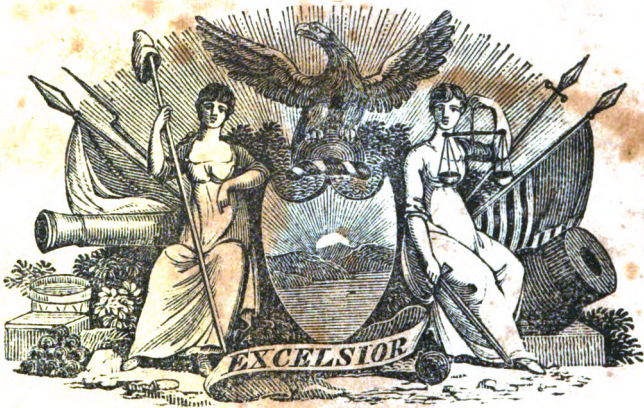


L A W S
OF THE
State of New-York,
PASSED AT THE
FIFTIETH SESSION,
OF THE
LEGISLATURE,
BEGUN AND HELD AT THE CITY OF ALBANY,
The Second day of January, 1827.



ALBANY:
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.....
1827.

ter a demand shall have been made for payment from the said company.

CHAP. 304.

AN ACT to Incorporate the Lewiston Aqueduct Company.

Passed April 16, 1827.

Corporation created.]

Name and general powers.

Proviso.

Stock.

1. *BE it enacted by the People of the State of New-York, represented in Senate and Assembly,* That Jacob Townsend, William Hotchkiss, Marcus Stickney, Joseph Hewell, Timothy Shaw, Calvin Hotchkiss, and Isaac Colt, or either of them, together with all such other persons as shall associate for the purpose of constructing an aqueduct, beginning at such place as they may designate, at or near a place called the Devil's Hole, on the Niagara river, and from thence on the most eligible route to such place as they may designate, at or near the main street in the village of Lewiston, or such other place as they may see fit, shall be, and are hereby created a corporation and body politic, in fact and in law, by the name of the Lewiston Aqueduct Company, and by that name they and their successors in office, forever shall and may have perpetual succession, and shall be capable in law to purchase and have, hold and enjoy, to them and their respective successors, lands, tenements, hereditaments, goods and effects of every kind whatsoever, and the same and every part thereof to sell, grant, demise, alien or dispose of; to sue and be sued; to plead and be impleaded; answer and be answered; and to defend and be defended in courts of record, or any other place whatsoever; and also to make, have, and use a common seal, and the same to alter or renew at their pleasure; and also to ordain, establish and put in execution such by-laws, ordinances and regulations, as shall seem necessary and convenient for the government of the said corporation, and transaction of business, not being contrary to the laws of this state, or of the United States, and generally to do and execute all and singular, acts, matters and things, which to the said corporation it shall or may appertain to do: *Provided however,* That the amount of the real estate which the said corporation shall be entitled to hold, shall not, at the time of acquiring the same, exceed the sum of two thousand dollars in value, over and above the real estate necessary to effect the objects of this corporation.

2. *And be it further enacted,* That the stock of the said company shall not exceed thirty thousand dollars, to be divided into shares of twenty dollars each; and that Jacob Townsend, William Hotchkiss, Calvin Hotchkiss and Marcus Stickney, or a majority of them, shall be commissioners, whose duty it shall be, on or before the first day of July next, at some proper place in the village of Lewiston, or at such other place as they shall designate, to open books for the purpose of receiving subscriptions to the capital stock of said company; and public notice shall be given by the said commissioners, of the time and place of opening the said books, in the newspapers printed in the county of Niagara, and in such other newspapers as the commissioners shall direct, for at least four weeks, which books shall be kept open for at least one week; and the said com-

missioners may prescribe the form of such subscription, so that the said shares, or any part thereof, may be paid for in labor on the said aqueduct, or in materials and provisions; and other parts thereof may be payable in money, at such times as the said commissioners may determine; and whenever the sum of eight thousand dollars shall be subscribed to the said capital stock, it shall be the duty of the commissioners, or a major part of them, to give at least thirty days notice of the time and place of holding an election for the choice of directors of the said company, by advertisements in the newspapers printed in the county of Niagara, and in such other newspapers as they shall deem necessary; and the said commissioners shall be the inspectors of the first election of directors, and shall certify under their hands, the names of the persons duly elected, and shall deliver over to them the subscription books; and the directors so chosen shall hold their office for one year after their election, and until others shall be chosen in their places; and that in the said election, and in all subsequent elections for directors of the said company, each share shall entitle the holder to one vote.

3. *And be it further enacted,* That there shall be three directors Directors. of said company, who shall be stockholders, and citizens of this state; and all elections for directors, after the first, shall be holden at such times and places, as a majority of the directors shall appoint; and thirty days notice shall be given in the newspapers printed in the county of Niagara, and such other newspapers as the directors shall direct; and the said election shall be made by the stockholders in said company, either in person or by proxy, by ballot, and the three persons who shall have the greatest number of votes, shall be directors; and if more than three persons shall have an equal and the highest number of votes, then the said commissioners, at the first election, and afterwards the directors in office, at the time of such election, or a major part of them, by plurality of votes, shall determine which of the said persons shall be director or directors, so as to complete the whole number to be elected; and all vacancies in the direction shall be filled for the remainder of the year in which they shall happen, by such person or persons as the residue of the directors, or a majority of them, shall appoint.

4. *And be it further enacted,* That the directors shall choose a Other officers president, a treasurer and secretary, to hold their offices during the pleasure of the said directors, and two directors shall be a quorum for the transaction of business; and the said directors shall have power to declare the stock of such persons as shall neglect to pay the same according to the terms of the subscription, and all previous payments thereon, to be forfeited to the use of the said company; or may sue for and recover from such delinquent subscribers and stockholders, the amount due on such shares, in an action of assumpsit, in any court having cognizance thereof, whether any payment shall have been made by such delinquent subscribers on such stock or not.

5. *And be it further enacted,* That it shall and may be lawful to Lands to be used by the company. and for the directors of the said corporation, and their superintendants, engineers, artists, workmen and laborers, with carts, wagons, and other carriages, with their beasts of draft and burthen, and all necessary tools and implements, to enter upon the lands over which the said intended aqueduct shall pass, and contiguous thereto, first giving notice of their intention to the owners thereof, and doing as

little damage thereunto as the nature of the work will require, and repairing any breaches that may be made in the inclosures thereof; also to enter upon, possess and occupy any lands near the north termination of said aqueduct, either on the side of the mountain or flat-below, that shall be necessary to erect any mills for any hydraulic works, with full power to make all dykes, ponds, embankments, race-ways, tail races, roads, bridges and gates; and to make use of any stone, timber, gravel or earth on the same, they making amends for any damages by the owner or owners thereof sustained, by appraisal, in the manner directed in the seventh section of the act entitled "an act to incorporate the Niagara Canal Company," passed April 11, 1823.

Water may
be let or lease-
ed.

6. *And be it further enacted*, That the said company hereby incorporated, shall have full right, power and authority, in addition to the powers hereby above granted, to lease, let or grant and convey, for a limited time, the use of the water, to any person or persons for any lawful purpose; and the rents and profits resulting therefrom to take and receive for the use of the said company.

Penalties.

7. *And be it further enacted*, That if any person or persons whatsoever, shall wilfully commit any trespass upon the aqueduct, dams, works or machinery of the said company, whereby the said company shall sustain any damage, he or they so offending shall forfeit to the said company four-fold damages by them sustained by means of such wilful trespass, together with costs of suit, to be recovered in any court having competent jurisdiction; and whenever an execution shall be issued or served, by virtue of such judgment, on the body of the person so offending, for want of goods and chattels, such person shall not be entitled to the liberties of any gaol, in which he may be confined.

Responsibility.

8. *And be it further enacted*, That the stockholders and directors of the said corporation shall be jointly and severally and personally liable for the payment of all debts contracted by the said corporation, or by their agents; and any person or persons having any demand against said corporation may sue any stockholder, director or directors in any court having cognizance thereof, and recover the same with costs: *Provided*, such demand shall be first presented for payment to some one of the officers of said company; and it shall be lawful for the legislature, at any time hereafter, to alter, modify or repeal this act.

Proviso.

CHAP. 305.

AN ACT to vest certain Land belonging to the People of this State, in the Trustees of School District number twenty-three, in Johnstown.

Passed April 16, 1827.

West half of
jail lot vest-
ed in the
trustees.

1. *BE it enacted by the People of the State of New-York, represented in Senate and Assembly*, That the trustees of school district number twenty-three, in the village of Johnstown, in the county of Montgomery, may enter upon, hold, occupy and enjoy, for the use and benefit of said school district, the western half or moiety of a