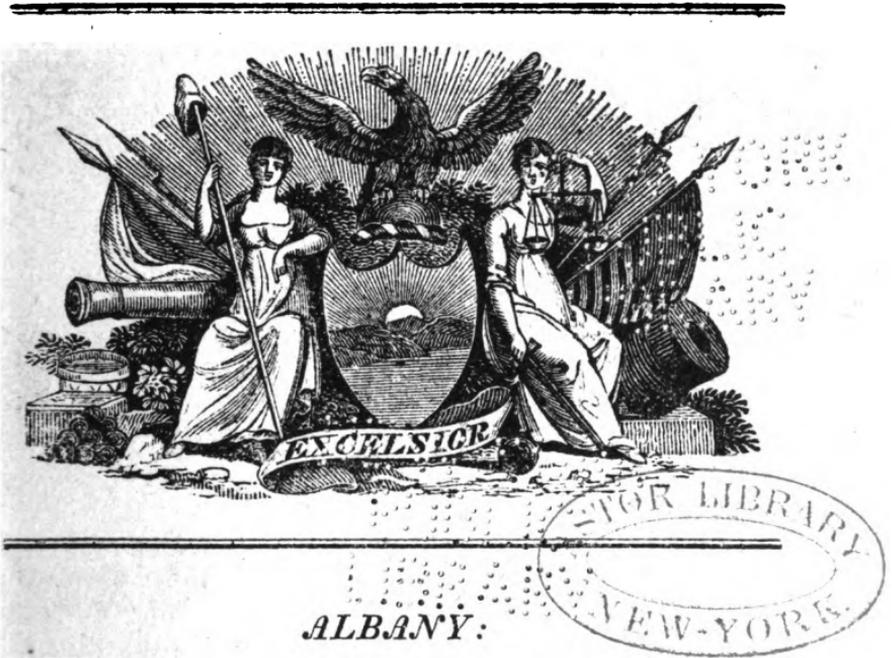


L A W S
OF THE
State of New-York,
PASSED AT THE
FORTY-NINTH SESSION
OF THE
LEGISLATURE,
BEGUN AND HELD AT THE CITY OF ALBANY,
The Third day of January, 1826.



ALBANY:

PRINTED BY E. CROSWELL, PRINTER TO THE STATE,

FOR
WILLIAM GOULD & Co. ALBANY,
AND
GOULD & BANKS, LAW BOOKSELLERS, NEW-YORK.

.....
1826.
WV

Comptroller
to advance
D5000 and
how repaid

3. *And be it further enacted*, That the comptroller shall draw his warrant on the treasurer in favour of the treasurer of the county of Orleans from time to time, for such sums as the said commissioners or a majority of them may certify to be necessary for the fulfilment of any contracts they may make in the premises, not exceeding five thousand dollars in the whole, and charge the same to the treasurer of said county, at an interest of six per cent. per annum; and the treasurer of said county is required to reimburse the same in four equal annual instalments, together with the interest thereon as aforesaid, to the treasurer of this state, out of the monies provided to be raised by the second section of this act, whenever the same shall come into his hands; and in case there shall at any time be any deficiency in the means of reimbursement as aforesaid, it shall be the duty of the supervisors of said county on the requirement of the comptroller, to cause to be raised, levied and collected in manner aforesaid, a sum sufficient to supply such deficiency.

Duty of
supervisors

4. *And be it further enacted*, That the supervisors of the said county of Orleans, have liberty to appropriate any monies in the treasury of the said county, not otherwise appropriated to the purpose of building said court house and gaol, and to draw on the treasurer of the said county for the same: *Provided*, That so much of the act, entitled "an act to erect a new county from part of the county of Genesee, by the name of Orleans, and for other purposes," passed November 12, 1824, as is inconsistent with the provisions of this act, be and the same is hereby repealed.

Proviso

Sheriff

5. *And be it further enacted*, That it shall be lawful for the sheriff of the county of Orleans, to admit to the gaol liberties of said county, any prisoners committed on civil process only, or on being surrendered in discharge of bail in any civil action, in the same manner as if a gaol was erected in said county.

CHAP. 90.

AN ACT to incorporate the Cohoes Company:

Passed March 28, 1826.

Corporation
created

Title

General pow
ers

Proviso

1. *BE it enacted by the People of the State of New-York, represented in Senate and Assembly*, That Peter Remsen, and such others as now are or hereafter may be associated with him for hydraulic and manufacturing purposes, shall be and are hereby constituted, ordained and declared to be a body corporate and politic, in fact and in name, by the name of the Cohoes Company; and by that name they and their successors and assigns shall and may have continual succession, and be persons in law capable of suing and being sued, pleading and being impleaded in all courts and places whatsoever, and in all manner of actions, suits, complaints, matters and causes whatsoever, and that they and their successors may have a common seal, and make, change and alter the same at their pleasure; and also that they and their successors, 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 the said corporation: *Provided*, That the real estate, or their interests therein, so to

be holden, shall be such only as shall be requisite to carry on the hydraulic and manufacturing operations of this corporation, or such as shall have been bona fide mortgaged to it by way of security for sales, or conveyed to it in satisfaction of debts previously contracted in the course of its dealings, or purchased at sales upon judgments or decrees which shall have been obtained for such debts or sales made by virtue of any mortgage given to said corporation for the purposes aforesaid.

2. *And be it further enacted,* That the stock, property, affairs and concerns of the said corporation, shall be managed and conducted by seven directors, to be selected from the stockholders, (one of whom to be president,) who shall hold their offices for one year from the first Monday of May in every year hereafter, and that the said directors shall be elected on the first Monday of May in every year hereafter, at such time of the day, and at such place, as a majority of the directors for the time being may appoint; and public notice shall be given by the said directors not less than thirty days previous to the time of holding the said election, by an advertisement to be inserted in at least two of the public newspapers printed in the city of New-York, and one in the city or county of Albany, and the said election shall be held by such of the stockholders of the corporation as shall attend for the purpose in their proper persons or by proxy, and who shall have owned the stock on which he shall offer to vote, for at least fourteen days next and immediately preceding such election; and all elections shall be by ballot, each share of stock having one vote, and the persons who shall have the greatest number of votes at any election, shall be the directors, and if it shall happen at any election that two or more persons have an equal number of votes, so that no choice shall have been made as to such person, then the said stockholders herein before authorised to vote at such elections, shall proceed to ballot a second time, and by plurality of votes determine which of the persons so having an equal number of votes shall be the director or directors, so to complete the whole number of seven; and the said directors, as soon as may be after their election, shall proceed in like manner to elect by ballot one of their number to be their president; and if any vacancy shall be occasioned in the said direction by the death, resignation or otherwise, the same shall be filled for the remainder of the year in which it may happen, by such person or persons as the remainder of the directors for the time being, or the major part of them, shall appoint: That Peter Remsen, Charles E. Dudley, Stephen Van Rensselaer, jun. Francis Olmsted, Canvass White, Henry J. Wyckoff and David Wilkinson, shall be the first directors, and shall hold their offices until the first Monday in May, in the year one thousand eight hundred and twenty-seven, and until others shall be chosen.

3. *And be it further enacted,* That in case it should at any time happen that an election of directors should not be made on the day when, pursuant to this act, it ought to have been made, the said corporation shall not for that cause, be deemed to be dissolved, but it shall and may be lawful to hold such election on such other day as shall be prescribed by the by-laws and ordinances of the said corporation: *Provided always,* That such election shall be held and determined within sixty days from the first day of May in each

Directors

When elected

Notice

By ballot

Tie

President

Vacancy

First directors

Corporation not dissolved for omitting election

Provide

year, of which election such notice shall be given as herein before required.

Dam across
the Mohawk

Proviso

4. *And be it further enacted,* That it shall and may be lawful for the said corporation to erect and maintain a dam across the Mohawk river, opposite the lands belonging to said corporation, above the great Cohoes Falls, for supplying water necessary for the purpose of said corporation: *Provided always,* That nothing in this act contained shall be so construed as to injure, affect or impair the rights and privileges of any person or persons, or of any corporation heretofore granted, or to impair or injure the rights and privileges of the people of this state.

To construct
a canal, &c

To be approved
by canal
commission
ers

Powers of
corporation

Proviso

Confined to
Watervliet
& Waterford

To secure
waters for
the use of the
state canals,

and construct
sluice gates

Capital stock

5. *And be it further enacted,* That the said corporation shall have full right, power and authority to cut, construct and make a canal or canals from said river, upon the lands of said corporation, to supply water for all the purposes of said corporation, and to cut, construct and make upon the lands of said corporation, as many lateral canals connected therewith as may be necessary to supply water for the manufacturing establishments which may be erected, and also to afford such water communication with the Erie and Champlain canals as shall be approved by the canal commissioners, or such other person or persons as may hereafter be appointed by the legislature, having the superintendence and management of said canals, and may also at any time hereafter purchase, build or hire for the use and in the name of the said corporation, houses, factories, ware-houses, wharves and other necessary buildings, and to sell or lease any part or the whole of the above mentioned property, and also any surplus water of their canals, in such manner as they may think most conducive to the interest of said corporation: *Provided,* That said corporation shall not at any time, by means of their said canals or otherwise, take or use any of the waters of said river which shall now or hereafter be required by the state for the purposes of navigation: *And provided further,* That the said corporation created by this act, shall confine their hydraulic and manufacturing operations to and within the towns of Watervliet and Waterford, and shall well and sufficiently make and keep their canals and works secure, by puddling or otherwise, to prevent leakage and unnecessary waste of water; and also that they shall conduct into the Mohawk river above the dam erected across the said Mohawk river for the Champlain canal, or into the said Champlain canal in such manner as not to interfere with the navigation thereof, all the water that shall in manner aforesaid be taken from said river, excepting unavoidable losses by evaporation or leakage: *And provided further,* That if the said corporation discharge any water from their canals or factories into the said Champlain canal, they shall, at their own expense, construct good and sufficient sluice gates by the side of the guard locks, to allow a free passage for the water from the said factories or canals to said river above the dam aforesaid.

6. *And be it further enacted,* That the capital stock of said corporation shall not exceed two hundred and fifty thousand dollars, and that a share of said stock shall be one hundred dollars; and it shall be lawful for the directors to call and demand from the stockholders respectively all such sums of money by them subscribed, at such time and in such proportion as they shall see fit, under pain of forfeiture of their respective shares, and all previous payments

made thereon, if such payments be neglected to be made for the space of ten days after the same ought to have been made, and thirty days previous notice of said call and demand shall have been given in the manner prescribed in the second section of this act.

7. *And be it further enacted,* That the directors for the time being shall have power to make such by-laws, rules and regulations as shall appear needful and proper, touching the management and disposition of the stock, property, estate and effects of the said corporation, the duties of the officers, and artificers and servants by them employed, and all such matters as appertain to the concerns of the said corporation, with power to appoint such and so many officers, clerks and servants for carrying on the business of the said company, and with such allowances and salaries as to them shall seem meet. By-laws

8. *And be it further enacted,* That the stockholders of the said corporation, shall be holden in their individual capacities responsible, jointly and severally, for the payment of all debts contracted by the said company, to the nominal amount of the stock held by such stockholders respectively; and any person having any demand against the said company, may sue any stockholder thereof singly, or any two or more stockholders thereof jointly, and recover in any court having cognizance thereof: *Provided,* Such suit shall not be maintained without proof that such demand had been presented to the proper officer of the said company for payment, and the payment thereof neglected or refused: *And provided also,* That the said company shall be liable to be prosecuted as a corporation for any such demand. Stockholders responsible to nominal amount of stock, and may be sued Proviso

9. *And be it further enacted,* That the stock of the said corporation shall be deemed and considered personal estate, and shall be assignable and transferable; and that the charter and privileges hereby granted are granted upon the express condition that the funds of said corporation shall be applied to the purpose of improving the water power and property belonging to said corporation, and erecting hydraulic and manufacturing establishments, and engaging in the business connected therewith, and no other, and that for all debts that shall be due and owing by the said company, the persons composing the said corporation at the time of its dissolution shall be responsible in their individual and private capacity, to the extent of their respective shares, and no further, in any suit or action to be commenced or prosecuted after the said corporation shall be dissolved. Stock deemed personal estate Funds how applied Debts

10. *And be it further enacted,* That this act shall be deemed and considered in all courts and places as a public act, and the same shall be construed benignly and favorably, for every beneficial purpose. A public act

11. *And be it further enacted,* That no transfer of any stock in said company shall be valid, until such transfer shall have been registered in a book or books to be kept by the directors of said company for that purpose; which book or books shall, at all reasonable times during the usual hours of transacting business, be open to the examination of any person having in his possession any demand against said company, the payment of which shall have been refused; and in case any officer of said company, having charge of such books, shall refuse to permit the same to be examined as aforesaid, Transfer to be registered, and books to be exhibited Penalty

he shall, for every such offence, forfeit the sum of two hundred and fifty dollars : the one moiety thereof to the people of this state, and the other moiety to him who will sue for the same, by action of debt, in any court of record, together with the costs of such suit.

Banking prohibited

12. *And be it further enacted*, That nothing in this act contained shall be so construed as to authorise any banking or insurance privileges whatever, or the dealing or trading in the stock of any incorporated company, or receiving, directly or indirectly, any transfer, pledge or hypothecation of any stock of any incorporated company for any purpose whatever, or the purchasing, discounting or loaning of any bonds, bills, notes, checks, or any negotiable paper whatsoever, and every such transfer, pledge or hypothecation shall be utterly void.

Legislature may repeal

13. *And be it further enacted*, That the rights and privileges hereby granted shall be deemed to be taken subject to the right of the legislature hereafter to alter, modify or repeal the same.

CHAP. 91.

AN ACT relative to the Lands conveyed to this State for the benefit of the Canal Fund.

Passed March 28, 1826.

Commissioners of land office to appoint agent, &c

1. *BE it enacted by the People of the State of New-York, represented in Senate and Assembly*, That it shall and may be lawful for the commissioners of the land-office from time to time to appoint some discreet and proper person or persons as their agents, to prosecute all trespassers on the lands conveyed to this state for the benefit of the canal fund ; and such agent is hereby authorised to bring suits in the name of the people of this state against all persons who may have, or shall hereafter trespass on said lands, and to prosecute the same to judgment and execution, according to the existing laws of this state ; and that the treasurer, on the warrant of the comptroller, shall pay the costs that may accrue in the premises to such agent, together with such compensation for his services as the said commissioners shall deem reasonable and just : *Provided*, That in case any defendant so prosecuted as a trespasser shall succeed on the trial, the said agent shall be entitled to no costs of such suit, unless the commissioners of the land-office shall be convinced that there was probable and reasonable cause for bringing such suit : *Provided also*, That such agent shall give such reasonable security from time to time to the people of this state for the faithful execution of his trust, as the commissioners of the land-office shall require and approve.

Trespassers

Proviso

Commissioners to cause surveys and sell lands

2. *And be it further enacted*, That it shall be the duty of the commissioners of the land-office to dispose of said lands in such manner, and at such time, and on such terms as they shall judge best for the interest of the canal fund, and for that purpose to cause such surveys and examinations to be made as they shall deem necessary for carrying this act into effect, the expenses of which shall be defrayed in such manner as the expenses relating to the surveys and sales of