

L A W S
OF THE
STATE OF NEW-YORK,
PASSED AT THE
THIRTY-EIGHTH SESSION
OF THE
LEGISLATURE,

BEGUN AND HELD AT THE CITY OF ALBANY, THE TWENTY-
SIXTH DAY OF SEPTEMBER, 1814.



Albany :

PRINTED BY J. BUEL, PRINTER TO THE STATE.

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1815.

CHAP. CCLIII.

An ACT further to extend the time allowed by law for the completion of the Utica and Minden and Neversink Turnpike Road Companies.

Passed April 18, 1815.

I. Be it enacted by the people of the state of New-York, represented in Senate and Assembly, That the time allowed by law for the completion of the Utica and Minden turnpike road, be and is hereby extended to the first day of January, eighteen hundred and eighteen.

II. And be it further enacted, That the act incorporating the president, directors and company of the Neversink turnpike road, be and the same is hereby revived and continued in force ; and that the time allowed by law for the completion of the said road be and is hereby extended to the first day of January, in the year one thousand eight hundred and twenty-five.

CHAP. CCLIV.

An ACT to vest certain powers in the freeholders and inhabitants of the village of Canandaigua.

Passed April 18, 1815.

I. Be it enacted by the people of the state of New-York, represented in Senate and Assembly, That the district of country in the town of Canandaigua and county of Ontario, comprised in the following bounds, that is to say, west by the west line of West-street, north by the north line of the village lots, east by the east line of East-street, and to continue the same in a right line until it intersects the south line of the Seneca turnpike, and south by a right line drawn thence across the north end of Canandaigua lake to a point formed by the north-east corner of back lot number ten, west of Main-street, on the west shore of the said lake, and thence along the north line of the said back lot number ten until it intersects the said West-street, shall hereafter be known and distinguished by the name of "The village of Canandaigua."

Bounds of
the village.

II. And be it further enacted, That the freeholders and inhabitants qualified to vote at the town-meetings, who may reside within the aforesaid limits, may, on the first Tuesday of June next, meet at some proper place therein, to be appointed and notified to the inhabitants by any justice within the said village, at least one week previous to the said first Tuesday of June, and then and there proceed to elect five freeholders, resident within the said village, to be trustees thereof; who, when chosen, shall possess the several powers and rights herein after specified ; and such justice shall preside at such meeting, and declare the several persons having a majority of votes as duly chosen trustees ; and on every first Tuesday of June after the first election of trustees, there shall in like manner be a new election of trustees for the said village ; and the trustees for the time being shall perform the several duties required from the

Election how
to be held.

said justice, in respect of notifying the meeting of the freeholders and inhabitants of the village, and presiding at such election.

Style & powers of the corporation.

III. *And be it further enacted*, That all the freeholders and inhabitants residing within the aforesaid limits, be, and they are hereby ordained, constituted and declared to be, from time to time, and forever hereafter, a body politic and corporate, in fact and in name, by the name of "The trustees of the village of Canandaigua," and by that name they and their successors shall and may have perpetual succession, and be persons in law capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended in all courts and places whatsoever, in all manner of actions, complaints and causes whatsoever; and that they and their successors may have a common seal, and may change and alter the same at pleasure; and shall be capable in law of purchasing, holding and conveying any estate, real or personal, for the public use of the said village, and of erecting fire-engine houses, of raising money by tax for the purchase of fire-engines, and for erecting fire-engine houses, or for making any public improvements or necessary repairs, which money so to be raised shall be assessed upon the freeholders and inhabitants of the said village according to law, by not less than three nor more than five judicious assessors, who shall be freeholders in the said village, and shall be chosen by the freeholders and inhabitants of the said village qualified to vote at town-meetings, at their annual meetings, and collected by the collector of the corporation in like manner as the taxes of towns and counties are collected, by virtue of a warrant to him directed by a majority of the trustees: *Provided nevertheless*, That no taxes shall be levied, or monies raised, assessed or collected for erecting such fire-engine houses, nor such houses be erected without the consent and approbation of the freeholders and the legal voters of the said village, or the major part of them, in open meeting, duly notified by the said trustees, by written or printed notices, to be put up in three public places in such village at least one week previous to such meeting.

Proviso.

By-laws.

IV. *And be it further enacted*, That it shall and may be lawful for the trustees of said village, or the major part of them, and for their successors in office, forever, to make, ordain, constitute and publish such prudential by-laws, rules and regulations as they from time to time shall deem meet and proper, and such in particular as may relate to public markets within said village; relative to the streets, alleys and highways therein, and draining, filling up, paving, keeping in order and improving the same; relative to slaughter-houses and nuisances generally; relative to a town-watch and lighting the streets of the said village; relative to the number of taverns or inns to be licensed in the said village; relative to the restraining of geese, swine, or cattle of any kind; relative to the inspection of weights and measures, and relative to erecting and regulating hay-scales; and relative to any thing whatsoever that may concern the public and good government of the said village; but no such by-laws shall extend to the regulating or ascertaining the prices of any commodities or articles of provision, except the article of bread, that may be offered for sale: *Provided*, That such by-laws be not contrary to or inconsistent with the laws and statutes

of this state or of the United States: *And provided always*, That any monies to be raised for paving any street or streets, or flagging or improving the foot walks or side ways, shall be assessed, levied and collected in a just and equitable manner, of and from the owners and occupants of all the houses and lots adjoining such street or streets so to be paved or flagged, in proportion as nearly as may be to the advantages which each be deemed to acquire respectively, any thing in this act to the contrary notwithstanding.

V. *And be it further enacted*, That the said trustees, or the major part of them, as often as they shall make, ordain and publish any such by-laws for the purposes aforesaid, may make, ordain, limit and provide such reasonable fine against the offenders of such laws as they may deem proper, not exceeding twenty-five dollars for any one offence, to be prosecuted and recovered, by action of debt, before any justice of the peace, with costs of suit, by the trustees, for the use of said corporation; in which action it shall be sufficient to declare generally, that the defendant or defendants is or are indebted to the trustees of the village of Canandaigua in the amount of the debt, penalty, fine or forfeiture by virtue of this act, to be paid to the said trustees for the time being, when thereunto required, and under such declaration to give the special matter in evidence.

Fines and penalties.

VI. *And be it further enacted*, That the freeholders and inhabitants of the said village of Canandaigua, qualified to vote at town-meetings, at their annual town-meetings on the first Tuesday of June in every year hereafter to be held for choosing trustees, or at any other meeting duly notified, shall be and they are hereby authorised, by plurality of votes, to choose not less than three nor more than five judicious inhabitants, being freeholders, as assessors; one treasurer, being also a freeholder; one collector, and as many fire-wardens as the trustees for the time being, or the major part of them, may order and direct; and in case of vacancy, by death, removal, refusal or incapacity to serve, of any of the assessors, the treasurer, collector or fire-wardens, it shall be the duty of the trustees, or the major part of them, to appoint some suitable person to fill such vacancy; and the person so to be appointed shall be vested with the like powers, and be subject to the same penalties and restrictions as if elected by the freeholders and inhabitants of the said village, as above mentioned.

Assessors, collector, treasurer & fire-wardens.

VII. *And be it further enacted*, That the trustees, treasurer, collector, assessors and fire-wardens shall, within ten days after each and every election, and before they proceed to the exercise of their several offices respectively, take and subscribe an oath or affirmation, before any justice of the peace in the said village or county, for the faithful execution of the trust or office to which they may be severally chosen or appointed.

They shall take an oath.

VIII. *And be it further enacted*, That the treasurer and collector hereafter to be elected, shall, before they enter upon the execution of their respective offices, respectively give such security for the faithful performance of the trusts reposed in them as the major part of the trustees for the time being shall deem sufficient.

Treasurer & collector to give security.

IX. *And be it further enacted*, That if any of the inhabitants of the said village, qualified as aforesaid, shall hereafter be elected or appointed a trustee, or assessor, or fire-warden, and having no-

Penalty for not serving when elected to office.

tice thereof, shall refuse, deny, delay or neglect to take upon him or them to execute such office or trust to which he or they shall be elected, then, and as often as it shall happen, it shall and may be lawful for the said trustees, or the major part of them, to assess and impose upon any such person or persons so neglecting, delaying or refusing, such reasonable fine or fines, not exceeding twenty dollars, as they the said trustees, or the major part of them, may think fit, to be recovered by action of debt, with costs, in manner herein before directed for the recovery of penalties or forfeitures imposed by the laws of the said trustees.

President. X. *And be it further enacted,* That the trustees, or the major part of them, within ten days after their being elected, in every year hereafter, shall, and it is hereby made their duty, to assemble in some convenient place in said village, and there to choose and appoint some one suitable person of their body to be president of the said board of trustees, and some proper person to be clerk of the said board; that it shall be the duty of the said president to preside at the meetings of the trustees, to order extraordinary meetings of trustees whenever he may find it for the interest of the village so to do; to receive complaints of the breach of any by-laws; to see that all the by-laws, rules and ordinances are faithfully executed, and prosecute in the name of the trustees all offenders against such by-laws; to receive and lay before the trustees the returns of the fire-wardens; and who, with the consent of the major part of the trustees, shall appoint under his hand and the seal of the said village, a company of firemen, not exceeding twenty in number, to inspect the utensils belonging to the said village for extinguishing fires; and whose duty it shall be more particularly to see the engines and fire utensils, engine-houses, and all other public property belonging to the said village, suitably and properly taken care of and kept in order, and to do all other such acts and things as may be proper for him as president of the board of trustees to do; and in case of the death, absence or inability of the president to discharge the several duties before mentioned, his place shall be supplied in the manner hereafter to be provided by the by-laws of the said corporation.

Collector's duty. XI. *And be it further enacted,* That the collector shall, within such time as shall hereafter be provided for by the by-laws of the said corporation, next after the receipt of his warrant for collecting any tax that may have been ordered to be raised, collect and pay the same to the treasurer; and that all monies which may at any time be in the hands of the treasurer, shall be liable to be drawn out by the trustees, or the major part of them, and applied and disposed of as shall have been directed by the freeholders and inhabitants of said village.

Accounts. XII. *And be it further enacted,* That the said trustees shall keep a just and accurate account of their necessary expences and disbursements, and on exhibiting the same to the treasurer, shall be entitled to receive the amount thereof out of any monies in the treasury; and that the treasurer, clerk, collector and assessors shall be paid for their several services such suitable compensation as the said trustees, or the major part of them, by a by-law of the said corporation, shall provide.

XIII. *And be it further enacted*, That it shall not be lawful for the said corporation to purchase or hold any real estate whatsoever, not lying or being within the limits of the said corporation. Restriction.

XIV. *And be it further enacted*, That the trustees to be elected by virtue of this act, shall hold their respective offices until the first Tuesday of June next following after their election of trustees as aforesaid, and until a new election for trustees of said village shall be made pursuant to this act, and until the trustees so last chosen shall take and subscribe the oath or affirmation of the office of trustee. Duration of offices.

XV. *And be it further enacted*, That it shall and may be lawful for the trustees of said village, or the major part of them, from time to time, to make ordinances to regulate the assize and quality of bread to be baked, offered or exposed for sale by any baker or other person within the said village, and to inflict reasonable penalties upon all offenders against the said ordinances. Assize of bread.

CHAP. CCLV.

An ACT for the relief of Seth C. Baldwin.

Passed April 18, 1815.

WHEREAS Seth C. Baldwin in 1804 purchased four lots of land from the commissioners of the land office, and executed bonds to secure the payment of the consideration money, and the said Baldwin having paid the sum of two hundred and eight dollars and eighty-three cents, and being desirous of relinquishing his contract: Therefore,

Be it enacted by the people of the state of New-York, represented in Senate and Assembly, That the attorney-general is hereby authorised and directed, on the delivery and surrender to him of the original certificates of sale of the said several lots, to cancel the obligations aforesaid, executed by the said Seth C. Baldwin, to the people of this state for the consideration money aforesaid, and also to discharge the execution which has been issued against the said Baldwin for the interest in arrear on the said bonds, and to enter satisfaction on the judgment against the said Baldwin, so that the said Baldwin pay to the attorney-general the costs due on the said judgment and execution, and produce a receipt from the sheriff in whose hands the said execution has been placed, for his fees on the same.

CHAP. CCLVI.

An ACT further to amend the act concerning Quit-Rents.

Passed April 18, 1815.

I. *Be it enacted by the people of the state of New-York, represented in Senate and Assembly*, That on any sale to be made