

L A W S
OF THE
STATE OF NEW-YORK,
PASSED AT THE
THIRTY-FIFTH SESSION
OF THE
LEGISLATURE,

Begun and held at the City of Albany,
THE TWENTY-EIGHTH DAY OF JANUARY, 1812.
Perceived & continued



ALBANY:
PRINTED FOR S. SOUTHWICK,
PRINTER TO THE STATE.

.....
1812.

Lands granted to J. Cooper.

general be and he is hereby directed forthwith to cause to be appraised, lot number 12, in the town of Sterling, in the county of Cayuga, and also one hundred acres of land in lot No. 27, of said town, on the north-west corner of said lot No. 27, and that he convey the said lot and the said one hundred acres of land, to John Cooper, of the said town of Sterling, and county of Cayuga, on a credit of eight years, he the said John Cooper to pay the interest annually, on condition that the said John shall execute his bond and mortgage to the people of this state, for the payment of the consideration money and interest as aforesaid.

CHAP. CLXXII.

An ACT to incorporate the proprietors of the Earthen Conduit Company of Troy.

Passed June 16, 1812.

Preamble.

WHEREAS certain persons have associated for supplying the village of Troy with water, and have, by their petition, prayed to be incorporated: Therefore,

A. Ten Eyck and others incorporated

I. *Be it enacted by the people of the state of New-York, represented in senate and assembly,* That Abraham Ten Eyck, Derick Lane, Daniel Merritt, and their associates, shall be and hereby are constituted a body corporate and politic, in fact and in-name, by the name of "the trustees of the Earthen Conduit company of Troy," and by that name may and shall have succession, for the term of thirty years after the passing of this act, sue and be sued, plead and be impleaded, answer and be answered unto, defend and be defended, in all manner of actions, matters and causes whatsoever, have a common seal, and make, change and alter the same at pleasure, and be capable of purchasing and conveying, any estate, real or personal, for the use of said corporation: *Provided,* such real estate shall be necessary to attain the object of this incorporation, that the stock of said corporation shall be deemed personal property, and shall consist of one hundred shares of one hundred dollars each; that each of the stockholders of said association shall pay in such

Their style, &c.

Amount of stock.

proportions, and at such periods of time as the trustees of said company shall direct and appoint, upon pain of forfeiture of their shares, and all previous payments thereon, to said trustees for the use of said company; that the management of the concerns of said company shall be entrusted to five trustees, being stockholders and inhabitants of the village of Troy, which trustees shall hold their offices one year from the first Tuesday in September in every year that an election shall be held on the Saturday preceding every such Tuesday in September in every year, in such place in the village of Troy, and at such hours as the trustees shall from time to time appoint by notification, to be published in one of the newspapers printed in said village at least one day before the election day, that all elections 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 five, and one vote for every two shares over five; but no person or co-partnership shall be entitled to more than ten votes; and the said five persons having the greatest number of votes, shall be trustees; that any two or more persons having an equal number of votes, so as that five trustees shall not be chosen or elected, the stockholders shall on the Monday next succeeding, at the same place and same hour, in like manner elect out of the persons so having an equal number of votes, so many as shall complete the number of five trustees; that the trustees shall, on the second Tuesday in September in every year, elect 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 removal from the said village, others shall be elected by the stockholders in like manner as aforesaid to fill such vacancy, and that Abraham Ten Eyck shall be the first president, and Abraham Ten Eyck, Derick Lane, Platt Titus, Nathan Warren and Daniel Merritt, the first trustees of said company, to remain in office until the first Tuesday in September next.

Elections
how made.

First presi-
dent and
trustees.

Their duty.

II. *And be it further enacted,* That the said trustees shall be authorised in their discretion to appoint a clerk, superintendant, 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 bye-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 said conduit, so far as it respects the preservation of the water furnished by the said company and the use thereof, and to restrain the waste thereof, and by such bye-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 clerk or superintendent, before any justice of the peace of the village of Troy, with costs, in an action of debt. And for the purpose of effectually supplying the inhabitants of said village with water, it shall and may be lawful to and for the said trustees and company to lay and conduct any number of conduits necessary for and calculated to supply such water through or over any lands in the township or village of Troy, and in case of disagreement with the owner or owners of any lands or tenements as to the compensation to be made for the injury committed by such operations, or if the owner or owners be out of the state, feme coverts, under age or insane, that then and in such case it shall be lawful for any justice of the peace of the village of Troy, upon application of said trustees, to appoint three indifferent persons, being freeholders, to appraise such damages, and they or any two of them shall, with all convenient speed, make such appraisement and report the same to the justice who shall have made such appointment in writing subscribed by them, which report the said justice shall forthwith cause to be filed in the office of the

clerk of said county, with a certificate to be subscribed by him of his having made such appointment; that the said trustees shall thereupon pay to the owner or owners of such lands or tenements, or person or persons legally authorised to receive the same, whenever he, she or they shall demand the amount of such damages, and shall forthwith, after such appraisement shall have been completed, pay to such justice all the costs, charges attending the making such appraisement and perfecting such report, which payment shall be deemed full compensation for such injury, and that it shall and may be lawful to and for the said trustees and company to conduct and lay their conduits below the surface of any street or public highway in the said village or township of Troy, putting such street or public highway in as good condition as the same was before such conduits were laid.

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

Penalty for
injuring the
conduits, &c.

IV. *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.

CHAP. CLXIII.

An ACT to divide the town of Olean, in the county of Cattaraugus, and for other purposes.

Passed June 16, 1812.

I. **B**E it enacted by the people of the state of New-York, represented in Senate and Assembly, That from and after the day preceding the first Tues-

Each copy
sold.