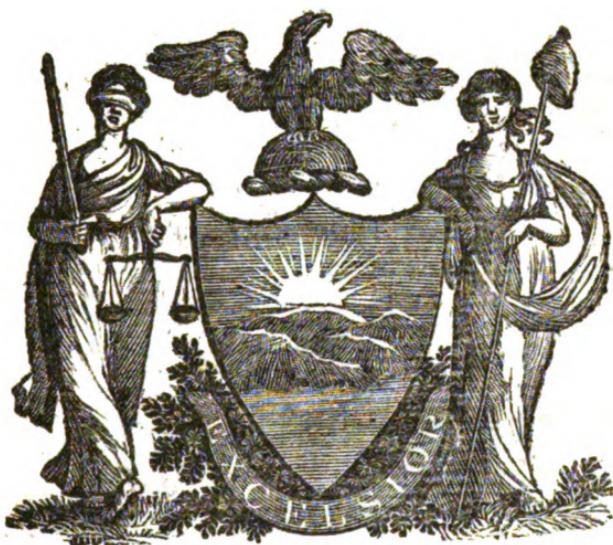


L A W S

OF THE

State of New-York.



V O L. III.

Containing
ALL THE ACTS

Passed from the Revision of 1801, to the End of the 27th Session of the Legislature, 1803.

A L B A N Y :
PRINTED BY CHARLES R. AND GEORGE WEBSTER,
1804.

- 8 VI. *And be it further enacted*, That it shall and may be lawful for the president and directors of each and every turnpike corporation within this state, from time to time to commute with any person, whose place of abode shall adjoin to or be near any such turnpike road, for the toll payable at the toll-gate nearest to and on each side of such place of abode, so as that any such commutation shall not be for a longer term than one year.
- 9 VII. *And be it further enacted*, That in all cases of persons meeting each other, on any turnpike road or public highway in this state, travelling with carriages, sleighs, waggons or carts, the persons so meeting shall seasonably turn, drive and convey their carriages, sleighs, waggons or carts, to the right of the centre of the road, so as to enable each others carriages, sleighs, waggons or carts to pass each other without interference or interruption, under the penalty of five dollars for every neglect or offence, to be recovered by the party aggrieved, in an action of debt in any court having cognizance thereof, with costs of suit.
- 10 VIII. *And be it further enacted*, That the turnpike corporation for improving a road from the village of Bath to the Massachusetts line, shall have the like powers and privileges of erecting toll-gates, and of receiving such rates of toll as is granted by the first section of the act, entitled "An act further to amend an act to establish a turnpike corporation for improving the road from the springs in Lebanon, to the city of Albany," passed the thirty-first day of March, one thousand eight hundred and one.
- 11 IX. *And be it further enacted*, That the first Wednesday in November in every year, shall for ever hereafter be the anniversary day for electing directors of the said corporation, and that the present directors of the said corporation shall continue in office until the first Wednesday of November next after the passing of this act, any former law to the contrary notwithstanding.
- 12 X. *And be it further enacted*, That whenever the day of the election of the directors of any turnpike corporation in this state shall happen to be on Sunday, such election shall in every such case be held on the next day following, any law to the contrary notwithstanding.

Water Works.

C H A P. LXXII.

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An ACT to incorporate the Stockholders of the Schenectady Water Works Company.

Passed April 7th, 1804.

WHEREAS Abraham Oothout and sundry other inhabitants of the city of Schenectady, in conjunction with the mayor, aldermen and commonalty of the said city, have associated to supply the said city with water, and by their petition presented to the legislature have prayed to be incorporated, to enable them to forward the purposes of their institution conformable to certain articles of association accompanying the said petition.

I. *BE it therefore enacted by the People of the State of New-York, represented in Senate and Assembly,* That Abraham Oothout, Stephen N. Bayard, Maus Van Vranken, James Murdoch and Joseph C. Yates, and their present and future associates, their successors and assigns, be and they are hereby created a body corporate and politic, by the name of the "trustees of the Schenectady water works," and are hereby ordained, constituted and declared to be for ever hereafter a body politic and corporate, in fact and in name, and by that name they and their successors shall have continual succession, and shall be persons in law capable of suing and being sued, in all courts and places whatsoever; and that they and their successors may have a common seal, with power to alter the same, and by the name and style aforesaid, be capable of purchasing and holding such real property as shall be necessary to attain the objects of this incorporation.

II. *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 ten dollars each; and that the mayor, aldermen and commonalty of the city of Schenectady shall be at liberty to subscribe and have five hundred of such shares or any lesser number; and the trustees of Union college shall be at liberty to subscribe and have fifty of such shares or any lesser number, which subscription shall be taken in preference to all others.

III. *And be it further enacted,* That the stock, property and concerns of the company shall be managed by three trustees, being stockholders and citizens of the said city of Schenectady, to be elected by all the stockholders, excluding the said mayor, aldermen and commonalty in their corporate capacity, and by two trustees, to be appointed by the said corporation at least one week previous to the third Tuesday in July in every year, which is hereby declared to be the anniversary election of the said trustees; which said five trustees shall hold their offices for one year from the said third Tuesday in July in every year.

- 8 IV. *And be it further enacted,* That the election to be made by the stockholders as aforesaid, shall be held and conducted by some one person, being a stockholder, who shall be thereto appointed by plurality of voices of the stockholders present at the place of election, immediately after the time appointed for opening the same, of which time and place three weeks public notice at least shall be previously given by the trustees for the time being; and such person, after having then and there openly counted and estimated the votes taken at such election, shall forthwith make return in writing under his hand, to the president of the trustees for the time being, and the three persons so chosen shall be and remain trustees until others shall be chosen in their stead
- 9 as herein provided; and that all elections to be made as aforesaid for the said three trustees, or any of them, shall be by ballot by the stockholders personally or by proxy, each stockholder voting in the following proportions, to wit: one vote for every share not exceeding ten; for every twenty shares, fifteen votes; for every thirty shares, twenty votes, and one vote for every ten shares above thirty; but no person or body corporate shall be entitled to more than fifty votes whatever number of shares he or they may hold; and the three candidates having the greatest number of votes at such election shall be the trustees, and shall enter upon and continue in office from the time
- 10 of their being returned as elected until the next anniversary return made as aforesaid; and if at such election any two or more persons have an equal number of votes, so that the requisite number of trustees shall not be elected, the stockholders present shall forthwith in like manner proceed to elect out of the persons so having an equal number of votes, so many of them as shall complete the requisite number of three trustees; and should two or more of them still have an equal number of votes, then the candidates shall determine the choice by lot; and that the trustees
- 11 so chosen as aforesaid shall forthwith, on the day of their election, in conjunction with the two trustees appointed by the corporation of this city, who shall then and there attend for this purpose, choose from among the said five trustees one of the number as their president; and in case of the absence of the president
- 12 chosen from any meeting of trustees, those of them who are present may, by plurality of voices, appoint one other of their number president for such meeting, but that the said trustees shall not be entitled to any compensation for services rendered for the said company as such; and 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 or appointed to fill such vacancy in manner aforesaid, and at such time and place as the president of the trustees, or the mayor of the said city, (as the case may be) shall,
- 13 by public notice given as aforesaid, direct; and that the trustees, or a major part of them, shall on all occasions constitute a board
- 14 for the transaction of business; and as soon as possible after their election, shall, in their discretion, take the most effectual measures for supplying the city with a sufficiency of pure and wholesome water for every purpose necessary to the convenience
- 15

and security of the citizens and beneficial to the company ; and the said trustees, or the major part of them, shall have power to appoint the time and place of all meetings for the dispatch of business ; to appoint all such agents, officers, or servants, as they shall deem necessary for carrying into effect the objects of this company ; to call upon the stockholders for such payment 16 on their stock as they shall from time to time find requisite ; to agree with all persons who shall use the water for a proper compensation for the use thereof ; to make such and so many fire 17 stops, not exceeding seventy, as the common council of the first and second wards of this city shall require, and at such places in the said wards as the said common council shall direct ; to suffer and permit the said mayor, aldermen and commonalty to make so many other fire stops as they may deem necessary, and at such places as they shall direct, at the proper cost and charges of the said mayor, aldermen and commonalty, all of which fire stops shall be used for the extinguishment of fire in said city, and shall be made fully adequate thereto, and shall be used for that end only, and that free from all rent or costs for the use of the water, and shall be kept and maintained in constant and ample order at the proper charge and costs of the said company and the said mayor, aldermen and commonalty respectively as aforesaid, to wit : those to be made by the said company as aforesaid are to be by them kept and maintained as aforesaid, and those to be made by the said mayor, aldermen and commonalty as aforesaid, are to be by them kept and maintained as aforesaid ; and the said trustees, or the major part of them, shall in like manner establish rules and regulations for and concerning the conduct, government and compensation of all officers or agents of any description in their employ, and for the conduct and government of all persons who use the water from their works, so far as respects the preservation thereof and its use, and to refrain the same, and to preserve the works and water from injury and waste, and to declare the dividends on the stock of the 18 company, and to make bye-laws for and concerning the manner of making transfers of said stock, and to do and perform whatever else in their discretion shall tend to promote the objects of the company, not inconsistent with the laws of the United States or of this state, or of the corporation of the said city : Every stock- 19 holder neglecting or refusing to pay the requisitions called for on his stock by the trustees, shall forfeit his stock, with all previous payments made thereon, and all his interest in the stock of the said company ; and that as soon as the income of the said 20 corporation shall have become so productive as that every stockholder shall have received therefrom a sum equal to the whole sum originally subscribed on each and every share by him held, together with interest thereon at the rate of fourteen per cent per annum, and that the said company is fully reimbursed all monies expended by them in erecting, keeping and maintaining the same, with like interest thereon, then this association shall cease and be ended, and the said works, and every thing appertaining thereto, shall belong to the mayor, aldermen and com-

monalty of this city, and shall be subject to their direction and management.

- 21 V. *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 their authority, to enter into and upon, and freely to make use of any land which they shall deem necessary, for the purpose of conducting a plentiful supply of pure and wholesome water to the said city, and to erect any dams or other work across or upon any stream or streams of water, river or rivers, or any other place or places where they shall judge proper for the purpose of raising such stream or streams, or turning the course thereof, or of making use of such streams, rivers or places for constructing or working of any necessary engines, and to construct, dig or cause to be opened any canals or trenches whatsoever for the conducting of such stream or streams, or any other quantity of water from any source or sources, that they may see fit, and to raise and construct such dikes, mounds or reservoirs as they may judge proper, for securing and conveying such supply of water as aforesaid to the said city, and to survey and lay out all such lands and streams as they may think proper, in order to ascertain the best mode of furnishing such supply and the best and most productive streams and sources or fountains of water for that purpose, and to lay and conduct any number of pipes, conduits or aqueducts through or over any of the said lands, or any rivers or streams of water, as they may see fit to or towards the said city, and in and every part of the said city ;
- 22 and to agree with the owner or owners of any mills, lands, tenements or hereditaments, that may be damaged or affected by any of the said operations for and about a reasonable compensation to be made to him, her or them, for any damage which he, she or they, or any of them, may sustain by the employing, diverting, or obstructing any such stream or streams, or using any such lands, or the cutting, laying, raising or making any such reservoirs, aqueducts, canals, trenches, pipes, conduits, dikes or mounds as aforesaid ; but in case of disagreement, or in case the owner or owners of such mills, lands, tenements or hereditaments, shall be feme covert, under age, non compos mentis, or out of the state, then it shall be lawful for the judges of the supreme court of this state, or any one of them, not being an inhabitant of the said city, upon the application of either party, to nominate and appoint three indifferent persons to estimate the injury sustained as aforesaid, and to report thereupon to the said court without delay, and upon the coming in such said report and the confirmation thereof by the said court, the said president, directors and company shall pay to the said owners respectively, the sum mentioned in such report, which sum when paid shall be held and taken to be a full discharge of all such damages ; and in case the persons so appointed shall report against such claim for damages, such report, after the same shall be confirmed as aforesaid, shall be deemed final and conclusive between the parties.

VI. *And be it further enacted*, That the said first trustees shall 23 be Joseph C. Yates, Abraham Oothout, Stephen N. Bayard, Maus Van Vranken and James Murdoch, who shall hold their offices until the third Tuesday in July next, and that Joseph C. Yates shall be their president.

VII. *And be it further enacted*, That if any person or persons 24 shall wilfully do or cause any act whatsoever, whereby any of the works of the said company or any part of such works, or any matter or thing appertaining to the same, shall be injured, the person or persons so offending shall forfeit and pay to the said company, treble the amount of the damages, to be recovered by such company with costs of suit, by an action of debt in the supreme court of judicature of this state, which action shall in every instance be considered as transitory in its nature, and shall and may be triable in any county of this state.

C H A P. LXXXIV.

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An ACT to incorporate an Aqueduct Association in the Town of Kingston, in the County of Ulster.

Passed April 9th, 1804.

WHEREAS Luke Keersted, Jonathan Hasbrouck, Jacobus S. Bruyn, together with fundry other citizens of the town of Kingston, have associated for the purpose of supplying themselves in the said town of Kingston, with pure and wholesome water, and for the use of such other of the inhabitants as may be inclined to take the same.

I. *BE it therefore enacted by the People of the State of New-York, represented in Senate and Assembly*, That Luke Keersted, Christopher Tappen, John Tremper, Abraham B. Bancker, Abraham Hoffman, Jacobus S. Bruyn, Jonathan Hasbrouck, Conrad Edmund Elmendorf, John Tappen, Frederick A. DeZeng, Lucas Elmendorf, Joseph Gasleric, and such other persons as are now interested, or hereafter may become interested in the association or company formed for supplying the said town of Kingston with water by means of conduits or aqueducts, shall be and are hereby created and made a corporation and body politic, in