

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 authorized 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.

Clerk sup.
court at N.Y.
1000 d.
At Albany
1000 d.
At Utica
1000 d.

dollars; the clerk of the supreme court in New-York, the sum of one thousand dollars; the clerk of the supreme court in the city of Albany, the sum of one thousand dollars, and the clerk of the supreme court in the village of Utica, the sum of one thousand dollars.

Canal com.
missioners
each allowed
2000 dois.
Proviso.

V. *And be it further enacted*, That in lieu of the salary now allowed by law to the canal commissioners, they shall be severally allowed an annual salary of two thousand dollars from and after the passing of this act: *Provided*, That this provision shall only extend to three of the said commissioners, who shall be actually engaged in the superintendence of the works connected with the said canals.

Former laws
repealed.

VI. *And be it further enacted*, That all laws inconsistent with the provisions of this act, be, and the same are hereby repealed.

CHAP. CXXV.

AN ACT for the relief of Cornelius W. Groesbeck and Brothers.

Passed April 1, 1820.

Bond of C.
W. Groes-
beck & broth-
ers cancelled.

BE it enacted by the People of the State of New-York, represented in Senate and Assembly, That the comptroller be, and he is hereby directed to cancel and fully discharge the bond executed to the people of this state, for the sum of three thousand five hundred dollars, by Cornelius W. Groesbeck and brothers, for the consideration money of the purchase of one hundred acres of land, in lot number sixty-four, in the town of Homer, at the surveyor-general's sales in the year one thousand eight hundred and fourteen, on their delivering up to the comptroller, to be cancelled, the surveyor-general's certificate, given to them for said purchase.

CHAP. CXXVI.

AN ACT to incorporate the Cherry-Valley Aqueduct Association.

Passed April 1, 1820.

Corporation
created.

I. *BE it enacted by the People of the State of New-York, represented in Senate and Assembly*, That Oliver Judd, Alfred Crafts, Illustrious Remington, and such other persons as shall become associated with them for supplying the village of Cherry-Valley, in the county of Otsego, with wholesome water, by means of aqueducts, shall be, and are hereby made and created a corporation and body politic, by the name of "the president, directors and company of the Cherry-Valley Aqueduct Association," and by that name they shall be capable in law of suing and being sued, pleading and being impleaded in any court whatsoever; and to hold and enjoy such real and personal estate as may be necessary for the attainment of the object aforesaid, not exceeding three thousand dollars in the whole, exclusive of the profits or income arising from the said aqueducts.

Style & gene-
ral powers.

II. *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 enter in the same as follows : “ We whose names are hereunto subscribed, do for ourselves and our legal representatives, promise to pay the president, directors and company of the Cherry-Valley 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 said president and directors,” 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 fifty cents on each share so subscribed for, which money paid as aforesaid, shall by the person receiving the same, be paid to the treasurer of said company as soon as he shall be appointed ; and Oliver Judd, Alfred Crafts, William Story, Ezekiel Johnson and Jonathan Hall, or a majority of them, as soon as one hundred shares are subscribed for, shall cause an advertisement to be affixed in at least three public houses, in the town of Cherry-Valley, in the said county of Otsego, giving at least ten days notice of the time and place where the said subscribers shall meet, for the purpose of choosing five directors, who shall be stockholders, for the purpose of managing the concerns of said company, for one year ; and the day of choosing the said directors, shall thereafter be the anniversary day for choosing directors, and any three of the said directors shall be a quorum, and capable of transacting the business of the said corporation, and the said directors elected by a plurality of votes of the stockholders, shall immediately proceed to the choice of a president and treasurer, from their own body, and the said president and directors 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 president and directors : *Provided*, That no person shall have more than ten votes, whatever number of shares he may hold ; and that each person shall be entitled to one vote for every share by him held, not exceeding that number.

Book for subscriptions.

Election of first directors.

Quorum.

President & treasurer.

Specified powers.

Proviso.

III. *And be it further enacted*, That the said president and directors may continue to receive subscriptions to the stock of the said corporation, until there shall be three hundred shares subscribed ; and shall have power to appoint such agents, clerks and workmen as shall be necessary for executing the business of said corporation.

Three hundred shares compose the capital.

IV. *And be it further enacted*, That it shall be lawful for the said company, and every person or persons employed by them, or acting under them, to enter into and upon, and freely to make use of any land, fountains of water or streets for the purpose of supplying the said village of Cherry-Valley with good and wholesome

Power in laying conduits, &c.

water, and to lay and conduct any number of aqueducts through or over any of the said lands: *Provided*, the said president and directors first agree with the owner or owners of such land, through and over which the said pipes or aqueducts may pass; and in case of any disagreement, where it shall be necessary to take possession of the land or fountain of water of an individual, it shall be the duty of said association to apply to two or more judges of the court of common pleas of the county of Otsego, who shall appoint, under their hands and seals, three disinterested persons as appraisers of the value of the land or fountain of water, and of the damage that may result to the owner thereof, by such use of said land, whose determination, or the determination of either two of whom, when complied with by the said association, shall be conclusive between the parties.

Duty of treasurer.

V. *And be it further enacted*, That the treasurer of the said company shall receive and pay out all monies collected by virtue of this act, agreeable to the order and directions of the said president and directors; and he shall keep a just and true account of all the yearly income of the said company, and as soon as the same shall amount to fourteen per cent. per annum, for each and every year, on the whole of the capital expended, over and above all expenses, it shall be his duty and he is hereby required to pay the surplus to the trustees of the village of Cherry-Valley, to be by them expended in repairing the streets in said village.

Penalty for injuring works, &c.

VI. *And be it further enacted*, That if any person or persons shall injure, deface, or dig up, break or destroy, or otherwise wilfully injure any of the said works of the said company, he, she or they shall forfeit and pay the sum of twenty dollars, to be recovered by the treasurer of the said company, in an action of debt, for their use, with costs, in any court having cognizance of the same.

Stock declared personal property.

VII. *And be it further enacted*, That the stock of the said company shall be personal property, and subject to be transferred agreeable to the rules and regulations prescribed by the president and directors of the said company.

Day of election further regulated.

VIII. *And be it further enacted*, That if the election of directors of the said company, shall not be held on the day of the annual election for the said directors, it shall be lawful for the said election to be held on any other day, to be appointed by the said president and directors, in like manner and with like effect, as if the same had been held at the usual time, and the directors in office shall in that case be incapacitated after the said election, from performing any act as directors, other than such as may be necessary to give such election effect.

Aqueducts over highways.

IX. *And be it further enacted*, That it shall and may be lawful for the said company, or any person or persons employed by them, or under them, to lay or conduct any of the said aqueducts for the purpose aforesaid, on the side or sides, or across any public highway, provided they do not ultimately injure the same.

Public act.

X. *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 favourably and benignly for every beneficial purpose therein contained.