

L A W S
OF THE
STATE OF NEW

PASSED AT THE
THIRTY-SEVENTH SESSION

OF THE
LEGISLATURE,

BEGUN AND HELD AT THE CITY OF ALBANY, THE TWENTY-
FIFTH DAY OF JANUARY, 1814.

WITH REFERENCES AND EXPLANATORY NOTES;
*And also, in an abridged form, such of the Reports and Documents laid before
the Legislature as are of public concern. The whole to be
accompanied by a copious Index.*



ALBANY:
PRINTED BY H. C. SOUTHWICK.

1814.

len Manufacturing Company as shall make application therefor, for a sum of money not exceeding five thousand dollars in the whole, for a term not exceeding six years, from and after the first day of June next, at an interest of seven per cent per annum, payable annually: *Provided always*, That no money shall be loaned by or under the authority of this act, unless the same shall be well secured by bond and mortgage on real estate, in value at least twice the amount of the sum loaned, exclusive of buildings.

[*Note*.—This act is a further evidence of the encouragement given by the Legislature to domestic manufactures.

CHAP. CXXXIII.

An ACT to incorporate the proprietors of the Conduit Company of Troy.

Passed April 13, 1814.

Recital. WHEREAS certain persons have associated for supplying the village of Troy with water, and have by their petition prayed to be incorporated: Therefore,

Corporation created and general powers. I. *Be it enacted by the People of the state of New-York, represented in Senate and Assembly*, That Richard P. Hart, Nathan Warren and Daniel Merrit, and their associates, shall be, and hereby are constituted a body corporate and politic, in fact and in name, by the name of "The Trustees of the Conduit Company of Troy," and by that name may and shall have succession for the term of thirty years, after the passing of this act, sue and be sued, plead and be impleaded, answer and be answered unto, defend and be defended in all manner of actions, matters and causes whatsoever, have a common seal, and make, change and alter the same at pleasure, and be capable of purchasing and conveying any estate real or personal for the use of the said corporation:

Proviso. *Provided*, such estate shall be necessary to attain the object of this incorporation, that the stock of the said corporation shall be deemed personal property, and shall consist of one hundred shares of one hundred dollars each; that each of the stockholders of the said association shall pay in such proportions and at such periods of time as the trustees of said company shall direct and appoint, upon pain of forfeiture of their shares and all previous payments thereon, to said trustees, for the use of said company:

Capital stock limited. That the management of the concerns of said company shall be intrusted to five trustees, being stockholders and inhabitants of the village of Troy, which trustees shall hold their offices one year from the first Tuesday in September, in every year: That an election shall be held on the Saturday preceding every such Tuesday in September, in every year, in such place in the village of Troy, and at such hours, as the trustees shall from time to time appoint by notification, to be published in one of the newspapers printed in said village, at least one day before the election day: That all elections shall be by ballot, by the stockholders personally, or by proxy, each stockholder voting in the following

Trustees how elected, &c.

proportions, to wit: One vote for every share not exceeding five, and one vote for every two shares over five; but no person or co-partnership shall be entitled to more than ten votes, and the said five persons having the greatest number of votes, shall be trustees; that any two or more persons having an equal number of votes, so as that five trustees shall not be chosen or elected, the stockholders shall, on the Monday next succeeding, at the same place and same hour, in like manner, elect out of the persons so having an equal number of votes, so many as shall complete the number of five trustees: That the trustees shall on the second Tuesday in September, in every year, elect one of their number president: That in case of the absence of the president from any meeting, the trustees present may appoint one of their number president for the meeting; and, that in case of vacancy in the office of any of the trustees, by death, resignation or removal from the said village, others shall be elected by the stockholders in like manner as aforesaid, to fill such vacancy, and that Daniel Merrit shall be the first president, and Daniel Merritt, Richard P. Hart, Nathan Warren, Townsend M'Coun and Derick Y. Van Derheyden, the first trustees of said company to remain in office until the first Tuesday in September next.

Vacancies
how filled.

First presi-
dent and
trustees.

II. *And be it further enacted*, That the said trustees shall be authorised in their discretion to appoint a clerk, 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 bye-laws, for and concerning the government of such officers, agents, and servants, and for determining the compensation to which they shall be entitled; and, for and concerning the manner of making transfers of the said stock, and the conduct and government of all such persons as shall use the water from said conduit, 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 bye-laws and ordinances to impose penalties and forfeitures for refusal to comply therewith, so as that such penalty and forfeiture in any one case shall not exceed five dollars, which penalties or forfeitures shall be recoverable in the name of the clerk or superintendent, before any justice of the peace of the village of Troy, with costs in an action of debt; and for the purpose of effectually supplying the inhabitants of said village with water, it shall and may be lawful to and for the said trustees and company, to use any fountain and to conduct the same through or over any lands in the township or village of Troy, and in case of disagreement with the owner or owners, of any fountains, lands, or tenements, as to the compensation to be for the injury committed by such operations, or if the owner or owners be out of the state, feme covert, under age, or insane, that then and in such case it shall be lawful for any two judges of the court of common pleas in and for the county of Rensselaer, upon application of said trustees, to appoint three indifferent persons, being freeholders, to appraise such damages, and they or any two of them, shall with all convenient speed, first having taken an oath before a justice of the peace for the faithful discharge of their duty, make such appraise-

Powers of
trustees.

Lands may
be used for
operations of
the company
and damages
how ascer-
tained.

ment and report the same to the judges who shall have made such appraisement, in writing subscribed by them, which report the said judges shall forthwith cause to be filed in the office of the clerk of said county, with a certificate to be subscribed by them of their having made such appointment; that the said trustees shall thereupon pay to the owner or owners of such lands or tenements, or person or persons legally authorised to receive the same, whenever he, she, or they, should demand the amount of such damages, and shall forthwith after such appraisement shall have been completed, pay to said judges, all costs, charges, attending the making such appraisement and perfecting such report, which payment shall be deemed full compensation for such injury, and that it shall and may be lawful to and for the said trustees and company to conduct and lay their conduits below the surface of any street or any public highway in the said village or township of Troy, putting such street or public highway in as good condition as the same was before such conduits were laid.

Penalty for
injuring
works, &c.

III. *And be it further enacted*, That if any person or persons shall wilfully stop, impair, or break any conduit, reservoir, or any other matter or thing appertaining to the conducting or preserving the water aforesaid, he, she, or they, shall forfeit and pay to the trustees and company aforesaid, treble the damages thereby sustained, to be recovered by the trustees in an action of trespass, in every court having cognizance thereof with costs.

Election
may be held
at any day.

IV. *And be it further enacted*, That in case any election shall not be holden on the day which by this act is prescribed, the said corporation shall not therefore be dissolved, but it shall and may be lawful for the stockholders to hold such election on any subsequent day, within sixty days thereafter.

[*Note*.—On the 16th June 1812—Sess. 35. ch. 172, a company was incorporated in Troy, by the name of “The Trustees of the Earthen Conduit Company of Troy,” with privileges and immunities similar to those in the present act, except that the present corporation are not limited to earthen conduits.—The late improvements introduced in the manufacture of cast-iron pipes, at Salisbury in Connecticut, for the purpose of conducting water, promise to be more durable than any yet invented.]

CHAP. CXXXIV.

An ACT supplementary to the act, entitled “an act to designate and establish the boundary line between this state and the state of Vermont.

Passed April 15, 1814.

600 dollars
to be paid
for the ex-
penses in-
cident, &c.

I. *BE it enacted by the people of the state of New-York, represented in Senate and Assembly*, That the treasurer shall pay on the warrant of the Comptroller, to Smith Thompson, Simeon De Witt and George Tibbits, the sum of six hundred dollars, to enable them to defray the expenses incident to the business assigned by the said act, for which sum they shall account with the Comptroller.

Compensa-
tion to the
commiss'rs.

II. *And be it further enacted*, That in settling the accounts of the said Smith Thompson, Simeon De Witt and George Tibbits, the Comptroller shall allow to each of them, at the rate of two dol-