

**LAWS**  
OF THE  
**STATE OF NEW-YORK,**  
PASSED AT THE  
**FIFTY-FIRST SESSION, SECOND MEETING,**  
**1828;**  
AND FIFTY-SECOND SESSION,  
**1829.**



**ALBANY :**  
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.....  
1829.

§ 12. It shall not be lawful for any person to erect a <sup>Prohibition.</sup> bridge or keep a ferry across the Susquehannah river, within one and a half miles of the said bridge at any time when the said bridge shall be in a safe state for passing over the same; nor shall any person cross said river by fording, within one mile of said bridge, under the penalty of fifty cents, to be recovered with costs of suit by said corporation.

§ 13. The said bridge shall be built not less than twenty <sup>Dimensions of bridge.</sup> feet wide, and shall be well secured by a railing on each side not less than four feet high.

§ 14. If the said bridge shall not be constructed within <sup>Time limit-</sup> three years after the passage of this act, or if the same shall be carried away or destroyed, and not rebuilt within eighteen months thereafter, then the said corporation shall from thenceforth cease, and this act be null and void.

§ 15. The legislature may at any time alter, amend or <sup>Power to repeal.</sup> repeal this act.

## CHAP. 180.

AN ACT transferring the Records of the Court of Probates to the Office of the Register in Chancery.

Passed April 18, 1829.

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows:*

§ 1. It shall and may be lawful for the secretary of state to cause to be transferred to the office of the register in chancery, where they shall be deposited and safely kept by the register in chancery, all such papers and records as were deposited in the office of the secretary of state, to be safely kept by him, under the act of the twenty-first of March, one thousand eight hundred and twenty-three, as related to any proceedings theretofore had in the court of probates.

## CHAP. 181.

AN ACT to incorporate the Troy Water Works Company.

Passed April 18, 1829.

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows:*

§ 1. Stephen Warren, Le Grand Cannon, Philander <sup>Corporation created.</sup> Wells, and their associates, shall be and are hereby consti-

tuted a body corporate and politic, in fact and in name, by the name of "the Troy Water Works Company," and shall be capable of purchasing and conveying any estate, real or personal, for the use of said corporation, and may take possession of and use the whole or any part of any fountain, spring or stream of water, that may be found capable of affording a supply to the citizens of Troy, and may erect in or on their margins, all such buildings, and construct all such machinery or apparatus as may be necessary to insure a constant and perpetual supply of water to the said city of Troy, use in any manner and for any purpose, all the surplus water obtained from the said reservoir, spring or stream, after supplying the said city; but the real estate necessary to attain the object of this incorporation, and the fountain, spring or stream of water is not to be taken possession of, nor in any way used, till the individuals interested in the same shall be remunerated to their entire satisfaction.

Stock.

§ 2. The capital stock of the said corporation shall not exceed two hundred and fifty thousand dollars, and a share in the same shall be fifty dollars, and the subscription to the said stock shall be opened under the direction of Stephen Warren, Le Grand Cannon and Philander Wells, or a majority of them, subject to such rules, limitations and conditions, as they or a majority of them shall prescribe; and if the stock of the company shall not all be subscribed for before the first directors are chosen, then such first directors, or their successors, or a majority of them, shall have power to dispose of the remaining stock, at such time and to such person or persons as they shall deem for the interest of the company.

Transfers of stock.

§ 3. The stock of said company shall be deemed personal property; but no transfer thereof shall be valid, until such transfer shall have been registered in a book or books to be kept by the directors thereof for that purpose; which book or books shall, at all reasonable times during the usual hours of doing business, be open to the examination of any person having in his possession any bond, bill, or other evidence of claim against said company or association, the payment of which shall have been refused; and in case any officer of said corporation having charge of such books shall refuse to permit the same to be examined as aforesaid, 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 the person suing for the same, to be recovered in an action of debt, in any court of record, together with the costs of such suit; and every transfer of stock shall be made subject to the payment of any debt owing to said company by the stockholders at the

time of making such transfer, although not payable until afterwards.

§ 4. The said corporation, by themselves or by an engineer or other person to be by them employed, may enter upon any land or lands through which they shall deem it proper and necessary, to convey the water of said reservoir, spring or stream, or through which to carry any conduits, lay any reservoirs, or make any other devices for the purpose of supplying the said city with water, from any fountain, spring or stream that may be found in the vicinity thereof, and to lay out and survey so much ground for the same as the company shall deem necessary, to be ascertained in manner hereinafter mentioned; and it shall and may be lawful for the said corporation to contract and agree with the owners or occupants severally of the lands through which the said water or conduits are intended to be carried, or such reservoirs and other devices to be placed, if they can agree with such owners or occupants; but in case of disagreement, or in case any owner or occupant shall be feme covert, under age, non compos mentis, or out of the state, the lands intended to be taken for the purpose aforesaid, shall be appraised, and the damage assessed by appraisers to be appointed in manner hereinafter directed.

Corporation  
may enter  
upon lands

§ 5. In case the said corporation cannot agree with all the owners or occupants of the land, through which such works shall be carried or erected, they shall previous to any appraisement to ascertain the value thereof, and of the damages to be assessed, cause a survey and map to be made of the tract or direction in which it is intended that such water and conduits shall run, and of the ground deemed requisite by the company, for conveying the water from the reservoirs, spring or stream, and for laying such conduits, reservoirs, and other devices, in the field book of which survey and maps shall be specified and distinguished, the lands of each of the several owners and occupants intended to be appropriated to the works aforesaid, and the quantity thereof, and shall exhibit such field book to the recorder of the city of Troy, who shall certify such field book and maps, under his hand and seal, and cause the same to be filed in the office of the clerk of the county of Rensselaer, there to remain as a public record; and it shall then be lawful for the said recorder, by a writing under his hand and seal, to appoint not less than three, nor more than five discreet persons, none of which shall be inhabitants of said city, or interested in the lands so surveyed as aforesaid, to appraise the premises specified in such field book, and delineated on such map; and it shall be the duty of the appraisers, or a majority of such as shall be appointed to examine the lands of each person, owner or occupant, so to be intended to be

Appraisements  
and  
surveys.

appropriated, and to ascertain the value thereof, and of the damages which each may sustain by such appropriation, and to make regular entry of such valuation and assessment of damages, in a book to be by them kept for that purpose; and having completed the valuation and assessments, they shall certify the same under oath, to be a true, fair and impartial valuation and assessment to the best of their belief; and shall then cause such book (the execution of the certificate being first duly proved or acknowledged) to be filed in the office of the clerk aforesaid, there to remain as a public record; and from thence the lands and tenements mentioned and specified in the field book and delineated on the map filed in the said office, shall be and hereby is vested in fee simple in the said corporation and their successors; but whenever the president of the corporation shall be applied to and required by the owner or occupant of any of the lands so valued and assessed, or by the legal representative of any feme covert, person under age, non compos mentis, or person not within the state, for the sum of money which to such applicant shall appertain, to be ascertained from the book so certified and filed by the appraisers as aforesaid, and shall neglect or refuse to pay such applicant the assessed value and damages, with legal interest, from the time of the filing such book by the appraisers, it shall henceforth be lawful to the person entitled to the amount of such valuation, damages and interests, by himself or herself, his or her legal representative or attorney, to prosecute the said corporation for the same in any court within the said city and county having competent jurisdiction, and if the prosecutor prevails in such suit, he or she shall have judgment in his or her favor with damages and treble costs.

Election of  
directors.

§ 6. The stock, property, affairs and concerns of the said corporation, shall be ordered, managed and conducted under the direction of eleven directors, being stockholders and citizens; the said directors shall hold their offices from the third Monday of January inclusive, in every year for one year, and shall be elected on the second Monday of January in each year, at such time and place within the city of Troy, as a majority of the directors for the time being shall appoint; and notice of the time and place of holding such election, shall be published in at least one of the newspapers of the said city, not less than twenty days previous to the time of holding the said election, and the poll shall remain open for the reception of votes for at least three hours; and all elections for directors shall be by ballot, and shall be made by such of the stockholders as shall attend for that purpose, either in person or by proxy, and each stockholder shall be entitled to one vote for each share,

which shall have stood in his, her or their names on the books of the said corporation at least fourteen days before the time for voting, and the persons having the greatest number of votes shall be directors; and if it shall happen that two or more persons have an equal number of votes, the directors in office at the time shall, by a plurality of votes given by ballot, determine which of these persons having an equal number of votes shall be director or directors, so as to complete the whole number, and the directors so chosen shall, as soon as may be thereafter, proceed in the like manner to elect one of their number by ballot for their president; and if any director appointed by this act, or hereafter to be chosen, shall die, remove out of the state, cease to be a stockholder or shall resign, his office shall be vacant; and whenever any vacancy shall in any manner occur, the same shall be filled by the remaining directors by plurality of votes; and the first election for directors shall be held on the second Monday of January, in the year of our Lord one thousand eight hundred and thirty, and Stephen Warren, Le Grand Cannon and Philander Wells, shall be inspectors of the said election, and in case of the death of them, or either of them, the vacancy thereby occasioned shall be filled by the stockholders, in the same manner that directors are chosen as aforesaid; and the directors chosen at the said first election, shall proceed to choose their president, at such time and place as they or a majority of them shall determine; and at each election, including the first, the stockholders present, by a plurality of votes, shall elect by ballot, three persons as inspectors, for the next succeeding election.

First election.

§ 7. In case it shall happen at any time that an election of directors shall not be made on the day appointed by this act for the purpose, the said corporation shall not for that cause be dissolved, but it shall and may be lawful to hold any election for directors, on any day subsequent to the day hereby appointed, (provided the same be done within sixty days thereafter) which a majority of the directors for the time being, or in case of their neglect or omission, any stockholder or any number of stockholders possessing a majority of the stock of said corporation shall appoint for that purpose, giving due notice thereof, in one or more public newspaper printed in the said city, for at least twenty days previous to the time of such election.

Election may be held on any day.

§ 8. The directors for the time being shall form a board, and they, or a majority of them, shall be a quorum for transacting the business of the said corporation, and shall have power to make by-laws, rules and regulations, not repugnant to the constitution or laws of the United States, or any provision of this act, as to them shall seem needful and pre-

By-Laws.

per, touching the government of the said corporation, the management and disposition of the stock, property, estate and effects thereof, the duties of the officers, clerks and servants employed therein, the election of directors, and all other matters that may appertain to the concerns of the said corporation, and shall also have power to appoint as many officers, overseers, agents, clerks and servants for carrying on the business thereof, with such salaries and allowances as to them shall seem meet and proper.

Calls on the  
stockholders.

§ 9. It shall be lawful for the directors, or a majority of them, to require payment of the sums to be subscribed, at such time and in such proportions, and on such conditions as they or a majority of them shall deem fit, under the penalty of the forfeiture of all previous payments thereon; and that previous notice of the instalments required after the first, and of the time when the same are to be paid, shall be published at least fourteen days in one or more of the public newspapers printed in the city of Troy.

Dividends.

§ 10. It shall be the duty of the directors to make dividends of so much of the profits of the said corporation, arising from the revenues of the said company, at such time as they or a majority of them shall deem advisable.

Penalties.

§ 11. If any person shall wilfully injure, damage or destroy any of the said conduits, reservoirs, or other devices thereunto appertaining, or waste the water furnished them by the said company, and shall thereof be convicted, the person so offending shall forfeit and pay to the corporation double the damages so sustained, together with the costs of suit in that behalf expended, to be recovered by action of debt in any court having jurisdiction thereof.

Supply of  
water.

§ 12. For the purpose of supplying the citizens of the city of Troy with water, it shall and may be lawful to and for the said company to conduct the water from any reservoir, spring or stream in such manner and for such distance as they shall deem for their interest, and lay and conduct any number of conduits necessary for and calculated to furnish a supply of water, through any street or highways, within the bounds of the corporation of the said city; and it shall and may be lawful to and for the said company to conduct and lay their conduits below the surface of any street or public highway as aforesaid, putting such street and public highway through which the conduits are laid, in as good condition as they were before the said conduits were laid.

Responsibility  
for debts.

§ 13. Stockholders of said corporation shall be holden responsible in their individual capacities, 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; but such suit shall not be maintained, without proof that such demand had been presented to the president of said company for payment, and the payment thereof neglected or refused; and the said company shall be liable to be prosecuted as a corporation for any such demand.

§ 14. Nothing in this act contained, shall be so construed as to authorise any banking or insurance operations, or the purchasing, selling, discounting or loaning of any bonds, bills, notes, checks, or any negotiable paper whatsoever, nor in the purchasing or hypothecating of any bank or public stocks. Banking prohibited.

§ 15. The said corporation shall possess the general powers as defined in the eighteenth Chapter of the First Part of the Revised Statutes, and shall be subject to the operations of the provisions contained in that Chapter. General powers.

## CHAP. 182.

### AN ACT to incorporate "*The Schenectady African School Society.*"

Passed April 18, 1829.

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows:*

§ 1. That Archibald Craig, Samuel W. Jones, Archibald L. Linn, Edward Yates, Jabez Ward, Robert Cunningham, Jonathan Crane, Oliver Ostrom and Jonathan Burnham, of the city of Schenectady, and such other persons as may hereafter associate with them in the manner hereinafter provided, are hereby constituted a corporation, by the name of "*The Schenectady African School Society,*" and may hold, purchase and convey real and personal estate, to the amount of the annual income of one thousand dollars. Corporation created.

§ 2. Any person paying into the treasury of the corporation, for the use of the said corporation; with the assent of the trustees for the time being, the sum of ten dollars at one time, or the sum of one dollar a year at least five days before each annual election, shall become a member of the corporation, and be entitled to vote for trustees as follows: The persons paying ten dollars shall have the right to vote at every annual election thereafter, and the persons paying one dollar as above mentioned, shall be entitled to vote at the election next following their payment. Members qualified to vote.

§ 3. The business of said corporation shall be managed by nine trustees, who shall be members of the corporation, and the first trustees shall be the said Archibald Craig, First trustees.