

L A W S

OF THE

STATE OF NEW-YORK,

PASSED THE FORTY-THIRD SESSION OF THE LEGISLATURE,
BEGUN AND HELD AT THE CITY OF ALBANY, THE
FOURTH DAY OF JANUARY, 1820.

CHAP. I.

AN ACT to amend an act, entitled "*an act to reduce several laws relating particularly to the city of New-York, into one act,*" so far as it relates to assistant justices.

Passed January 4, 1820.

WHEREAS the mayor, aldermen and commonalty of the city of New-York have, by their memorial to the legislature, prayed that the laws establishing courts of assistant justices in the said city, may be amended, and that the number of assistant justices may be reduced, and they allowed salaries, to be paid by the said mayor, aldermen and commonalty, instead of fees, and also that the said law be amended in other respects, in the manner herein after provided for : Therefore,

Preamble.

I. *BE it enacted by the People of the State of New-York, represented in Senate and Assembly,* That the person administering the government of this state for the time being, by and with the advice and consent of the council of appointment, shall appoint and commission suitable persons to be assistant justices of, in and for the following wards in the city of New-York, to wit : one for the first, second and third wards ; one for the fourth and sixth wards ; one for the fifth and eighth wards, and one for the seventh and tenth wards, to be known and distinguished by the name of assistant justices of the city of New-York : each of which said assistant justices respectively, are hereby authorised and required to hold a court for the trial of causes to the amount of fifty dollars and under, in all actions in which jurisdiction is given to the assistant justices of the city of New-York, in and by the act hereby amended : *And further,* That the said assistant justices respectively, shall be invested with all the jurisdiction, power, and authority, with respect to matters cognizable before them, with which the assistant justices of the city of New-York have heretofore been invested, and shall also be subject to the performance of all the duties imposed upon the said assistant justices : *And further,* That during the sickness or inability of either of the said justices to act, it shall and may be lawful for any other justice in the said city, to exercise every jurisdiction, notwithstanding any provision in this act contained.

Assistant justices to be appointed, and powers.

VI. *And be it further enacted*, That the said assistant justices shall have cognizance of all suits upon bail bonds, and cognizance taken in their courts, or by the officers thereof, although the sum demanded exceeds fifty dollars. Suits on bail bonds, &c.

VII. *And be it further enacted*, That it shall not be lawful for the constables or marshals of the said city, to appear and advocate for either plaintiff or defendant, in either the marine court or assistant justices' court in said city. Constables, &c. not to appear as advocates.

CHAP. CLXI.

AN ACT to authorise Jacob Snider and James L. Brinkerhoof to turn the waters of Duck-Lake into Red-Creek, in the town of Wolcott, in the county of Seneca.

Passed April 7, 1820.

BE it enacted by the People of the State of New-York, represented in Senate and Assembly, That Jacob Snider and John L. Brinkerhoof, their heirs and assigns, be, and they are hereby authorised and empowered to turn the waters of Duck-Lake into Red-Creek, in the town of Wolcott and county of Seneca: *Provided*, That no individual shall suffer any inconvenience or damage thereby. Powers given. Go in the original act. Provide.

CHAP. CLXII.

AN ACT to alter the time of holding Town Meetings in the town of Saratoga Springs, and the town of Saratoga.

Passed April 7, 1820.

BE it enacted by the People of the State of New-York, represented in Senate and Assembly, That hereafter the town meetings in the town of Saratoga Springs and the town of Saratoga, in the county of Saratoga, shall be held on the first Tuesday of April annually, and that all such town officers whose duty it is to meet on the last Tuesday of February, shall meet on the last Tuesday of March in every year, to do and transact such business as to their respective offices may appertain. 1st Tuesday of April town meeting, &c.

CHAP. CLXIII.

AN ACT to incorporate the Amsterdam Aqueduct Association.

Passed April 7, 1820.

I. *BE it enacted by the People of the State of New-York, represented in Senate and Assembly*, That Benedict Arnold, Marcus T. Reynolds, Welcome U. Chase and such other persons as may become associated with them, for supplying the village of Amsterdam, in the county of Montgomery, with wholesome water, by Corporation created.

Style & general powers. means of aqueducts, shall be, and are hereby made and created a corporation and body politic, by the name of "the Amsterdam Aqueduct Association," and by that name they shall be capable in law to sue and be sued, plead and be impleaded in any court of record, and to hold and enjoy such real and personal estate as may be necessary for the attainment of the object aforesaid, not exceeding five thousand dollars in the whole, exclusive of the profits or income of the said aqueducts.

Capital stock II. *And be it further enacted,* That the stock of the said company shall be deemed personal property, and shall consist of five hundred shares, of ten dollars each.

Books to be opened. III. *And be it further enacted,* That it shall and may be lawful for the persons above named, to do and perform the several duties hereinafter mentioned, that is to say, they shall on or before the first day of June next, procure a book, and in that enter as follows: "We whose names are hereunto subscribed, do for ourselves and our legal representatives, promise to pay the Amsterdam aqueduct association the sum of ten dollars for each share of stock in said company, set opposite to our respective names, in such manner and proportion, and at such time and place as shall be determined by the trustees of the said Amsterdam aqueduct association," which book shall be left with one of the above mentioned persons, at his place of abode, who shall keep the same open for the purpose of receiving subscriptions; and every subscriber shall, at the time of subscribing, pay to the aforesaid person, the sum of twenty-five cents on each share so subscribed for, which money paid as aforesaid, shall by him be paid to the treasurer of said company as soon as he shall be appointed; and Benedict Arnold, Marcus T. Reynolds and Welcome U. Chase, or any two of them, as soon as two hundred shares are subscribed for, shall cause an advertisement to be affixed up in at least three public places within the town of Amsterdam, in said county, giving at least ten days notice of the time and place when the said subscribers shall meet for the purpose of choosing five trustees, who shall be stockholders, for the purpose of managing the concerns of the said company for one year; and the day of choosing the said trustees shall thereafter be the anniversary day for choosing trustees; and any three of the said trustees shall be a quorum, and capable of transacting the business of the said corporation, and the said trustees elected by a plurality of the votes of the stockholders, shall and may meet from time to time, at such time and place as they may think proper; and shall have power to make such by-laws, rules and regulations, not inconsistent with the laws or constitution of this state or of the United States, as shall be necessary for the well ordering of the said corporation, with a power of declaring forfeited all previous payments made on the respective shares, whose whole sum or any part thereof is not paid at the time and place specified by the said trustees.

Notice.

Trustees.

500 shares. IV. *And be it further enacted,* That the said trustees may continue to receive subscriptions to the stock of said company until there shall be five hundred shares subscribed: *Provided,* That so much stock shall be necessary for the purposes herein contemplated.

V. *And be it further enacted, That the trustees shall be authorised, in their discretion, to appoint a clerk, a treasurer, 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 the said company ; to declare the dividends on the stock of the said company ; to establish rules and regulations by ordinances and by-laws, for and concerning the conduct and 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 their works, 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 that such penalty and forfeiture in any one case shall not exceed ten dollars.*

Clerk, treasurer, &c.
Powers of trustees.

VI. *And be it further enacted, That it shall be lawful for the said proprietors, and any person or persons employed by them, or acting under their authority, to enter into and upon, and freely to make use of any land which shall be necessary for the purpose of conducting a plentiful supply of pure and wholesome water to and through the said village of Amsterdam, and to erect any dams or works across or upon any stream or streams of water, or any other place or places, where they shall judge proper, for the raising such stream or streams of water, or turning the course thereof, or for making use of such streams or places for constructing or working of any necessary engines, and to construct, dig, or cause to be dug, any canal or trenches whatsoever, for the conducting of such springs, streams, or any other quantity of water, from any source or sources that they may see fit ; and to raise and construct such dykes, mounds, and reservoirs as they may judge proper, for securing and conveying such supply of water as aforesaid to and through the said village ; and to survey and lay out all such streams as they may think proper in order to ascertain the best mode of furnishing such supply ; and to lay and construct any number of pipes, conduits or aqueducts, through or over any part of the said lands, as they may see fit, to or towards the said village, and in any and every part of the said village ; and to agree with any owner or owners of any lands, tenements, or hereditaments that may be damaged or affected by any of the said operations, for and about a reasonable compensation to be made to him, her or them, for such lands, tenements or hereditaments, or the use thereof, as may be used or occupied for the purposes aforesaid, or any of them, or for any damages which he, she or they may sustain in using such lands, or the conducting, digging, laying, raising or making any such reservoirs, aqueducts, canals, trenches, pipes, conduits, dykes or mounds as aforesaid ; but in case of disagreement, to be settled and determined by any three discreet reputable freeholders of the town of Amsterdam, to be chosen and agreed upon by the parties ; and in case of refusal or neglect by either party to nominate and appoint them, then to be nominated by any three judges of the court of common pleas for the county of Montgomery, not interested in the premises, at the request of either par-*

Power to take lands.

ty; and upon their determining the same, the said proprietors shall pay to the said owners respectively, the sum reported under their or any two of their hands and seals, in full compensation for the same.

Public act.

VII. *And be it further enacted*, That this act is hereby declared to be a public act, and that the same be construed in all courts and places favourably and benignly for every beneficial purpose therein contained.

Trespasses how punishable.

VIII. *And be it further enacted*, That any person who shall wilfully commit trespass by digging up any of the said pipes or conduits, or stopping up the same, or shall wilfully and maliciously obstruct the free course of water through said pipes or conduits, or shall wilfully injure or destroy any of the works, pipes, conduits, pentstocks, or reservoirs of said company, or shall wilfully and maliciously injure or destroy any of the dykes, mounds, or other erections of the said company, shall be deemed guilty of a misdemeanor, and being convicted thereof by due course of law, shall be punished by fine or imprisonment, at the discretion of the court before which such conviction shall be had: *Provided always*, That such imprisonment shall not exceed the term of ninety days, nor such fine the sum of fifty dollars.

Highways.

IX. *And be it further enacted*, That the said trustees shall and may lay their conduits below the surface of any street or public highway in said town, putting such street or highway in as good condition as the same was before such conduits were laid:

Proviso.

Provided, That nothing herein contained shall be so construed as to authorise the said company to erect any mills or machinery, or use or employ the water, dams, mounds and trenches for any other object than that of supplying the said village with water for domestic and culinary purposes.

CHAP. CLXIV.

AN ACT to amend an Act, entitled "*An Act to incorporate a Company for making a Turnpike Road from New-Paltz westward, and for other purposes.*"

Passed April 7, 1820.

Route may be altered.

I. *BE it enacted by the People of the State of New-York, represented in Senate and Assembly*, That the directors of the said company shall have power to alter the route of the said turnpike road, as laid out by William Wilson, Medad Butler, and Moncrief Livingston, in conformity to the act hereby amended, in such manner as they may deem expedient, provided that the said road shall run from the landing formerly Davies & Elmore's, in the town of New-Paltz, across the Walkill and Rondoutkill, to the Great southwestern turnpike, and provided it shall run north of the route aforesaid; *And provided further*, That it shall be the duty of the said directors to cause a correct map of such alterations to be made and filed in the office of the clerk of Ulster county, before they shall begin to work the said road.