

New York (State) laws, statutes &c.

LAWS
OF THE
STATE OF NEW YORK

PASSED AT THE

SESSION OF THE LEGISLATURE

HELD IN THE YEAR

1801,

BEING THE TWENTY-FOURTH SESSION.

• (INCLUDING THE ACTS COMMONLY CALLED REVISED ACTS OF
THAT SESSION.)

REPUBLISHED BY THE SECRETARY OF STATE, PURSUANT TO
CHAPTER THREE HUNDRED AND FORTY-ONE OF THE LAWS
OF EIGHTEEN HUNDRED AND EIGHTY-FIVE.

VOLUME V.



ALBANY:
WEED, PARSONS AND COMPANY, PRINTERS.

1887.

CHAP. 101.

AN ACT for incorporating an aqueduct association in the village of Cazenovia, county of Chenango.

PASSED the 31st of March, 1801.

Preamble. WHEREAS, John Lincklaen, together with sundry, other citizens, have associated for the purpose of supplying, the village of Cazenovia, with pure and wholesome water, for the use of such inhabitants thereof and others, as may be inclined to take the same.

Aqueduct Association of Cazenovia incorporated. *Be it enacted by the People of the State of New York, represented in Senate and Assembly,* That John Lincklaen, William Whipple, Hooker Ballard, Elisha Farnham, Elijah Risley, Hiram Roberts, Eliakim Roberts, Horace Paddock, and such other persons, as may become interested, in the association or company formed for supplying the village of Cazenovia in the county of Chenango, with water by means of conduits, or aqueducts, shall be and hereby are created and made a corporation and body politic, in fact, and in name by the name of the Aqueduct Association, in the village of Cazenovia, and by that name shall be capable in law, to sue and be sued, plead, and be impleaded, in any court of record, but shall not be capable of holding any real estate, excepting, such as may be necessary, for such conduits or aqueducts in any other place, than within the said village, or any real or personal estate exceeding the annual value in the whole of one thousand dollars, exclusive of the profits or income of such conduits or aqueducts.

Election of officers; regulations. *And be it further enacted,* That it shall and may be lawful for any three of the said persons, so associated, or to be associated by a notice to be given in writing, at two of the most public places in the town of Cazenovia five days at least, previous to any meeting to convene the said company or association at the most convenient, and public place in the said village; and such of the members of the said association, being at least a majority of the whole number as shall so convene, shall be and are hereby authorized by a vote of a majority present, to elect and appoint a treasurer clerk and collector, of such association; and such other agents, as may be necessary to carry into effect the objects of the association; to make and ordain all such bye laws, rules and regulations, relative to the said conduits or aqueducts, as they may deem proper and necessary for the superintendance, regulations, and management of the same, and of such as may be added thereto, and for the alteration, preservation, and reparation thereof, or for the equal assessment and collection, amongst the proprietors of the same aqueducts, in proportion to their respective rights or shares, of all costs and expences, arising in the execution, of all such bye laws, rules, and regulations aforesaid, and to impose penalties for the violation of the said bye laws, and regulations; and further to institute such suits in the name of such company or association, as may be necessary to recover damages that may be done to the said aqueducts, or for any penalty, imposed as aforesaid. *Provided* that no penalty to be imposed by virtue of any such bye laws, or regulations as aforesaid shall be contrary to the laws of this State, or exceed ten dollars for any one offence.—

Duty of officers. *And be it further enacted,* That the said treasurer, shall receive and pay out all monies, collected by virtue of this act, agreeably to the orders and directions of the said association; and the said clerk shall enter in writing all the proceedings of the same association or company

when convened as aforesaid under this act, and the said collector shall levy and collect all such taxes, and sums of money so as aforesaid to be voted in pursuance of this act, agreeably to such tax lists or assessment roll as shall be made out, and delivered him by the said clerk, the same being by him certified, and subscribed, and shall pay the same monies over to the treasurer of the said association; and the said collector shall have the like powers, and proceed in like manner in the said collection as is by law prescribed to the collector of any town in the collection of the contingent charges of the county.

And be it further enacted, That all transfers of shares in the said association or company shall be made, and entered in a book to be by them provided for that purpose under such regulations as may be prescribed by the said association —

Transfers
of shares.

CHAP. 102.

AN ACT relative to special bail in the Supreme Court.

PASSED the 31st of March, 1801.

Be it enacted by the People of the State of New York represented in Senate and Assembly, That the several judges of the courts of common pleas within this State are hereby authorized in their respective cities and counties where they are commissioned, to take every such recognizance of bail as any person may be desirous to make before him, in any action in the supreme court or court of exchequer, and in such manner and form, and by such recognizance or bailpiece as the judges of the supreme court usually take the same; and every recognizance or bailpiece so taken and also every recognizance or bailpiece taken by a judge of the supreme court, shall be by the party making the same or by some one on his behalf filed in the office of one of the clerks of the supreme court within fourteen days after taking the same; and the said judges of the courts of common pleas shall examine the sureties to any such recognizance of bail, or bailpiece, when thereunto required by any person interested in or affected by such bail, concerning the value of such sureties, estate and personal circumstances, and the plaintiff shall have the like time for excepting against the sureties to be given in manner aforesaid, as is allowed, when such recognizance or bail is taken before one of the judges of the supreme court.

Special
bail, taking
of.

And be it further enacted, That it shall be lawful for the defendant in any action in the supreme court, to surrender himself, or for his bail or manucaptor to surrender him before a judge of the court of common pleas for the county where the defendant shall or may be found; and the judge before whom the surrender shall be made, shall thereupon by a committitur to be indorsed on a copy of the bailpiece, commit the defendant to the gaol of the county accordingly, and the sheriff shall also indorse on the said copy of the bailpiece, a receipt, purporting, that the defendant hath been delivered to and received by him by virtue of such committitur, and which copy of the bailpiece, the receipt of the sheriff thereon being first acknowledged by him, or proved by a subscribing witness thereto before the judge who shall so commit the defendant, or before a judge of the supreme court, or a commissioner for taking affidavits to be read in the said court, being filed in the office of one of the clerks of the said court, a judge of the said supreme court may thereupon make an order for the attorney of the plaintiff to appear and shew

Surrender
of prisoner
by bondsmen.