

L A W S
OF THE
State of New-York,
PASSED AT THE
FIFTIETH SESSION
OF THE
LEGISLATURE,
BEGUN AND HELD AT THE CITY OF ALBANY,
The Second day of January, 1827.



ALBANY:
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.....
1827.

CHAP. 240.

AN ACT for incorporating an Aqueduct Association in the Village of Cooperstown, in the County of Otsego.

Passed April 14, 1827.

Corporation
created.

1. *BE it enacted by the People of the State of New-York, represented in Senate and Assembly*, That Elisha Foote, Henry Phinney, Robert Campbell, Laurence McNamee, William H. Averill, William Nichols, and all such other persons as may become interested in the association or company hereafter to be formed, for supplying the village of Cooperstown, in the county of Otsego, with water, by means of conduits or aqueducts, shall be, and are hereby created a body politic and corporate, in fact and in name, by the name of the "Cooperstown aqueduct association;" 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, matter 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 ten thousand dollars in the whole, exclusive of the profits or income of the said company.

Subscriptions

2. *And be it further enacted*, That Henry Phinney, William H. Averill and William Nichols, shall be commissioners for receiving subscriptions for the stock of said company, each share being twenty-five dollars, and shall distribute the same as they may think right and equitable.

Directors.

3. *And be it further enacted*, That the stock, property, estate, affairs and concerns of the said corporation shall be managed and conducted by five 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.

President
and other of
ficers.

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

By laws.

company, which permission shall be given by a certificate, sealed with the seal of said corporation, signed by the president and secretary; 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 amounts subscribed, and also a list of such persons as shall use the water, who may be in arrear for the use of the same; which said list or lists shall be certified by the president, of all such sum or sums of money as may be due, which said collector shall proceed to collect the monies so contained in such list or lists, 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 same by him collected to the said treasurer of such corporation.

5. *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 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 and examine the same; and said corporation shall have power to lay down aqueducts in any public highway or street, so as not to injure the travel on the same: *And further*, That in case of taking private property, they shall first purchase and pay therefor, or get consent for using the same; but in case of disagreement as to going through any lands, the differences may be settled and determined by any three discreet and reputable freeholders of the town of Otsego, to be chosen and agreed upon by the parties; and in cases of refusal or neglect by either party to nominate and appoint them, then it shall be lawful for any justice of the peace in the county of Otsego, to appoint three discreet freeholders, not interested in the premises, at the request of either party, and on their determining the same, their award shall be final and conclusive: *Provided* the said company shall pay such sum or sums as shall be determined upon by said freeholders, which said award shall be certified under their hands and seals, or the hands and seals of a majority of them.

6. *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 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.

CHAP. 241.

AN ACT for the relief of the seventh Presbyterian Church and Congregation of the City of New-York.

Passed April 14, 1827.

BE it enacted by the People of the State of New-York, represented in Senate and Assembly, That the seventh presbyterian congregation in the city of New-York, have power to increase the number of their trustees from three to nine.

CHAP. 242.

AN ACT in addition to the act, entitled "*An act for revising and publishing the Laws of this State,*" passed April 21, 1825.

Passed April 14, 1827.

Time ex-
tended.

1. *BE it enacted by the People of the State of New-York, represented in Senate and Assembly, That the act entitled "an act for revising and publishing the laws of this state," passed the 21st of April, 1825, be, and the same is hereby extended until the end of the next session of the legislature.*

Printing.

2. *And be it further enacted, That the printer to this state shall cause to be printed, from time to time, during the recess of the legislature, such chapters and reports as may be furnished to him by the revisers, to the end that the same may be laid before the legislature, at its next meeting, in a printed form.*

CHAP. 243.

AN ACT relative to the Johnstown Turnpike Company, and to incorporate a Company for making a Turnpike from Johnstown to the Schenectady and Utica Turnpike.

Passed April 14, 1827.

Preamble.

WHEREAS the legislature of this state did, on the eighteenth day of April, in the year of our Lord one thousand eight hundred and fifteen, incorporate the Johnstown turnpike company; and whereas the said company did organize and expend large sums of money to complete the said road, but for want of sufficient subscriptions, were under the necessity of in a measure abandoning the same; and the said road was sold for bona fide debt due from said company; and whereas John Holland and Joseph Cuyler, have become the owners of said road west from the village of Johnstown, to the house of John C. Nellis, in the town of Oppenheim, the place