

PRIVATE LAWS

OF THE

State of New-York,

PASSED AT THE THIRTY-THIRD SESSION

OF THE

LEGISLATURE,

BEGUN AND HELD AT THE CITY OF ALBANY THE THIRTIETH DAY
OF JANUARY, 1810.



ALBANY :

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1810.

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A. D. 1810.

general, may be directed to take measures, at the expense of the petitioner, to recover the bonds and Mortgages of the said John Munro, and to collect the monies due thereon, and out of such monies to pay the petitioner's just demand against the said John Munro :—Therefore,

Be it enacted by the people of the state of New-York, represented in senate and assembly, That the attorney-general be and he is hereby empowered to take such measures as he shall deem expedient, at the expense of the said Archibald Currie, to recover the bonds and Mortgages aforesaid of the said John Munro, which have been forfeited to the people of this state, and to collect the monies due thereon, and to pay the avails thereof into the treasury of this state, and thereupon it shall be the duty of the comptroller to draw his warrant on the treasurer in favor of the said Archibald Currie, for such sum as the comptroller shall find to be justly due to him for his demand against the said John Munro :—*Provided always,* That the amount of such demand shall not exceed the avails arising from the said bonds and mortgages.

CHAP. LXXIII.

An Act incorporating the Malone Aqueduct Association.

Passed March 19, 1810.

B*E it enacted by the people of the state of New-York, represented in senate and assembly,* That Appleton Foot, George F. Harrison and Warren Powers, and such other persons as may become associated with them for supplying the village of Malone, in the county of Franklin, with wholesome water, by means of Acqueducts, shall be and are hereby made and created a corporation and body politic, by the name of the president, directors and company of the Malone Aqueduct association, and by that name shall be capable in law to sue and be sued, plead and be impleaded in any court of record, and to hold and enjoy such real estate as may be necessary for, the attainment of the object aforesaid, not exceeding one thousand dollars in the whole, exclusive of the profits or income of the said acqueducts.

And be it further enacted, That it shall and may be lawful for the persons above named, to do and perform the several duties herein after mentioned, that is to say, they shall, on or before the first day of June next, procure three books, and in each of them enter as follows : WE whose

Association
incorporated

Name of the
corporation.

Subscrip-
tions to the
stock.

names are hereunto subscribed, do for ourselves and our legal representatives, promise to pay the president, directors and company of the Malone Acqueduct association, the sum of ten dollars for each share of stock in the said company, set opposite to our respective names, in such manner and proportion, and at such time and place as shall be determined by the said president and directors, one of each books shall be left with each of the above named persons, at their places of abode, who shall keep the same open for the purpose of receiving subscriptions, and every subscriber shall at the time of subscribing, pay to either of the aforesaid persons, the sum of two dollars on each share so subscribed for : And the said Appleton Foot, George F. Harrison and Warren Powers, as soon as thirty shares have been subscribed, shall cause an advertisement to be affixed up in three of the most public places in the said village, giving at least five days notice of the time and place where the said subscribers shall meet, for the purpose of choosing five directors, who shall be stockholders, for the purpose of managing the concerns of the said company for one year, and the day of choosing the said directors shall thereafter be the anniversary day for choosing directors ; and any three of the said directors shall be a quorum, and capable of transacting the business of the said corporation, and the said directors elected by a plurality of the votes of the said stockholders, shall immediately proceed to the choice of a president and treasurer, from their own body, and the said president and directors may meet from time to time, at such time and place as they may think proper, and shall have power to make such such by-laws, rules and regulations, not inconsistent with the laws of this state, nor of the United States, as shall be necessary for the well ordering of the said corporation, with a power of declaring forfeited all previous payments made on the respective shares whose full sum or any part thereof is not paid at the time and place specified by the said president and directors : *Provided*, That no person shall have more than ten votes, whatever number of shares he may hold, and that each person shall be entitled to one vote for each share by him held under that number.

And be it further enacted, That the said president and directors may continue to receive subscriptions to the stock of the said corporation until there shall be fifteen hundred shares subscribed, and shall have power to appoint such

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When thirty shares are subscribed, stockholders to choose 5 directors.

Day of election.

3 directors a quorum.

Directors to choose a president and treasurer from their own body.

Power of the directors.

1500 shares may be subscribed.

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May use any
lands, streets
& fountains.

agents, clerks and workmen as shall be necessary for executing the business of the said corporation.

And be it further enacted, That it shall be lawful for the said company and any person or persons employed by them or acting under them, to enter into and upon and freely to make use of any lands, fountains or streets, which they shall deem necessary for the purpose of conducting pure and wholesome water to and through the said village of Malone, and to lay and conduct any number of pipes or aqueducts through or over any of the said lands, provided the said president and directors agree with the owners of the said fountain and lands through and over which the said pipes or aqueducts may pass.

Duty of the
treasurer.

And be it further enacted, That the treasurer of the said company shall receive and pay out all monies collected by virtue of this act, agreeable to the orders and directions of the said president and directors, and he shall keep a just and true account of the yearly income of the said company, and as soon as the same shall amount to fourteen per centum per annum for each and every year, on the whole of the capital expended, over and above all expenses, it shall then be his duty and he is hereby directed and required to pay the overplus, if any there be, over to the treasurer of the village of Malone, to be applied to the use of a night watch in said village agreeable to the directions of the trustees thereof.

When the in-
come exceeds
14 per cent.
the excess to
be for the use
of the villagePenalty for
injuring the
works.

And be it further enacted, That if any persons shall injure, deface, dig up, break down or destroy any of the works of the said company, he or she shall forfeit and pay the sum of twenty dollars, to be recovered by the treasurer of the said company in an action of debt for their use with costs in any court having cognizance of the same.

Stock per-
sonal prop-
erty.

And be it further enacted, That the stock of this company shall be deemed, taken and considered as personal property, and subject to be transferred agreeable to the rules and regulations prescribed by the president and directors of the said company.

Day of elec-
tion not con-
fined to the
day before
appointed.

And be it further enacted, That if the election for directors of the said company shall not be held on the day of the annual election for the said directors, it shall be lawful to make such election at any other day, to be appointed for that purpose by the said president and directors, in like manner and with like effect as if the same had been held at the usual time, and the directors in office shall in such case be incapacitated after the said anniversary day from

performing any act as directors other than such as may be necessary to give such election effect.

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And be it further enacted, That this act is hereby declared to be a public act, and that the same be construed in all courts favorably and benignly for every beneficial purpose therein contained.

Declared a public act.

CHAP. LXXV.

An Act to incorporate the Durham and Broome turnpike company.
Passed March 23d, 1810.

BE it enacted by the people of the state of New-York, represented in senate and assembly, That Thomas Fitch, Calvin Ackley, Aaron Hubbard, Elisha Bates, John Adams, Lemuel Hotchkiss, Abel M. Grosvenor and all other persons who shall associate for the purpose of making a good and sufficient turnpike road, beginning at the village of Prink-street in the town of Durham, and running northerly on the most eligible route to or near the house of Samuel Mott, in the town of Rensselaer-Ville; and from thence on the most eligible route to or near the house of Aaron Hubbard; and from thence on the most eligible route until it shall intersect the Mountain turnpike road, east of their half toll-gate; and the corporation shall be and are hereby created a body corporate and politic, in fact and in name, by the name of "the president, directors and company of the Durham and Broome turnpike road company," and by that name they shall be capable in law to purchase, have, hold, enjoy and retain, to them and their successors, lands, tenements, hereditaments, goods, chattels and effects, of every kind whatsoever, to the amount of two thousand dollars.

Route of the road.

Company incorporated.

And be it further enacted, That the stock of said company hereby incorporated shall consist of eight hundred shares, of twenty dollars each, and that Thomas Fitch and Levi Austin shall be and are hereby appointed commissioners to receive subscriptions for said stock, in the manner directed in and by the act entitled "an act relative to turnpike companies," passed the thirteenth day of March one thousand eight hundred and seven.

Stock, 800 shares of 20 dolls. each.

And be it further enacted, That the said company hereby incorporated, shall be entitled to erect one gate, on said turnpike road, and to receive at said gate, to be erected on said road, from all persons travelling and using the same, the following rates of toll; for every score of sheep

Rates of toll.