

**L A W S**  
OF THE  
**STATE OF NEW-YORK,**  
=  
PASSED AT THE  
**FIFTY-FOURTH SESSION**  
OF THE  
**LEGISLATURE,**  
BEGUN AND HELD AT THE CITY OF ALBANY,  
THE FOURTH DAY OF JANUARY, 1831.



ALBANY :  
PRINTED BY E. CROSWELL, PRINTER TO THE STATE,  
FOR  
WM. AND A. GOULD AND CO. ALBANY,  
AND  
GOULD AND BANKS, LAW BOOK-SELLERS, NEW-YORK.

.....  
1831.

Election.

§ 19. If at any time an election of directors should not be made on the day, and as prescribed in this act, the said corporation shall not for that cause be affected or dissolved, but an election may on any other day be held with the same effect, in the same manner and under the same regulations in this act provided for the election of directors.

When to take effect.

§ 20. This act shall take effect immediately after the passage thereof; and the legislature may at any time hereafter alter, modify or repeal the same.

## CHAP. 262.

AN ACT to incorporate a second Company to supply the City of Albany with Water.

Passed April 25, 1831.

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

Corporation created.

§ 1. Matthew Gregory, Edward C. Delavan, Isaiah Townsend, Francis Bloodgood, and all such persons as now are or hereafter may be associated with them, or shall become stockholders, are hereby constituted a body corporate, by the name of "The Trustees and second Company of the Albany Water-Works, in the city of Albany."

Stock.

§ 2. The capital stock of said company shall be one hundred thousand dollars, to be divided into shares of twenty dollars each.

Trustees.

§ 3. The stock, property and concerns of the said corporation, shall be managed and conducted by five trustees, being stockholders and residents in the city of Albany, one of whom shall be president thereof; and which trustees shall hold their offices for one year, and until others shall be chosen; and shall be chosen on the first Tuesday in June, in each and every year, at such time of the day and at such place in the city of Albany, as the trustees for the time being shall appoint; of which election, public notice shall be given in one or more of the public newspapers printed in the city of Albany, at least ten days previous to such election; and such election shall be holden under the inspection of three stockholders, who shall not be trustees, to be appointed by the trustees, and shall be made by ballot, by a plurality of votes of the stockholders present, allowing one vote for every share; and the stockholders not present may vote by proxy; and the trustees chosen at any election, shall meet as soon as may be after every election, and choose out of their body one to be president, who shall preside for one year; and in case of the death, resigna-

tion or inability to serve, of the president, or any of the trustees, such vacancy or vacancies may be filled, for the remainder of the year, by the trustees.

§ 4. The first trustees shall be Matthew Gregory, Isaiah Townsend, Francis Bloodgood, Edwin Crosswell and Philip S. Parker. First trustees.

§ 5. It shall be lawful, and the trustees are hereby authorised, in their discretion, to appoint a clerk, a superintendent, 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 by-laws, for and concerning the government of such officers, agents and servants, and for and concerning the conduct and government of all such persons as shall use the water from their works, so far as respects the preservation of the water furnished by said company, and the use thereof, and to restrain the waste thereof; and by such by-laws and ordinances, to impose penalties and forfeitures for any neglect or refusal to comply therewith, so as that such penalty and forfeiture, in any one case, shall not exceed the sum of five dollars; which penalties and forfeitures shall be recoverable in the name of the clerk or superintendent, in the justices' court of the city of Albany, in an action of debt. Officers

§ 6. For the purpose of effectually supplying the said city with water, it shall and may be lawful, to and for the said trustees and company, to enter into and upon the lands of any person or persons, bodies politic and corporate, to take the water, and lay and construct any number of conduits necessary for and calculated to supply such water, through or over any lands, roads, streets and highways, and to place and erect any machinery and reservoirs for raising and containing the water, as the said trustees shall deem necessary and useful. But the said trustees and company shall not take or divert any waters from the Patroon's creek, so called, or from any of its tributary streams; nor shall said trustees and company take or divert any waters, or enter upon any lands, or interfere with any conduits or other works belonging to the trustees and company of the Albany water-works. Privileges.

§ 7. In every case where the owner of any water or land so required to be taken, shall be absent from the county, or shall not, for any cause, be capable in law to agree, or shall refuse to agree, the value of such water or land, and the damages to the owners, shall be ascertained in the manner following: Damages.

1. One of the justices of the supreme court, or the chancellor, not interested in the stock of the said company, upon application of the president and trustees of said company, shall,

by an instrument in writing, signed by such justice or chancellor, appoint three freeholders of the city and county of Albany, not interested in the stock of said company, or the waters and land so required to be used and taken, as appraisers: notice of such application shall be given to the owner, in such manner as such justice or chancellor shall direct.

**Appraisers.** 2. The president and trustees shall give notice to the appraisers; and they or any two of them, shall name a day for meeting, which shall not be more than twenty nor less than ten days from such notice of their appointment; and the said president and trustees shall give at least ten days' notice to the owners of the water or land required to be taken, of the time and place of meeting appointed by the appraisers; but if such owner shall be absent, or subject to any legal disability to contract, such notice may be left at the dwelling-house of such owner, or with the guardian of any infant, or committee of any lunatic.

**To take oath** 3. Each appraiser, before he shall proceed to execute his trust, shall take and subscribe in writing, before such justice or chancellor, the oath or affirmation prescribed in the constitution of this state. The appraisers shall then proceed to view the waters and premises required to be taken and used by the said president and trustees, if in the opinion of the said appraisers it shall be necessary; and without favor or partiality, they shall assess the damages sustained by the respective owners of the waters and lands deemed necessary, by the said president and trustees, to be taken and used for the purposes intended by this act.

**Inquisition.** 4. The said appraisers shall make inquisition, in writing, under their hands and seals, or the hands and seals of any two of them, stating the amount of damages, if any, which each owner of the water or lands so taken and appropriated, will sustain in consequence thereof; and within twenty days from the time of making such appraisement, the said appraisers shall acknowledge the same before a judge of the court of common pleas, or commissioner of deeds, and be filed by them in the clerk's office of the city and county of Albany.

**Payment of damages.** § 8. The president and trustees, upon the payment of the several sums so assessed as damages, in the inquisition of the said appraisers, or upon making a legal tender thereof, when the money shall be refused, shall be entitled to take the water and enter upon the land described in the said report, and shall have and hold the same, to them, their successors and assigns, for ever.

**In case the owners are dead.** § 9. If on any parcel of land so described, there shall be no person then living, authorized to receive the damages assessed therefor, and such damages shall not have been lawfully demanded within ten days after filing such inquisition, the presi-

dent and trustees shall pay the same into the court of chancery.

§ 10. It shall be lawful for the said president and trustees, to conduct and lay their conduits below the surface of any street or public highway in the city of Albany, subject to the consent and direction of the corporation of the said city, or in any town in the county of Albany; putting such street or highway in as good condition as the same was before such conduits were laid, and without unreasonable delay.

§ 11. The corporation created by this act, shall be subject to the operations of the provisions contained in the third title of the eighteenth chapter of the first part of the Revised Statutes. General powers.

§ 12. If the trustees and company shall not, within two years after the passage of this act, furnish an ample supply of pure and wholesome water, to the inhabitants residing in Washington-street who shall desire the same, then the corporation hereby created, and the privileges granted by this act shall cease and determine. Time limited

§ 13. The legislature may at any time alter, modify, or repeal this act. Rights reserved.

## CHAP. 263.

### AN ACT to incorporate the New-York and Harlaem Rail-Road Company.

Passed April 25, 1831.

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

§ 1. Benjamin Bailey, Mordecai M. Noah, Benson M'Gown, James B. Murray, Charles Henry Hall, Moses Henriques, Isaac Adriaance, Thomas Addis Emmet, Gideon Lee, Silas E. Burrows, Samuel F. Halsey, Cornelius Harsen, and Robert Stewart, with such other persons as shall associate with them for that purpose, are constituted a body politic and corporate, by the name of the New-York and Harlaem Rail-Road Company, with power to construct a single or double rail-road or way, from any point on the north bounds of Twenty-third street, to any point on the Harlaem river, between the east bounds of the Third avenue and the west bounds of the Eighth avenue, with a branch to the Hudson river, between One hundred and twenty-fourth street and the north bounds of One hundred and twenty-ninth street, to transport, take, and carry property and persons upon the same, by the power and force of steam, of animals or of any mechanical or other power, or of Corporation created.