

Francis Griffin

L A W S

OF THE

STATE OF NEW-YORK,

PASSED AT THE

FIFTY-NINTH SESSION,

OF THE

LEGISLATURE,



BEGUN AND HELD AT THE CITY OF ALBANY,

THE FIFTH DAY OF JANUARY, 1836.



ALBANY:

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FOR

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1836.
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CHAP. 114.

AN ACT *authorizing the appointment of a supreme court commissioner to reside at Persia, in the county of Cattaraugus.*

Passed April 8, 1836.

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

Commissioner at Persia.

§ 1. There shall be appointed in the manner now prescribed by law, a supreme court commissioner, who shall reside at Persia in the county of Cattaraugus, and who shall possess the powers of a supreme court commissioner, as defined and limited by the laws of this state.

Act to take effect.

§ 2. This act shall take effect from and after the day of its passage.

CHAP. 115.

AN ACT *authorizing Francis Sayre and his associates to supply the village of Catskill with pure and wholesome water.*

Passed April 8, 1836.

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

Corporation created.

§ 1. The right and title to the water works and aqueducts thereunto belonging, which were sold by the receivers of the Greene county bank, is hereby vested in Henry Meiggs, Francis Sayre, James G. Elliott and Turham K. Cooke, of the village of Catskill, for the term of thirty years from the passage of this act; and they and their associates and successors, are hereby constituted a body politic and corporate, in fact and in name, by the title of "The Aqueduct Association of the village of Catskill;" and nothing herein contained shall give to the present association any powers other than are given by this act.

Stock.

§ 2. The capital stock of said association shall not exceed ten thousand dollars, in shares of twenty-five dollars each, which shall be deemed personal property, and shall be transferrable in such manner as the association may direct.

Suits

§ 3. The said association, for the preservation of their aqueducts, and for the assessment and collection among the several stockholders in respect to their respective shares, of all costs and expenses arising in the execution of their by-laws, rules and regulations, may in the name of their

treasurer, and for their use, institute such suits as may be necessary for the recovery of any penalties imposed by their by-laws; but no penalty to be imposed as aforesaid, shall be contrary to the laws or constitution of this state, or exceed twenty-five dollars for any one offence.

§ 4. It shall be lawful for the said association, or any person or persons employed by them, to enter upon any lands where the said aqueducts are now laid down, for the purpose of repairing or replacing any portion thereof, which have become or may become defective. Lands.

§ 5. Whenever the said association may deem it necessary to use other springs than those now used, they shall, before taking possession of such spring or springs, obtain the consent of the owner or owners thereof, which consent shall be in writing, executed and acknowledged by the owner or owners of such spring or springs, and recorded in the clerk's office of the county of Greene. Springs.

§ 6. In case the consent of the owner or owners of any land over which it may be necessary to conduct the waters of said springs, cannot be freely obtained, then it shall be lawful for the trustees of the village of Catskill, or a majority of them, to decide upon the expediency of laying down the necessary aqueducts on such lands, and upon the location of such aqueducts; they shall also appraise the damages resulting therefrom, to the owner or owners of such lands, which award shall be in writing; and upon the payment of the damages therein specified, the said association may take possession of and freely use such lands for the uses and purposes aforesaid. Damages.

§ 7. The said association may enter upon and use so much of any highway or road, as may be necessary in conducting the waters aforesaid to and through the said village; but the said association shall restore the said road or highway to its former condition, in such manner as not to impair its value or usefulness. Highways.

§ 8. In case any married woman, infant, idiot or insane person, or non-resident of the state, shall be interested in any lands or real estate, over which the said water shall be conducted, the trustees of the said village, or a majority of them, shall, before locating the place over such lands, where the said water is to be conducted, and before assessing the damages to the owner thereof, apply to one of the judges of the court of common pleas of the county of Greene, who shall appoint some competent and disinterested person, to appear before the said trustees and act for and in behalf of such married woman, infant, idiot, insane person, or non-resident; and all reasonable costs attending such appointment, and for the attendance of such person so appointed, shall be taxed by the said judge and paid by the said association. Rights of married women, &c.