

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 :

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.....
1815.

the acts done by a sworn deputy aforesaid in pursuance of the provision herein contained, shall in all respects, and to every intent and purpose whatever, have the like force and effect, and be attended with the same consequence as if done by the clerk.

CHAP. LXXXVII.

An ACT concerning Criminal Prosecutions in the Counties of Suffolk, Queens, Kings, Richmond and New-York, and for other purposes.

Passed March 24, 1815.

I. *Be it enacted by the people of the state of New-York, represented in Senate and Assembly,* That for all the objects and purposes declared and contemplated by the act entitled "An act relative to district attorneys," the counties of Suffolk, Queens, Kings and Richmond shall be one district, and the city and county of New-York shall be another district, and that a district-attorney shall accordingly be appointed for each one of the said two districts.

II. *And be it further enacted,* That it shall not be hereafter necessary to publish the advertisement of the sale of any lands ordered to be sold by the surrogate of the county of Suffolk in any newspaper printed in the city of Albany.

CHAP. LXXXVIII.

An ACT to incorporate the Vienna Aqueduct Company.

Passed March 24, 1815.

WHEREAS the proprietors of the aqueducts in that part of the town of Phelps, in the county of Ontario, commonly known by the name of the village of Vienna, have represented by the petition of their association, for the purpose of supplying themselves and others with water, by means of aqueducts, that they have at a considerable expence conducted the water from the fountain to their respective houses, at the village aforesaid, and that the benefits arising therefrom are likely to be lost for want of adequate provisions made by law for the regulating and managing the said aqueducts, and for obliging each proprietor thereof to bear and defray his proportionate part of the expences attending such aqueducts, and in amending, superintending and managing the same: Therefore,

I. *Be it enacted by the people of the state of New-York, represented in Senate and Assembly,* That it shall and may be lawful for said proprietors and such other person as shall be admitted as such hereafter, from time to time to convene at such time and place, at the said village of Vienna, as a majority of the said proprietors shall appoint, due notice of such time and place of meeting being first given, by causing the same notice to be put up at least at three public places in the said village, not less than five days previous to such meeting; and at each and every of such meetings

the said proprietors shall have power to make, ordain and declare all such by-laws, ordinances, rules, regulations and directions relative to such aqueducts, as they or a majority of them may deem proper for the superintendance, regulation and management of the same, and for extension, alteration, preservation and repairing thereof, and for the equal assessment and collection amongst the proprietors of all costs and expences attending the same, and shall have full power to make, ordain, limit and provide such pains for forfeitures and penalties as they may think proper for enforcing the observation and performance of the said by-laws, rules and regulations, to be prosecuted for by the inspectors hereinafter mentioned, in their own names, and recovered in any court having cognizance thereof, by action of debt or otherwise, to the use of the said proprietors, to be by them appropriated for the support and maintenance of the said aqueducts: *Provided*, That no such pain, penalty or forfeiture shall exceed the sum of ten dollars: *Provided always*, That such by-laws, ordinances, rules or regulations be not contrary to or inconsistent with the constitution, laws and statutes of this state, or of the United States.

Money to be raised.

II. *And be it further enacted*, That the said proprietors, or a majority of them, at any such meetings, may vote any sum or sums of money which they shall think fit, not exceeding one hundred dollars in any one year, to be assessed and levied on the said proprietors in proportion to their respective rights or shares, to defray the expenses of the necessary alterations, additions and repairing of such aqueducts or the fountains thereof, or for the compensation to the inspectors, treasurer and collector hereinafter mentioned, and to elect three or more discreet persons for inspectors of said aqueducts, one discreet person for their treasurer, each of whom shall continue in office until others be duly chosen.

Power of the inspectors.

III. *And be it further enacted*, That the said inspectors, or a majority of them, shall have power, and are hereby authorised and directed, from time to time, and at all times, to enter in and upon the lands of the said proprietors, and to examine, inspect, superintend, manage and direct the said aqueducts, agreeably to such by-laws, rules and ordinances, as the said proprietors, or a majority of them, shall from time to time hereafter make and declare, touching the same, or the management thereof, and shall have power to prosecute in their own names for all trespasses which may at any time be done or committed by any person or persons, upon or against the said aqueducts, and to recover the amount of all damages occasioned by such trespasses, in any court having cognizance of the same, to the use of the said proprietors, to be appropriated as aforesaid, and shall meet and duly assess upon the proprietors aforesaid, all such sum or sums of money, costs and expences, so as aforesaid to be voted by the said proprietors, and shall further do and perform all such duties as shall and may be lawfully committed to them by any laws, rules or ordinances of the said proprietors.

Duty of the treasurer and clerk.

IV. *And be it further enacted*, That the said treasurer shall keep a book, in which he shall fairly enter all receipts, advances and expenditures of all sums of money by him received, advanced or paid out, and shall likewise do and perform all matters commit-

ted to him by any rule, ordinance or law, so to be made in pursuance of this act; and shall as clerk of the said proprietors, keep the minutes of all the votes, resolutions and transactions of the said proprietors, at their several meetings so to be prescribed by this act, in a proper book by him to be kept for such purpose.

V. *And be it further enacted*, That the said collector so to be chosen, shall collect all such taxes and sums of money so as aforesaid, to be voted by the said proprietors agreeably to such tax list or assessment-roll as shall be made out by the said inspectors as aforesaid, within thirty days after the same shall be delivered to him, and shall pay the monies so by him to be collected into the hands of the treasurer; and in case the proprietors aforesaid, or any of them, shall refuse or neglect paying his or their proportion of such taxes or sums of money within the time limited for such payment, then it shall be lawful for such collector to collect the same in like manner as collectors in the several towns in this state are authorised to do.

Collector's
duty;

And to the end that the whole number of the said proprietors of the said aqueducts may always hereafter be known, and the number and proportion of their several rights and shares therein ascertained with the greater care and precision,

VI. *Be it further enacted*, That the said treasurer shall keep a proper book, in which he shall duly enter the names of all the proprietors of the said aqueducts, together with their several rights or shares of, in or to the same, according to such by-law or rule as the said proprietors, or a majority of them shall make hereafter for such purpose, and shall also duly enter a note or memorandum of every transfer, lease or assignment made, or hereafter to be made, of any right or share of, in or to the said aqueducts, according to such by-law or rule as the said proprietor shall hereafter prescribe, which entry, so to be made by the said treasurer, shall be deemed evidence of such transfer, lease or assignment; and no person shall be considered a proprietor of the said aqueducts, after six months from the passing of this act, until the evidence of his right or share be so registered, nor be entitled to draw or use the waters from the said aqueducts by virtue of any title or claim not so registered.

Further duty
of the treasurer.

CHAP. LXXXIX.

An ACT supplemental to the "Act for the relief of Thomas B. Clarke," passed April 1, 1814.

Passed March 24, 1815.

WHEREAS since the passing of the act, entitled "Act for the relief of Thomas B. Clarke," Clement C. Moore, in the said act named, by an indenture duly executed by him, and recorded in the office of the secretary of this state, and bearing date the twenty-first day of February, in the year one thousand eight hundred and fifteen, hath for the consideration therein expressed, and in due form of law, released and conveyed unto the said Thomas B. Clarke, his heirs and assigns, forever, all the estate, right, title, interest, property, claim and demand whatsoever, of the said Clement C. Moore, of in and to the real estate mentioned in the said act, whereby th-

Preamble.