for the attainment of the object aforesaid, not exceeding twenty thousand dollars in the whole, exclusive of the profits or income of the said aqueducts.

Corporation created.

Name.

General powers.

2. *And be it further enacted*, That the stock of the said company shall be deemed personal property, and shall consist of one thousand shares of twenty dollars each, that each of the stockholders of the said company shall pay in such proportions, and at such periods of

Capital stock

time, as the trustees of the said company shall direct and appoint, upon pain of forfeiture of their shares and all previous payments thereon, to the said trustees, for the use of said company: that the management of the concerns of said company shall be intrusted to three trustees, being stockholders, who shall hold their offices one year from the first Tuesday in May in every year: that an election shall be held on the Saturday preceding every such Tuesday in May in every year, in such place in one of the said villages of Buffalo and Black Rock as the trustees shall from time to time appoint, by notification to be affixed up in some public place in each of said villages, or published in one of the newspapers printed in each of said villages, giving at least eight days notice of such election: that all elections shall be by ballot, by the stockholders personally or by proxy, and a plurality of votes shall constitute an election: that the trustees shall, as soon as may be convenient after their election, appoint one of their number president: that in case of the absence of the president from any meeting, the trustees present may appoint one of their number president for the meeting; and that in case of vacancy in the office of any of the trustees by death, resignation or otherwise, others shall be elected by the stockholders in like manner as aforesaid to fill such vacancy, and that Horace Bush shall be the first president, and Horace Bush, Peter B. Porter and Donald Fraser the first trustees of said company, to remain in office until the first Tuesday in May next.

**Trustees.** **Election and notice.** **President.** **Vacancies how filled.** **First trustees.** **Clerk, treasurer, superintendent, &c.** **By-laws.** **Powers of trustees.**

3. *And be it further enacted,* That the said trustees shall be authorised in their discretion to appoint a clerk, a treasurer, 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 said company; to declare dividends on the stock of said company; to establish rules and regulations by ordinances and by-laws, for and concerning the 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 the said conduits or aqueducts, 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 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 said corporation, before any justice of the peace of the town of Buffalo, with costs in an action of debt; and the said trustees shall have power and authority of declaring forfeited all previous payments made on the respective shares, when the whole sum or any part thereof is not paid at the time and place specified by the said trustees.

4. *And be it further enacted,* That it shall be lawful for the said trustees, or any person or persons employed by them or acting under their authority, to enter in and upon and freely to make use of any lands in the town of Buffalo and in the villages of Buffalo and Black Rock, which shall be necessary for the purpose of conducting a supply of pure and wholesome water to any part of said villages of Buffalo and Black Rock, to dig the ground, lay down, construct and repair any number of pipes, penstocks, conduits, aqueducts and re

servoirs in, through or over the said town and villages as they may see fit, and to agree with any owner or owners of any lands, tenements or hereditaments that may be damaged or affected thereby, for a reasonable compensation to be made to him, her, or them, for any damage which he, she or they may sustain in using such lands, or diminishing the quantity, or turning the course of any waters, or the conducting, digging, laying, repairing or making from time to time any such reservoirs, penstocks, aqueducts, trenches, pipes or conduits as aforesaid, but in case of disagreement, then the same shall be appraised, and determined by any three respectable freeholders of the town of Buffalo, to be chosen and agreed upon by the parties; and in case of refusal or neglect of either party to nominate and appoint such appraisers, then they shall be appointed by any three judges of the court of common pleas for the county of Erie, not interested in the premises, at the request of either party, and the said company shall pay to the said owners respectively the sum reported by the said appraisers under their or any two of their hands and seals, in full compensation for the same.

Appraisals

5. *And be it further enacted,* That the said trustees shall and may lay and construct their conduits, aqueducts, pipes, penstocks and reservoirs, below the surface of any street, public highway, lane, alley or public grounds within the said villages or within the limits of the said town of Buffalo, putting such street, public highway, lane, alley or public grounds in as good condition as the same were before the conduits, aqueducts, pipes and reservoirs were laid.

Trustees may use the streets on certain conditions.

6. *And be it further enacted,* That it shall not be lawful for any person or persons to draw, take, use or carry away any water at or from any of the penstocks, reservoirs, conduits or aqueducts belonging to said corporation without a written permit from the agent or superintendent of said corporation, and if any person or persons shall draw, take, use or carry away any water at or from any of the penstocks, reservoirs, conduits or aqueducts belonging to the said corporation, without such permit as aforesaid, he or they shall pay a fine of five dollars to the use of said corporation for each and every offence, to be sued for and recovered in an action of debt, with costs of suit, in the name of said corporation, in any court having cognizance thereof.

No person to take water without permit.

Penalty.

7. *And be it further enacted,* That if any person or persons shall wilfully stop, impair, break or injure any penstock, reservoir, conduit or aqueduct, or any other matter or things appertaining to the conducting or preserving the water aforesaid, he or they shall forfeit and pay to the trustees and company aforesaid, treble the damages thereby sustained, to be recovered by the trustees in the name of the corporation, in an action of trespass, in any court having cognizance thereof, with costs.

Penalty for Injuring works.

8. *And be it further enacted,* That this act be and is hereby declared to be a public act, and that the same be construed in all courts and places favourably and benignly for every beneficial purpose herein expressed.

A public act.

9. *And be it further enacted,* That in case any election shall not be holden on the day which by this act is prescribed, the said corporation shall not therefor be dissolved, but it shall and may be lawful for the stockholders to hold such election on any subsequent day, within sixty days thereafter.

Not dissolved for non election.

Water to be used in case of fire.

10. *And be it further enacted,* That the trustees of said village, or any one of them, shall, in case of fire, have the full control of all the reservoirs in said village belonging to said company, for the purposes of extinguishing fire, and no further.

Consent of owner of land to be obtained.

11. *And be it further enacted,* That the corporation shall first obtain the consent of the owner of any land before digging up the same for the purpose of laying pipes.

Banking prohibited.

12. *And be it further enacted,* That nothing contained in this act shall be so construed, as to grant any banking privileges whatsoever, and that the legislature may at any time alter, modify or repeal this act.

## CHAP. 191.

AN ACT to incorporate the Eastern Branch Turnpike.

Passed April 7, 1827.

Corporation created.

1. *BE it enacted by the People of the State of New-York, represented in Senate and Assembly,* That Gideon Butts and Aretus Lyman, and all such other persons as shall associate for the purpose of making a good and sufficient turnpike road, to begin at or near the intersection of the Troy and Sandlake turnpike, on the eastern turnpike, and extending from thence in the most direct and practicable route to intersect the road in the town of Berlin, near Benjamin Allens, or the old eastern turnpike or the mountain near Burton Hammonds, and their successors, be and they are hereby created a body politic, by the name of "the president, directors and company of the Eastern Branch turnpike," and they are hereby ordained, constituted and declared to be a body corporate and politic, in fact and in name, and by that name, they and their successors shall and may have continual succession, and be persons in law capable of suing and being sued, pleading and being impleading, answering and being answered unto, defending and being defended, in all courts whatsoever, in all manner of actions, complaints, matters and causes, and by the same name and style, shall be in law capable of purchasing, holding and conveying any estate, real or personal, for the use of said corporation: *Provided,* That such estate, a swell real as personal, so be purchased and held, shall be necessary to fulfil the end and intent of said corporation, and for no other purpose whatsoever.

Capital stock

2. *And be it further enacted,* That the stock of said company shall consist of five hundred shares of twenty-five dollars each, and that Jeffrey Thomas, Gideon Butts and Richard I. Knowlton, be and they are hereby appointed commissioners, to receive subscriptions for the said stock, in the manner directed in and by the act entitled "an act relative to turnpike companies," passed March 30th, 1807.

Rates of toll.

3. *And be it further enacted,* That as soon as the first five miles of said road shall be completed, and a license obtained in the manner specified in the act above referred to, it shall and may be lawful for said president, directors and company, to cause one gate to be erected on the same road, and to exact of any person