

~~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.**

twenty-five cents; for every chair, sulky or chaise, with one horse, twelve and an half cents; for every wagon drawn by one horse, six cents; for every horse rode or led, five cents; for every chariot, coach, coachee, phaeton, pleasure wagon, or pleasure carriage, drawn by two horses, twenty-five cents; for every additional horse, three cents; for every stage, wagon, or other four wheeled carriage, drawn by two horses, mules or oxen, twelve and an half cents; for every horse, mule or ox, three cents; for every cart drawn by two oxen, twelve and an half cents; for every additional yoke of oxen, or pair of horses or mules, six cents; for every sled drawn by one horse, mule or ox, three cents; and for every sled drawn by two horses, mules or oxen, six cents.

**Gate** VI. *And be it further enacted,* That whenever five miles of either end of said road shall be completed, it shall be lawful for the said company to cause the same to be inspected, and upon the licence of the person administering the government of this state, to erect a gate upon said road, and to ask and receive thereat, half the preceding rates of toll.

**Powers** VII. *And be it further enacted,* That the company hereby incorporated, shall have and enjoy all the rights, privileges, powers and immunities which are given and granted in and by the aforesaid act, entitled "An act relative to turnpike companies," and the acts amending the same, and shall be subject to all the conditions, restrictions and regulations therein contained, excepting in regard to such matters as are herein expressly provided for and enacted.

### CHAP. CCLXXXI.

#### AN ACT to incorporate the Salina Aqueduct Association.

Passed April 21, 1825.

**Preamble** WHEREAS Sylvester F. Peck, and others, have associated with intent to supply the village of Salina with good and wholesome water: Therefore,

**Corporation created** I. *Be it enacted by the People of the State of New-York, represented in Senate and Assembly,* That Sylvester F. Peck, Ezra M. Knapp, and Henry C. Rossiter, and such other persons as now are, or hereafter may become interested in the association formed for supplying the said village with fresh water by conduits or aqueducts, shall be and hereby are created a body politic and corporate, in fact and in name, by the name of the "Salina aqueduct association," and by that name shall be capable in law of suing and being sued, pleading and being impleaded, in any court whatsoever, in all actions and matters whatsoever; to have a common seal, and to change and alter the same at pleasure, to purchase, take, hold and convey any estate real or personal: *Provided,* such real estate be necessary to effect the object of the incorporation, and do not exceed in value at the time of acquiring the same, three thousand dollars.

**Proviso** II. *And be it further enacted,* That it shall be lawful for any three of the persons to be associated, or such others as with them shall associate, to convene the said members of the said corporation, at some proper and convenient place in the said village, first giving six

**Directors**

days previous notice in writing, of the time and place, to be put up in two of the most public places in the said village ; and such of the members of the said corporation, being at least a majority of the whole number thereof, as shall so convene, shall and are hereby authorised by a vote of the majority present, to elect three directors for the said corporation, who shall hold their offices for one year, and also to appoint such other officer or officers, agent or agents, as they may deem necessary to carry into effect the objects of the said corporation, which officer or officers, agent or agents, shall hold their offices during such time as the members of the said incorporation, being a majority of any legal meeting, shall ordain and establish ; and to make and ordain all such by-laws, rules and regulations for the superintendence, regulation and management of the said corporation, and for the equal assessment and collection of taxes amongst the members thereof, in proportion to their respective rights and interest therein, as they may deem necessary and proper ; to impose penalties for the violation of such by-laws, rules and regulations, and further, to institute such suits in the name of the said corporation, for the recovery of damages, debts or sums of money, which may arise or accrue to the said corporation, or any penalty imposed as aforesaid : *Provided*, That no such penalty to be imposed, or any of the by-laws or ordinances of the said corporation to be made, be contrary to the laws of this state, or of the United States.

By-laws

Provided

III. *And be it further enacted*, That it shall be lawful for the said corporation, or any person or persons employed by them, or acting under their authority, to enter into and upon and make use of any lands, and also to make use of any brook, stream, spring, outlet or run of water, except the Erie canal, or any feeder thereof, which they shall deem necessary for the purpose of conducting a plentiful supply of good and wholesome water, to and through 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 a reasonable compensation to be made to him, her or them, or any of them, for such lands, tenements or hereditaments, or the use thereof, as may be used or occupied for the purposes aforesaid, or for any damages which he, she or they may sustain in the using of any such land for the said operations ; but in case of disagreement, to be settled and determined by any three discreet and reputable freeholders of the town of Salina, to be chosen and agreed upon by the parties ; and in case of refusal or neglect by either party to nominate or appoint them, to be nominated and appointed by any judge of the court of common pleas for the county of Onondaga, not interested in the premises, or a member of said corporation, at the request of either party ; and upon their determining the same, the said company shall pay to the said owners respectively the sums reported under their hands, in full compensation for the same : *Provided*, That the said association shall pay all such damages or appraisals for land or other property taken possession of and used for the purposes of this act, before they shall take possession of the same.

To enter on lands

Provided

IV. *And be it further enacted*, That if any person or persons shall wilfully and maliciously do or cause to be done, any act whatsoever, whereby the said conduits, penstocks, aqueducts shall be impaired or injured, the person or persons so offending, shall pay a fine of

Trespassers

five dollars to the use of said corporation, besides the amount of damage sustained by means of such offence, to be sued for and recovered in an action of debt, with costs of suit, in the name of the said corporation, in any court having cognizance thereof.

Permits

V. *And be it further enacted,* That it shall not be lawful for any person or persons to draw, take, use or carry away any water at or from any of the penstocks, conduits or aqueducts belonging to the said corporation, without a written permit from the agent or superintendent of said corporation; and if any person or persons shall draw, take, use or carry away any water at or from any of the penstocks, conduits or aqueducts belonging to said corporation, except such person or persons as belong to said corporation, without such permit as aforesaid, he or they shall pay a fine of fifty cents to the use of said corporation for each and every offence, to be sued for and recovered in an action of debt, with costs of suit, in the name of said corporation, in any court having cognizance thereof.

Repairs

VI. *And be it further enacted,* That if any of the aqueducts, conduits or penstocks belonging to the said corporation, shall become impaired, decayed or otherwise out of order, it shall and may be lawful for the agent or superintendent appointed by said corporation, to go on, repair, and put in order all such part or parts thereof, and keep an account and make a bill of the expense of such repairs, the amount of which shall be equally divided among, and paid by the persons belonging to said corporation; and if any person or persons belonging to said corporation, shall neglect or refuse to pay his or their share or proportion of such expense as aforesaid, the same shall be sued for and recovered in the name of the agent or superintendent, with costs of suit, in any court having cognizance thereof.

Waste of water

VII. *And be it further enacted,* That if any person having a penstock in his or her yard, shall suffer or permit the water to run away unnecessarily, or waste, so as to hinder or prevent others from getting a full supply of water at any other penstock, he, she or they so offending, shall pay a fine of fifty cents for each and every offence, to the use of said corporation, to be sued for and recovered in an action of debt, with costs of suit, in the name of the agent or superintendent of said corporation, in any court having cognizance thereof.

Feeder for canals

VIII. *And be it further enacted,* That nothing herein contained, shall be so construed as to authorise the said association to take or use the waters of any stream or creek, after such waters shall be wanted as a feeder for the Erie canal, or for any other canal which may be hereafter constructed by the people of this state; and that this act and the privileges hereby granted, shall be taken subject to the right of the legislature at any any time hereafter to repeal, alter or amend the same.