

N. N. Chittenden

L A W S

1845

OF THE

STATE OF NEW-YORK,

PASSED AT THE

SIXTY-SEVENTH SESSION OF THE LEGISLATURE,

BEGUN AND HELD IN THE CITY OF ALBANY,

THE SECOND DAY OF JANUARY, 1844.



ALBANY:

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1844.

CHAP. 327.

AN ACT to confirm the drawing and classification of Justices of the Peace in certain cases.

Passed May 7, 1844.

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

§ 1. The drawing and classification of the justices of the peace elected at the last annual town meeting in and for the town of Tyre, in the county of Seneca, is hereby ratified and confirmed, and such drawing and classification shall be of the same force and effect as if the same had been made within the time prescribed by law. Classification of Justices in Tyre.

§ 2. In all cases where the classification of justices elected at the last annual town meeting in any of the towns of this state shall not have been determined by lot in the manner and within the time now prescribed by law, it shall and may be lawful for the supervisor or town clerk of such town, as the case may be, at any time on or before the first day of September next to give the required notice, and to proceed to such determination in the same manner as if the* had been done within the time now prescribed by law; and every classification of justices elected at the last annual town meeting made after the time now limited by law is hereby confirmed. In the several towns of the state.

§ 3. This act shall take effect immediately.

* So in the original.

CHAP. 328.

AN ACT to incorporate the Chester Water Association in the county of Warren.

Passed May 7, 1844, by a two-third vote.

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

§ 1. Charles Fowler, Thomas A. Leggett and William Hotchkiss, and all such persons as now are or hereafter may be associated with them, or shall become stockholders, are hereby constituted a body corporate by the name of the Chester Water Association, for the purpose of supplying the village of Chester, in the county of Warren, with pure and wholesome water, and by that name they and their successors shall be capable in law of suing and being sued, of plead- Corporate created.

ing and being impleaded in any court whatever, and to hold and enjoy such personal property and real estate as may be necessary for the attainment and continuance of said object of supplying the village of Chester with water, not exceeding at any one time the sum of one thousand dollars.

§ 2. The stock of said corporation shall be deemed personal property and shall consist of one hundred shares of five dollars each; and for the purpose of forming such association, the said Charles Fowler, Thomas A. Leggett, and William Hotchkiss shall procure a book in which they shall enter as follows: We whose names are hereunto subscribed, promise to pay unto the Chester Water Association, the sum of five dollars for each share set opposite our respective names, at the time or times required by said association, in payments of not more than five dollars each; and should either of us fail to make such payment at the time or times the same shall be required, or within ten days thereafter, then our said shares respectively to be forfeited to the benefit of said association, together with all previous payments made thereon.

§ 3. Within sixty days after the passage of this act, the said Charles Fowler, Thomas A. Leggett and William Hotchkiss shall give notice in writing, signed by them, of the time and place when a meeting of the stockholders of said association will be held, for the purpose of carrying into effect the object of this association; which notice shall be posted up at least six days previous to such meeting, at three or more public places in said village.

§ 4. The stockholders so associated and met together, in pursuance of said notice, shall thereupon and at each annual meeting thereafter, proceed to select, by ballot, a president, a secretary, a treasurer, and an executive committee of at least three persons, all of whom shall hold their respective offices until the next annual meeting of the association, and until others shall be elected in their respective places; all matters to be decided by a vote of the stockholders, each stockholder to be entitled to one vote for each share by him held; such meeting shall fix the day on which their annual meeting of the association shall thereafter be held in each year until otherwise directed; such meeting may also adjourn from time to time, and at the first meeting, or any future meeting, do all acts, and give all directions that may be proper and necessary to carry the object of the association into effect, and decide upon all purchases to be made for the use of said association; and the said officers so appointed, shall have power to call special meetings when thereunto required by a majority of the stockholders voting by shares as aforesaid.

Subscriptions to stock.

Stockholders to meet.

To select officers.

§ 5. The president of such association shall preside at such meetings, when present, and with the assistance of the secretary, audit all accounts for money expended, as well by the executive committee as others, and countersign all drafts upon the treasurer; the secretary shall record in a book to be provided for that purpose, the proceedings of all meetings held by the association; the treasurer shall receive and pay out all moneys belonging to the association, and shall enter in a book to be kept for that purpose, an account of all moneys by him paid out, the time when and to whom paid, which account he shall exhibit each and every meeting of said association; and which book shall be kept open for the examination of any member of the association, or any persons interested therein, at all proper times.

Duty of president.

§ 6. It shall and may be lawful for the executive committee to purchase any real or personal property necessary for said association in their business, not exceeding in value one thousand dollars, to declare dividends on the stock of said company, to establish rules and regulations, by ordinances and by-laws for and concerning the government of all officers or stockholders or any other person using their water, so far as respects the preservation of the water from their works, and the use thereof, and to restrain the waste thereof, and by such by-laws and ordinances to impose penalties and forfeitures for any neglect or refusal to comply therewith, so as that such penalty and forfeiture in any one case, shall not exceed the sum of five dollars; which penalty and forfeitures shall be recoverable in the name of the president of said association, in any justice's court of the town of Chester, aforesaid in an action of debt.

Real and personal property may be purchased.

§ 7. It shall and may be lawful for the association, to purchase under the restrictions aforesaid, by deed or lease, the right of any stream or spring of water, and the right to enter upon the land of any person by virtue of such purchase, to make use of such stream or spring of water, and to lay pipes or conduits for the purpose of supplying said village with water, and to lay such pipes or conduits in any public street or highway, and to erect suitable cisterns therein, and at all times to repair and alter the same for the purpose aforesaid, by their putting and leaving such streets or highways in good repair after having laid such pipes or conduits, or erected such cisterns, or repair the same, and while doing it to occasion as little inconvenience as possible, and to be liable for the payment of all damages arising therefrom, or occasioned thereby.

The right to streams and springs may be purchased.

§ 8. After the association shall have purchased any spring or stream of water, in all cases when they cannot agree upon a price and purchase by deed or lease the right to enter upon

Right how to be acquired in case of disagreement.

the land of any person; and in a careful and prudent manner to lay such pipes and conduits and erect such cisterns when the same may be necessary, for supplying said village or any part thereof, with water, they shall apply to a judge of the court of common pleas of the county of Warren, who shall thereupon in writing under his hand, appoint three respectable freeholders of said town of Chester, not in any way interested in the premises, nor of kin to any of the parties, who shall, on view of the lands and an examination of the facts of the case, decide and determine what sum the association shall pay for the privilege required, and thereupon reduce their decision to writing, and sign the same, which shall contain a particular description of the privilege or right required; one copy of which they shall deposit with the secretary of the association, and another copy of which they shall deliver to the person interested in the lands upon which the right or privilege is required, which decision so made shall be conclusive in the premises; whereupon the association shall pay to the person owning said land, the sum so determined and decided to be paid to him or her for such right or privilege, which payment in pursuance of such decision, shall for ever thereafter vest the association with the right to enter upon and in a prudent and proper manner use such right and privilege.

Right to repeal.

§ 9. The legislature may at any time hereafter, modify, amend or repeal this act.

General powers.

§ 10. The corporation hereby created, shall be subject to such of the provisions of the eighteenth chapter of the first part of the Revised Statutes, as are not repealed.

CHAP. 329.

AN ACT to amend an act entitled "*An act relating to common schools for the city of Brooklyn,*" passed March 23, 1843.

Passed May 7, 1844, by a two-third vote.

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

Amendment.

§ 1. The sixth section of the act entitled "An act relating to common schools for the city of Brooklyn, passed March 23, 1843, shall be, and the same is hereby amended, by striking out the word "quarter" in the fifth line of said section and inserting in place thereof the word "three-eighths" so that the said section, when amended shall read thus: