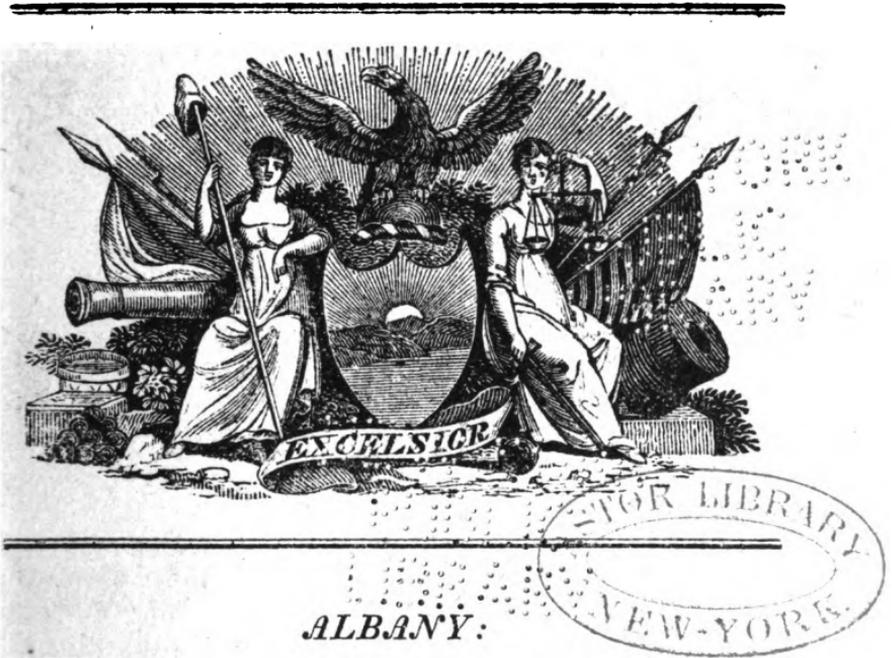


L A W S
OF THE
State of New-York,
PASSED AT THE
FORTY-NINTH SESSION
OF THE
LEGISLATURE,
BEGUN AND HELD AT THE CITY OF ALBANY,
The Third day of January, 1826.



ALBANY:

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FOR
WILLIAM GOULD & Co. ALBANY,
AND
GOULD & BANKS, LAW BOOKSELLERS, NEW-YORK.

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1826.
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ised by any law of this state to receive the same, any tax or taxes, assessments, charges or impositions which shall at any time hereafter be taxed, charged, imposed or assessed upon the said corporation, or upon the capital stock of the same, then and in such case it shall not be lawful for the said corporation, from and after such wilful neglect or refusal as aforesaid, to enjoy or exercise any of the privileges in and by this act granted, and the privileges, powers, benefits and advantages in and by this act granted to the said corporation, shall, from and after the time of any such neglect and refusal as aforesaid, absolutely cease, determine and become null and void.

Duration of act

14. *And be it further enacted*, That this act shall continue in force for and during the term of twenty-one years next ensuing, and that in respect of all debts which shall be contracted by the said corporation for the time limited for the expiration of this act; the persons composing the said corporation at the time of its dissolution, shall be responsible in their individual and private capacities, to the extent of their respective shares in the funds of the said corporation at that time, and no further, in any suit or action to be brought or prosecuted after the dissolution of the said corporation.

Banking, &c prohibited

15. *And be it further enacted*, That it shall not be lawful for the said corporation to emit or issue any note or notes, bonds or bills of credit, or to discount any note, bond or bill, or to receive any money on deposit, or to carry on any banking business whatever.

Rights of the legislature

16. *And be it further enacted*, That the rights and privileges hereby granted, shall be deemed to be taken subject to the right of the legislature hereafter to alter, modify or repeal the same at their pleasure.

Deposition to be made by the president & secretary

17. *And be it further enacted*, That it shall not be lawful for the said company to commence any business under this act until the president and secretary of the said company shall have made a deposition in writing, before the mayor or recorder of the city of New-York, and filed in the office of the clerk of the city and county of New-York, that the capital stock of the said company has been paid in or secured to be paid according to the provisions of this act, and every wilful false swearing in the premises, shall be subject to all the pains and penalties of perjury, and if such affidavit is not filed within one year after the passage of this act, then this act and every thing therein contained shall be void and of no effect.

CHAP. 174.

AN ACT for incorporating the Utica Aqueduct Company in Oneida County.

Passed April 13, 1826.

Corporation created

1. *BE it enacted by the People of the State of New-York, represented in Senate and Assembly*, That Newell Smith, William Alverson and David P. Hoyt, and all such persons as now are as-

associated or hereafter shall associate together for supplying the village of Utica with water, shall be, and are hereby constituted and declared to be from the time of passing this act, a body politic and corporate, in fact and in name, by the name of "The Utica Aqueduct Company," and that by the same name they and their successors for the time being shall and may have continual succession, and shall be capable in law of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended in all courts and places whatsoever, and in all manner of action or actions, suits, complaints, matters and causes whatsoever, and they and their successors shall have a common seal, and may change and alter the same at pleasure, and by the same name may hold real or personal estate by purchase or otherwise, and convey the same as may be convenient for the transaction of its business, not exceeding twenty-five thousand dollars in the whole, exclusive of the profits or income of the said company.

Style and
general pow
ers

2. *And be it further enacted*, That Newell Smith and William Alverson shall be commissioners for receiving subscriptions for the stock, each share being fifty dollars, and distribute the same as they may think right and equitable.

Subscriptions

3. *And be it further enacted*, That the stock, property, estate, affairs and concerns of the said corporation shall be managed and conducted by seven directors, who shall be annually elected by the stockholders, as shall be directed by the by-laws of said corporation; and the directors so elected shall hold their offices for one year from the day on which they are elected; and in case of resignation or inability to serve in any way whatever, the remaining directors may fill the vacancy for the remaining part of the year, all of which directors shall be stockholders.

Directors

4. *And be it further enacted*, That the persons who may be chosen to be directors, shall meet as soon as may be after every election, and choose a president and secretary, one treasurer, one collector and as many other agents and servants as they may deem proper and useful; and the said corporation shall have full power to make and ordain such by-laws, rules and regulations as they may deem necessary to attain and preserve the objects aforesaid, to impose penalties not exceeding twenty dollars for one offence, for a breach of such by-laws, rules and regulations which is calculated to prevent injuries to the conductors or aqueducts of the said company, or the drawing of water therefrom without due authority from the said company, which permission shall be given by a certificate sealed with the seal of said corporation, signed by the president and secretary, and recorded in a book kept for that purpose; the said corporation shall have power to assess and collect from the members or stockholders of said company, their just and equal shares of the expenses that may be incurred in and about the concerns of the company, and to institute such suits as may be necessary to recover all such monies as may become due to the company for water distributed from the said conductors or otherwise, and that the said treasurer shall receive and pay out all monies collected by virtue of this act, as he shall be directed by the said company; and the said secretary shall, in a book to be provided for that purpose, enter in writing all the proceedings of the company, and shall make out and deliver to the collector a list of the subscribers, with the respective

By laws

amounts subscribed, certified by the president, of all such sums of money, which collector shall proceed to collect the monies contained in such list in like manner as the collector of any town is by law authorised to collect the taxes committed to him for that purpose, and shall pay over the monies by him collected to the said corporation.

Reservoirs

5. *And be it further enacted*, That it shall be lawful for the said corporation for the purpose of extinguishing fires, to sink and keep reservoirs of water in such locations in the said village of Utica, as to them shall seem most meet and proper: *Provided*, the consent of the corporation of the village of Utica is first obtained.

Transfers

6. *And be it further enacted*, That all transfer of shares of stock in said company shall be made and entered in writing in a book kept for that purpose, under such regulations as the corporation may think proper; that for the purpose of carrying this act into effect, it shall and may be lawful for the said aqueduct company to pass through the lands of any person or persons, to dig up the same for the purpose of laying down aqueducts, and to enter on said lands at any time to repair or examine the same: *And further*, said corporation shall have power to lay down aqueducts in any public highway so as not to injure the travel on the same: *Provided*, if the said highway is within the village of Utica, the consent of said corporation shall be first had: *And provided further*, That in case of taking private property, they shall first purchase and pay therefor, the sum that shall be agreed upon between the said corporation and the owner of said property; nor shall they interfere with the canal in any manner whatever, unless the consent of the canal commissioners be first had and obtained.

Proviso

Securities

7. *And be it further enacted*, That the said corporation may receive, take and hold mortgages on any real estate, chattels or tenements, if the same shall be bona fide pledged or mortgaged to the said corporation, to secure the payment of any shares which may be subscribed to make up the capital stock of the said corporation, or to secure the payment of any debt which may become due to the corporation by any means whatsoever, for the purpose of carrying into effect the object of this corporation.

Stock to be personal estate

8. *And be it further enacted*, That the stock of said corporation shall be considered as personal property, and also that at every regular meeting of the board of directors, a majority of the directors shall be competent to decide on all business and concerns relating to this corporation, and any engagements signed by the president and attested by the secretary, when done conformably to any by-laws of the corporation, shall be valid, and effectually bind the corporation without the presence of a board of directors and a seal, as effectually as if under the seal of the said corporation; and also, that nothing in this act contained shall be construed to authorise banking privileges, nor any other authority or privilege not herein expressly granted, and that this act shall be deemed a public act, and shall be benignly and favorably construed for all the purposes therein expressed and declared, in all courts and places whatsoever, and that all the rights and privileges in this act conferred shall be deemed to be granted, subject to the right of the legislature at any time hereafter, to alter, modify and repeal the same at pleasure.