

~~A. H. D. S.~~  
**L A W S**

*E. N. Kumbal*  
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OF THE

**State of New-York,**

PASSED AT THE

**FORTY-EIGHTH SESSION**

OF THE

**LEGISLATURE,**

BEGUN AND HELD AT THE CITY OF ALBANY,

**The Fourth day of January, 1825.**



**ALBANY:**

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**1825.**

## LAWS OF NEW-YORK.

## CHAP. XLIV.

AN ACT to alter the Time of holding the Town Meetings in the Town of Coxsackie, in the County of Greene.

Passed March 23, 1825.

Town meeting

Be it enacted by the People of the State of New-York, represented in Senate and Assembly, That all future annual town meetings to be holden in the town of Coxsackie, in the county of Greene, shall be holden on the second Tuesday in April in every year, and that the officers elected at the last annual town meeting, shall hold their respective offices until the second Tuesday of April next.

## CHAP. XLV.

AN ACT authorising Edward Buckbee, Sheriff of Putnam County, to execute certain Deeds.

Passed March 23, 1825.

To execute deeds under execution

I. Be it enacted by the People of the State of New-York, represented in Senate and Assembly, That it shall and may be lawful for Edward Buckbee, sheriff of the county of Putnam, to make and execute, all and every such deed and deeds, for any lands or tenements sold by John Patterson, deceased, or either of his deputies, by virtue of any execution delivered to the said John Patterson, whilst sheriff of the said county of Putnam, which would have been lawful for the said John Patterson to have made and executed, as sheriff of the said county of Putnam, which deed or deeds hereby authorised to be made and executed by the said Edward Buckbee, shall have the same force and effect as if made and executed by the said John Patterson or his legal representatives.

## CHAP. XLVI.

AN ACT to incorporate the New-York Water-Works Company.

Passed March 24, 1825.

Preamble

WHEREAS Gideon Tucker, Thomas Morris, Samuel Leggett and Josiah Ogden Hoffman, together with sundry other inhabitants of the city of New-York, have prayed to be incorporated, for the sole purpose of supplying, with good and wholesome water, to be wholly derived and conducted from a source or sources situate without the limits of the city and county of New-York, the said city, and the inhabitants thereof, or such of them as may be inclined to take the same, through pipes or conduits, made or manufactured of iron or other metal: Therefore,

Corporation created, and corporate name

I. Be it enacted by the People of the State of New-York, represented in Senate and Assembly, That the said Gideon Tucker, Thomas Morris, Samuel Leggett and Josiah Ogden Hoffman, and their present and future associates, shall be, and are hereby created a body politic and corporate, by the name of "The New-York Water-Works Company," and are hereby ordained, constituted and de-

clared to be henceforth a body politic and corporate, in fact and in name, for the sole purpose of supplying the city of New-York and its inhabitants with pure and wholesome water, through pipes or conduits, in the said city, of iron or other metal ; and by that name, they and their successors shall and may have continual succession, and shall be persons in law, capable of suing and being sued, and defended, in all courts and places whatsoever, and may have a common seal, with power to alter the same at their pleasure ; and also shall have power and authority to enter into, make and execute, any contracts, agreements and covenants, in relation to the purpose of their incorporation, and for promoting the same, and to enforce all such contracts, agreements and covenants, in any court of law or equity, and be in law capable of purchasing, holding and conveying any estate or property, real or personal, for the use of the said corporation : *Provided*, That the real estate so to be holden, shall be such only Proviso as shall be necessary to promote or attain the declared purpose of this incorporation : *And provided also*, That no public street, lane or highway, in the city of New-York, shall be dug into, or in any wise injured or defaced, without the permission of the corporation of the said city first had and obtained ; but it shall and may be lawful for the said company hereby incorporated, or any person or persons employed by them, to lay and conduct their aqueducts, conduits or pipes, in any other street or public highway in this state, below the surface of any such street or public highway, on the side or sides, or across the same, if necessary, putting such street or public highway in as good condition as the same was before such aqueducts, conduits or pipes, were constructed and laid : *Provided also*, That nothing herein contained shall be held or construed to affect or impair any rights or privileges heretofore granted by any law or laws of this state, to the president and directors of the Manhattan company, for supplying the city of New-York with pure and wholesome water, or any remedies to enforce any such rights and privileges, or to carry the same into full effect : *And provided further*, That the water to be supplied for the purposes of this act, and in pursuance thereof, shall be taken and procured out of, and from one or more stream or streams, source or sources, without the city and county of New-York. Further proviso

II. *And be it further enacted*, That it shall and may be lawful for the said corporation hereby created, to construct any aqueduct or aqueducts, in, over and across Haerlem river, or lay or place any conduit, tunnel or tunnels, pipe and pipes, in, under and across the same river, *provided and on condition that*, in so doing, the accustomed navigation of the said river shall not be interrupted or impaired ; and also, so that the same shall not interfere with the vested rights of any other person or persons : *And provided*, That nothing in this section or in this act contained, shall be held or construed to interfere with the rights heretofore exercised by the corporation of the city of New-York, of granting water lots or water privileges on the said Haerlem river, or any other right of the said corporation whatever. Special powers of corporation

III. *And be it further enacted*, That the capital stock of the said corporation shall not exceed two millions of dollars, and that a share in the same shall be fifty dollars, and the subscriptions to the same, or such parts thereof as from time to time may, by the direc- Capital stock

tors for the time being, be deemed proper and necessary, be opened, by the appointment, or under the direction of the directors hereinafter named, or a majority of them, subject to such rules, limitations and conditions, as by them shall be prescribed: *Provided*, That the said company shall not at any time call in and have on hand, and unexpended, in procuring such supply of pure and wholesome water for the city of New-York as aforesaid, more than five hundred thousand dollars of their capital stock; but whenever the said company shall have called in an amount of their capital stock equal to five hundred thousand dollars, that sum shall be expended in the declared purpose of this act, before any further call shall be made upon the stockholders.

*IV. And be it further enacted*, That it shall and may be lawful for the corporation of the city of New-York, at each time of subscription to said capital stock, to subscribe one-fourth part of the amount of such portion of said capital stock, as may be from time to time required to be subscribed, and for which subscriptions may be opened.

*V. And be it further enacted*, That the stock, property, affairs and concerns of the said corporation, shall be ordered, managed and conducted under the direction of fifteen directors, being citizens and stockholders of this state; that the said directors hereafter to be chosen, shall hold their offices from the third Monday of February, inclusive, in every year, for one year, and shall be elected on the second Monday of February in each year, at such time and place within the city of New-York, as a majority of the directors, for the time being, shall appoint; and that notice of the time and place of holding such election, shall be published in at least two of the public newspapers printed in the city of New-York, at least fourteen days previous to the time of holding the said election; and that all elections for directors shall be by ballot, and made by such of the stockholders as shall attend for that purpose, either in person or by proxy; and that each stockholder shall be entitled to one vote for each share which he, she or they shall have held in his, her or their own name or names, at least fourteen days before the time of voting; and that the persons having the greatest number of votes shall be directors; and if it shall happen that two or more persons shall have an equal number of votes, the directors in office at the time of such election, shall, by a plurality of votes, given by ballot, determine which of the persons so 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 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 this state, or cease to be a stockholder, or shall resign, his office shall be deemed vacant; and whenever any vacancy shall in any manner happen, the same shall be filled by the remaining directors, by a plurality of votes, until the next annual election; and that John Griscom, Israel Corse, Theodorus Bailey, Samuel Leggett, Josiah Ogden Hoffman, Francis Thompson, Timothy Dewey, Robert Bogardus, Thomas Morris, George C. Morgan, Gideon Tucker, Joseph G. Swift, Samuel Purdy, Jonas Minturn and Benjamin Bailey, shall be the present directors, and shall hold their offices respectively until the third Monday of Febr-

Provide

Corporation  
of New-York  
may subscribe  
&c

Directors

Elections

President

Vacancies

First direc  
tors

ary, inclusive, which shall be in the year of our Lord one thousand eight hundred and twenty-seven, and until others are chosen in their place, and proceed to choose their president, at such time and place as they, or a majority of them, shall determine.

VI. *And be it further enacted,* That in case it shall at any time happen that an election of directors shall not be made on the day appointed by this act for that purpose, the said corporation shall not, for that cause, be deemed to be dissolved; but it shall and may be lawful to hold any election for directors, on any other day, within thirty days after the day herein before provided for the holding of such election, in such manner as shall be provided for by the by-laws and ordinances of the said corporation. Day of election

VII. *And be it further enacted,* That 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 such by-laws, rules and regulations, not repugnant to the constitution or laws of the United States, or of this state, as to them shall seem needful and proper, 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 such other matters as shall appertain to the concerns of the said corporation; and shall also have power to appoint so many officers, clerks and servants, for carrying on the business thereof, with such salaries and allowances as to them shall seem meet, and also to make such by-laws and ordinances as they may think fit and proper, for conducting and preserving their works and every of them, and for conveying, employing and using, distributing and disposing of the waters so to be conducted and used as aforesaid, and for carrying into effect all the objects of the said incorporation, and for and concerning the conduct and government of all such persons and corporations as shall use and take the water of the company hereby incorporated, so far as respects the preservation of the water furnished by the 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 a neglect or refusal to comply therewith, so as such penalty and forfeiture shall not in any one case exceed ten dollars, to be recovered in the name of the said company, by action of debt, in any court having jurisdiction thereof. Quorum, by-laws &c

VIII. *And be it further enacted,* That the stock of the said corporation shall be assignable and transferrable, according to such rules and subject to such regulations, as the board of directors shall from time to time make and establish, and shall be considered personal property. Stock transferable

IX. *And be it further enacted,* That it shall and may 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 forfeitures of all previous payments thereon, subject, however, to the restrictions and provisions contained in the third section of this act, 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 two of the public newspapers printed in the city of New-York. Instalments

Banking pri-  
vileges &c  
prohibited

X. *And be it further enacted,* That nothing in this act shall be construed to authorise any banking or insurance privileges, all which are hereby prohibited to the said corporation ; and that the said corporation shall not, directly or indirectly, deal or trade, in buying or selling any goods, wares or merchandize, or commodities whatsoever, except such as may be necessary to carry into effect the declared purpose of this act ; or in buying or selling, or trading in any stocks of the United States, or of this state, or of the corporation of the city of New-York, or of the same company, or of any other incorporated company, or in receiving directly or indirectly, through any trustee or otherwise, any transfer, pledge, or hypothecation of any stock of the same company, or of any other incorporated company, for any purpose whatever, and every such transfer, pledge or hypothecation shall be utterly void.

Penalty for  
injuring  
works

XI. *And be it further enacted,* That if any person or persons shall wilfully do, or cause to be done, any act and acts whatever, whereby the works of the said corporation, or any pipe, conduit, aqueduct, plug, cock, reservoir, or any engine, machine or structure, or any matter or thing appertaining to the same, shall be stopped, obstructed, impaired, weakened, injured or destroyed, the person or persons so offending, shall forfeit and pay to the said corporation, double the amount of damages sustained by means of such offence or injury, to be recovered in the name of the said corporation, with costs of suit, by action of debt, to be brought in any court of record in this state, which action shall be considered as transitory in its nature, and shall and may be tried in any county in this state.

This act to  
cease unless  
a supply of  
water is fur-  
nished

XII. *And be it further enacted,* That if the corporation hereby created shall not, before the first day of January, one thousand eight hundred and thirty-two, supply the city of New-York, and the inhabitants thereof, or such of them as may be inclined to take the same, with such quantities of good and wholesome water as may be requisite for the use of the said city, and of the said inhabitants ; all of which water shall be derived and conducted from a source or sources situate without and beyond the limits of the city and county of New-York, then the said corporation shall, on the said first day of January, one thousand eight hundred and thirty-two, and from thenceforth forever cease, and this act shall then and from thenceforth be null and void, as if the same were repealed.

Rights declar-  
ed and re-  
served

XIII. *And be it further enacted,* That nothing herein contained shall be construed to give or grant to the corporation hereby created any exclusive privilege whatever, or to prevent the legislature to grant the like privileges to any person or persons or to any body politic.

Public act

XIV. *And be it further enacted,* That this act shall be deemed a public act, and shall be benignly and favorably construed for the purposes therein expressed and declared, in all courts and places whatsoever.

Law may be  
repealed

XV. *And be it further enacted,* That the legislature may at any future time, alter, modify, or repeal this act.

Liability of  
stockholders

XVI. *And be it further enacted,* That the stockholders of the said corporation, shall be holden, jointly and severally, to the nominal amount of their stock, for the payment of all debts contracted by the said corporation, or by their agents ; and any person or persons having any demand against the said corporation, may sue any stock-

holder or stockholders in any court having cognizance thereof, and recover the same with costs: *Provided*, That no stockholder shall be obliged to pay more in the whole than the amount of the stock he may hold in the said company at the time the debt accrued. Provide

CHAP. XLVII.

AN ACT to change the name of *Sylvanus Holton*.

Passed March 24, 1825.

Be it enacted by the People of the State of New-York, represented in Senate and Assembly, That from and after the passing of this act, *Sylvanus Holton*, of the town of *Gu lford*, in the county of *Chenango*, shall be called and known by the name of *Sylvanus Shumway*. Name changed to Shum way

CHAP. XLVIII.

AN ACT to erect a new Town from parts of the Towns of *Oswegatchie* and *De Kalb*, in *St. Lawrence County*, by the name of *De Peyster*.

Passed March 24, 1825.

I. Be it enacted by the people of the State of New-York, represented in Senate and Assembly, That from and after the first day of April next, all that part of the town of *Oswegatchie*, in the county of *St. Lawrence*, which lies north-east of *Black lake*, and the branch of the *Oswegatchie river*, so far as the north-east corner of the lot of *Nehemiah Jones*, and east of said lot and of a line running from the south-east corner thereof to the north corner of the lot of *William Plimpton*, on the east line of the *Mill tract*, thence running along the east side of said lot, and on a course in continuation thereof to *Beaver creek*, thence along the said creek to the line of the town of *De Kalb*, be and remain a separate town by the name of *Oswegatchie*; and that the residue of said town of *Oswegatchie*, and all that part of the town of *De Kalb* which lies between *Beaver creek*, the town of *Oswegatchie* and the town of *Gouverneur*, be erected together into a separate town by the name of *De Peyster*; and that the residue of the town of *De Kalb* not included in the part so taken off, be and remain a separate town by the name of *De Kalb*. Town of De Peyster erected

II. And be it further enacted, That the next town meeting in the town of *Oswegatchie*, and in the town of *De Kalb*, shall be holden where in each it respectively stands adjourned; and that the next town meeting in the town of *De Peyster*, be holden on the first Tuesday of *May* next, at the house of *Timothy Morris* in said town. Town meetings

III. And be it further enacted, That the supervisors and overseers of the poor in the towns of *Oswegatchie*, *De Kalb* and *De Peyster* aforesaid, shall by notice given for that purpose by the supervisors thereof, meet together and apportion the poor maintained by the said towns of *Oswegatchie*, *De Kalb* and *De Peyster*, and the poor money belonging to the same, agreeable to the last tax list, and that each of the said towns shall forever thereafter separately support their own poor. Poor