

Francis Griffin
LAWS

OF THE

STATE OF NEW-YORK,

PASSED AT THE

NEW YORK
SIXTY-FOURTH SESSION

LIBRARY
OF THE



LEGISLATURE,

BEGUN AND HELD IN THE CITY OF ALBANY,

THE FIFTH DAY OF JANUARY, 1841.



ALBANY:

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1841.

CHAP. 235.

AN ACT for the relief of Luke Balcom and others.

[Passed May 25, 1841.]

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

Accounts when and how to be audited.

§ 1. The canal board are hereby authorized to audit and allow to Luke Balcom, Charles A. Baldwin and William Chappel such further compensation for constructing section number forty-nine on the southern division of the Chenango canal, as will be just and equitable, if upon investigation of the whole matter the board shall be of the opinion that the said Balcom, Baldwin and Chappel are entitled to any further compensation, in consequence of the excavation being more difficult or more expensive than was contemplated by the parties at the time the contract was made.

§ 2. This act shall take effect immediately.

CHAP. 236.

AN ACT to authorize the common council of the city of Hudson to borrow money for defraying the expense of laying down iron pipes by the Hudson Aqueduct Company, and for purchasing the property and stock of said company.

[Passed May 25, 1841, by a two-third vote.]

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

The sum of \$14,000 may be borrowed.

§ 1. It shall be lawful for the mayor, recorder, aldermen and commonalty of the city of Hudson, on the faith and credit of the said city, to borrow the sum of fourteen thousand dollars, for a term not exceeding sixty-four years, and to execute bonds therefor under the common seal of the corporation of the said city, and the signature of the mayor and clerk thereof; the bonds to be in such form and the principal and interest made payable at such places and times not exceeding sixty-four years, as may be agreed upon with the lenders.

How to be applied.

§ 2. The said sum of fourteen thousand dollars shall be specifically and solely applied and appropriated to paying the expense incurred and hereafter to be incurred in purchasing and laying down iron pipes by the president and directors of the Hudson Aqueduct Company.

Aqueduct company may sell and convey their property to the city.

§ 3. It shall be lawful for the president and directors of the Hudson Aqueduct Company, to grant, sell and convey all the estate and property real and personal, and of whatever nature which it may have acquired, now hold or may be entitled to, under

its charter to the mayor, recorder, aldermen and commonalty of the city of Hudson, and it shall be lawful for the mayor, recorder, aldermen and commonalty of the city of Hudson to accept, receive and hold such granted property with the appurtenances.

§ 4. The mayor, recorder, aldermen and commonalty of the city of Hudson, shall have power to purchase the whole or any part of the capital stock of the said company, from any stockholder or stockholders thereof, at such price as they may deem reasonable, and upon the purchase and transfer of any of the said stock, it shall be lawful for the mayor of the said city under the instruction of the common council to vote at any election of directors upon said stock in the same manner and with the like effect as any other stockholder of the said company.

City may purchase stock of company.

§ 5. From and after the grant, transfer and acceptance of the said property and stock as aforesaid, the charter of the said aqueduct company shall be void and of no effect, and the business of supplying the city of Hudson with water for the extinguishment of fires and for the use of the inhabitants thereof, shall be managed and conducted by five persons being inhabitants of the compact part of said city, who shall be called "Water Commissioners," with power to fix the rates to be paid for the use of the water, to be approved and enforced by the common council of said city, and shall be elected by the people and hold their offices as hereinafter provided.

After transfer and acceptance of stock charter of company to be void.

§ 6. At the first charter election after the grant, transfer and acceptance of the said property and stock as aforesaid, there shall be elected in the same manner as the mayor is elected, five water commissioners, and the provisions of law in respect to the notifying, holding and conducting the election for mayor, and the canvassing and determination who are duly elected, shall apply so far as applicable to the election of the said water commissioners.

Five water commissioners to be elected.

§ 7. The water commissioners so elected shall immediately thereafter meet together, and in the presence of the common council of said city be divided by lot into five classes of one in each class, and be numbered one, two, three, four and five; and the office of number one shall expire at the end of the first year, of number two at the end of the second year, of number three at the end of the third year, of number four at the end of the fourth year, and of number five at the end of the fifth year; in order that one water commissioner may thereafter be annually elected.

To be divided into five classes.

§ 8. The office of one water commissioner shall expire on the first Tuesday of April in each year; and at every annual election subsequent to the first election of water commissioners, there shall be elected one water commissioner, who shall hold his office for five years in case there is but one to be chosen at such election.

Tenure of office.

Vacancies how to be supplied.

§ 9. If there shall happen any vacancy in the water commissioners so chosen, by death, resignation, or otherwise, before any annual election of charter officers shall be held, it shall be lawful for the common council to direct a special election to be held to supply such vacancy, which election shall be held at such time and place as the common council shall direct, and shall be conducted in the same manner as herein before provided.

When two or more are to be elected how classed.

§ 10. At the first annual election and at every subsequent annual or special election where two or more persons are to be elected to the office of water commissioners, the common council shall immediately after their election determine and declare who are elected, and at the same time, by lot, also determine to which class they shall respectively belong, and the common council shall make a certificate of such determination, which shall be signed by the members present or a majority of them and filed with the clerk of the city.

The additional sum of \$18,000 may be borrowed.

§ 11. It shall be lawful for the mayor, recorder, aldermen and commonalty of the city of Hudson to borrow, on the faith and credit of the said city, the sum of eighteen thousand dollars in addition to the sum herein before authorized, for a term not exceeding sixty-four years, and to execute bonds therefor under the common seal of the corporation of said city, and the signature of the mayor and clerk thereof. The bonds to be in such form and the principal and interest made payable at such places and times, not exceeding sixty-four years, as may be agreed upon with the lenders.

How to be applied.

§ 12. The said sum of eighteen thousand dollars shall be specifically and solely applied and appropriated to the purchase of the capital stock and property of the Hudson Aqueduct Company, herein before mentioned.

Money borrowed chargeable on compact part of city

§ 13. The sums by this act authorized to be borrowed shall be chargeable upon the compact part of said city, and it shall be the duty of the common council to pay the interest thereon annually, and to make the bonds herein authorized to be issued so payable that the principal so borrowed as aforesaid, shall, by a sinking fund or otherwise, be gradually payable, as shall be deemed by them just and reasonable, and most conducive to the interest of the inhabitants of said city.

The said sums may be loaned by Comptroller from school fund or canal fund.

§ 14. The said sums may be loaned to said city by the Comptroller out of any moneys belonging to the common school fund, or for account of the canal fund, or it may be borrowed by the common council of said city from any person or persons or banking institution, on the best terms that can be obtained, at an interest not exceeding six per cent per annum, and in either case it shall be and is hereby made the duty of said mayor, recorder, aldermen and commonalty and they are hereby authorized, from time to time and as often as necessary, to cause the said principal sums and every part thereof, and the interest thereon as the same becomes due, to be assessed, levied and

collected, in addition to what they are now authorized to assess, levy and collect from the taxable inhabitants of the compact part of said city, at the time of making their annual assessment, levy and collection next preceding the time or times specified for the payment of the said principal sums of money, or any part thereof, and the interest thereon, in the same manner as other contingent expenses of said city are assessed, levied and collected; and the money thus collected shall be forthwith paid by said mayor, recorder, aldermen and commonalty to the lender or lenders, or the Comptroller or Treasurer of the state, if the loan shall be obtained from the state, on the same becoming due, in extinguishment of so much of said debt; and in case of neglect or refusal on the part of the common council of the said city to pay the said sums, or any part thereof, at the time when the same shall become due as aforesaid, the board of supervisors of the county of Columbia on being notified thereof, are hereby authorized and required to cause the same to be levied and collected from the taxable inhabitants of the compact part of said city, and to cause the same to be paid to the persons entitled thereto, in extinguishment of so much of said debt.

§ 15. This act shall take effect immediately.

CHAP. 237.

AN ACT to amend the act to reduce the expense of foreclosing mortgages in the court of chancery, passed May 14, 1840.

[Passed May 25, 1841.]

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

§ 1. The fourth section of the act to reduce the expense of foreclosing mortgages in the court of chancery, passed May 14, 1840, is hereby amended, and shall read as follows:

In all cases of foreclosure of mortgages, where the number of the defendants shall not exceed two, the solicitor for the complainant shall be entitled to receive therefor thirty dollars, and no more; and for every additional defendant above the number of two, such solicitor shall be entitled to receive the additional sum of two dollars and fifty cents.

Fees of solicitor in certain cases.

§ 2. The fifth section of the act to reduce the expense of foreclosing mortgages in the court of chancery, passed May 14, 1840, is hereby repealed.

Repeal.

§ 3. The serjeant-at-arms of the court of chancery, instead of the fees now allowed by law, shall be entitled to receive the same compensation for each day's attendance upon the court of chancery, as is now allowed by law to the criers of the su-

Compensation of serjeant-at-arms.