

LAWS
OF THE
STATE OF NEW-YORK,
PASSED AT THE
FIFTY-FIRST SESSION, SECOND MEETING,
1828;
AND FIFTY-SECOND SESSION,
1829.



ALBANY:
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.....
1829.

sum of one thousand dollars, and collecting fees, for the purpose of building bridges over the Cattaraugus, Buffalo and Clear creeks, in the town of China, which sum shall in like manner be paid to Samuel W. Patterson, Ozias Smith and Nathan Hinckley, who are hereby appointed commissioners to superintend the building of the said bridges. Also the further sum of one thousand dollars, for the purpose of building a stone bridge near the county poor-house, in the town of Bethany, together with such other bridges in said town, as the commissioners hereinafter named shall deem most for the benefit of the public, which sum shall in like manner be paid to Mills Averill, Josiah Churchill and William Spalding, who are hereby appointed commissioners to superintend the building of said bridges.

\$1000 to be raised.

\$1000 to be raised.

§ 2. It shall be lawful for the said supervisors to raise all or any part of said sums, and to raise the same by instalments, or otherwise, as they shall think best.

How to be raised.

§ 3. The said board of supervisors shall have power to cause to be assessed and levied upon the inhabitants of the towns through which the road mentioned in the first section of this act runs, or upon the inhabitants of the town in which either of such bridges are situated, such part of the monies as they are above authorised to raise, or such additional sums, not exceeding those amounts, as they shall deem expedient.

Appertioned among the towns.

§ 4. Each of the said commissioners shall, before receiving any moneys which may be raised by this act, execute to the board of supervisors of the county of Genesee and their successors in office, a bond in the penal sum of three thousand dollars, with at least one sufficient surety, conditioned faithfully to perform the duties required by this act, and to account when required, to the supervisors, for the expenditure of any moneys that may come into their hands.

Commissioners to give bonds.

§ 5. In case a vacancy shall happen, by reason of the death, resignation or refusal to serve, of either of the said commissioners, it shall be the duty of the first judge of said county, to appoint some proper person or persons to fill the vacancy.

Vacancies.

CHAP. 236.

AN ACT to amend the Act entitled "An Act to incorporate the Village of Syracuse," passed April 13, 1825.

Passed April 23, 1829.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows :

Making and
repairing
side walks.

§ 1. Whenever the trustees may deem necessary to make or repair side walks in any street of said village, they shall notify the owners of lots upon such street, by a public notice to be printed for three weeks in a newspaper of said village, that on a day and place to be mentioned in said notice, they will meet and propose a plan for such side walks; at which meeting a majority of such resident owners, and the attorneys or agents for non-resident owners, who shall own at least one third in value of the lots upon such street, may decide by ballot or resolution, that side walks as proposed by the trustees shall be made; and when such side walks shall be proposed and voted for by such meeting in manner aforesaid, each and every owner of lots upon such street, shall then make and improve side walks in front of such lot, under the direction and superintendence of the trustees; and if any such owner shall neglect to build or repair such side walks in front of his or her land, the said trustees may make or repair the same, and such sum as the trustees shall expend, shall be charged upon such lot or

Notice to be
published.

lots, to be recovered in the manner following: The trustees shall first give public notice printed for six weeks in a newspaper of the village, that side walks of a width and construction, to be described therein, are required in the streets mentioned, and that the owners of the lots upon such streets are required to make or repair the same within three months from the first publication of the notice, or that the trustees will make or repair the same, and charge the cost thereof upon the lots respectively in front of which the side walks shall be made or repaired; if the side walks shall not be made or repaired by the owners of the said lots respectively, so described in the notice, after the expiration of the three calendar months, the trustees shall then be authorised to make or repair the same; they shall file with the clerk of the village a certificate, signed by a majority of said trustees, stating the money expended by them in making or repairing side walks in front of each lot respectively; such sum as shall be so certified shall be a charge and lien on the lot mentioned in the certificate; the trustees shall, after having filed such certificate, give six weeks' notice in a newspaper, stating the amount charged against each lot, and that the respective lots will, on a day and place to be mentioned therein, be leased to the person who shall pay the amount of such charge respectively, and the cost of advertising, for a lease of the respective lots for the shortest term of time; they shall, on the day and at the place mentioned in the notice, at public vendue, expose the use and possession of such lots for sale, and the person who shall bid the shortest term of time for the use and occupation of said respective lots, for which he will pay the

charge on the same, together with the expense of advertising, shall, on paying the same to the trustees, be entitled to a lease for such lots for such term as he shall so bid ; and the trustees shall thereupon execute a lease or leases for such lots respectively, to the person who shall so bid the shortest term and pay for the same, which leases shall be deemed to be as valid and effectual for said term as if the real owner was of legal capacity to execute, and had executed said leases ; but said leases shall be subject to all previous liens upon the lots so sold ; and the owner of any such lot may, at any time before the sale thereof, pay the charges thereon, with the costs of the advertisement, and shall have the right, within one year from and after the time of such sale, to redeem such lot by paying to the purchaser thereof the amount of the purchase money, with ten per cent. interest on the same.

§ 2. The trustees of said village shall have power to convey to Oliver Teal, his heirs and assigns, all the rights, property and powers of the trustees of the Syracuse water works company as vested in said village by the eleventh section of the act hereby amended, for the term of twenty years ; and the said Teal shall thereafter be possessed of all the powers, rights and privileges which are granted in and by the act entitled "An act to supply the village of Syracuse with wholesome water," passed March 27, 1821 ; but in case the said Teal, after receiving such conveyance, shall neglect to exercise the powers thereby granted, the trustees of said village shall, after one year's notice, have the right to resume all the rights thereby granted, on paying him the appraised value of any aqueducts laid ; and the sum which the said Oliver Teal shall charge to a private family for the use of the water, shall not exceed five dollars ; for a boarding-house, ten dollars, and for a tavern, twenty dollars a year.

Trustees may assign water works to O. Teal.

§ 3. The trustees shall have power to appoint an inspector of wood, and to make by-laws to compel the inspection of wood that shall be sold in said village ; to make by-laws and regulations to compel the inhabitants of said village, in cases of fire, to form lines and ranks for the purpose of carrying water, and to pull down such buildings in the vicinity of a fire, as shall be directed by a majority of the trustees assembled at the place of the fire, to prevent its extension ; to appoint an additional number of firemen, not exceeding in the whole, thirty-two to each fire engine, each of whom while actually a member of a fire company, shall be exempt from military duty ; to make by-laws relative to alterations in chimnies, stoves, pipes or fire-places, which the trustees may deem necessary to prevent fires ; wines or spirituous liquor shall not be sold in any street, square, ba-

Inspector of wood.

By-laws in regard to fires.

sin, canal [or other public highway within the corporate bounds of said village, and the trustees shall have power to prevent the same by adequate by-laws and penalties.

Repeal.

§ 4. So much of the second section of the act hereby amended as is inconsistent with this act is hereby repealed.

Right reserved.

§ 5. The legislature shall have power at any time hereafter to alter, amend, modify or repeal this act.

CHAP. 237.

AN ACT for the Appointment of Commissioners to perform certain Duties of a Justice of the Supreme Court in the County of Seneca, and in the Eastern Jury District of the County of Tioga, and for other purposes.

Passed April 23, 1829.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows :

Commissioner to reside in Ovid.

In the eastern jury district Tioga.

§ 1. The person administering the government of this state shall, from time to time, nominate, and with the consent of the senate, appoint a fit and proper person residing in the town of Ovid, in the county of Seneca, and another residing in the eastern jury district of the county of Tioga, and being severally of the degree of counsellor in the supreme court, commissioners, who, by virtue of this act, shall be authorised and required to perform the duties and to execute every power which, according to law and the practice of said court, the justices of said court may perform and execute out of court, in all cases both civil and criminal, to allow writs of habeas corpus and certiorari, and to execute the act entitled "An act for giving relief in cases of insolvency," and the act entitled "An act to abolish imprisonment for debt in certain cases," in like manner as such justices of the supreme court may execute the same; but the said commissioners shall not have power to do any act inhibited to other commissioners heretofore appointed under similar statutes.

To take an oath.

§ 2. Each of the said commissioners, before entering upon the duties of his office, shall take and subscribe the oath required by the constitution of this state, before one of the judges of the court of common pleas of the county where he shall reside, and file the same with the clerk of such county.

Their fees.

§ 3. It shall be lawful for the said commissioners to receive the same fees for services performed under this act, as the recorders of the several cities in this state are allowed to receive for the same services.