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PASSED AT THE

FIFTY-SIXTH SESSION

OF THE

LEGISLATURE,

BEGUN AND HELD AT THE CITY OF ALBANY,

THE FIRST DAY OF JANUARY, 1833.



ALBANY:

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1833.

cents; for every wagon or cart drawn by two horses, mules or oxen, eight cents; for every additional horse, mule or ox attached to such wagon or cart, two cents; for every stage-wagon, chariot, coach, coachee, phaeton, curricule, or other pleasure carriage drawn by two horses, twelve and a half cents; for every additional horse attached to said carriage, two cents; for every chaise, chair, sulkey, or other pleasure carriage drawn by one horse, eight cents; for every sleigh or sled drawn by two horses, mules or oxen, three cents, and for every additional horse or mule, two cents; for every sleigh or sled drawn by one horse, mule or ox, two cents; for every horse and rider, three cents; for every horse led or driven, two cents; for every score of cattle, horses or mules, twelve and a half cents; for every score of sheep or hogs, six and a quarter cents, and so in proportion for a greater or less number; for every footman, one cent.

§ 5. From and after the passing of this act, the provisions of title first of chapter eighteenth of the first part of the Revised Statutes, shall take effect and apply to the said company. General provisions.

§ 6. It shall and may be lawful for the legislature at any time to alter, modify or repeal this act. Rights reserved.

CHAP. 178.

AN ACT to incorporate the Vienna water works, in the county of Ontario.

Passed April 19, 1833.

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

§ 1. David McNeil, Aaron Young, Moses B. Whitmore and Owen Edmonston, and their present and future associates, shall be and are hereby constituted a body politic and corporate, in fact and in name, by the name of "The President, Directors and Company of the Vienna Water Works," and by that name shall and may have continual possession, sue and be sued, plead and be impleaded, answer and be answered unto, defend and be defended, in all manner of actions, matters and causes whatsoever, in courts of record, or in any other place whatsoever; have a common seal, and may change or alter the same at pleasure; and they and their successors by the same name and style shall be in law capable of purchasing, holding and conveying any estate, real and personal: Provided such Corporation created.

real estate shall be necessary to attain the object of the incorporation; and that the stock of the said company shall consist of forty shares of fifty dollars each.

Directors.

§ 2. The management of the company and its concerns shall be entrusted to four directors, being stockholders of said company, which directors shall hold their offices one year from the first Tuesday of May in every year, and until others be elected in their stead. An annual election shall be held on said first Tuesday of May in every year, at such place in Vienna, and at such hour as the said directors may from time to time appoint. The election shall be held by such person, being a stockholder, as the stockholders present at the time of notice shall appoint; and such person, after he shall have then and there openly counted and estimated the votes, forthwith make return in writing under his hand, of the result of such election, to the clerk of the directors. All such elections shall be by ballot, and each stockholder having a right to a vote for every share of stock he may own. On the second Tuesday of May in every year, the said directors shall elect one of their number president. In case a vacancy occurs in said board of directors, the same may be filled by the directors who act. That David McNiell, Aaron Young, Moses B. Whitmore and Owen Edmonston shall be the first directors, and that David McNiell shall be the first president, all to remain in office until the first Tuesday in May, one thousand eight hundred and thirty-four.

Their powers and duties.

§ 3. The said directors shall be authorised, in their discretion, to appoint a clerk, treasurer, superintendent, and such other officers, agents and servants as they shall from time to time deem necessary for carrying into effect the powers vested in said company; to establish rules, regulations and by-laws for and concerning the conduct and government of such agents and servants, and for determining their compensation, and for and concerning the manner of making transfers of said stock, and the conduct and government of all such persons as shall use water from their works, so far as it respects the preservation of the water furnished by said company, and to restrain the waste thereof; and by such by-laws and ordinances to impose penalties and forfeitures for a neglect or refusal to comply therewith, so that such penalty and forfeiture in any one case shall not exceed five dollars; which penalties and forfeitures shall be recoverable in the corporate name of the said company, before any justice of the peace, with costs, in an action of debt. And for the purpose of effectually supplying the said village and the inhabitants in the neighborhood with water, it shall and

may be lawful to and for the said directors and company to lay and conduct any number of conduits necessary for and calculated to convey such water through or over any lands in the town of Phelps, and repair the same; and in case of disagreement with the owner or owners of any lands or tenements, as to the compensation to be made for the injury sustained by such operations, or if the owner or owners thereof be out of the state, feme covert, under age or insane, that then and in every such case it shall be lawful for one of the judges of the county of Ontario, not interested in said water works, upon the application of said directors, to appoint three indifferent persons, being freeholders, to appraise such damages; and they, or any two of them, shall, with all convenient speed, make such appraisement, and report the same to the judge who shall have made such appointment, in writing, subscribed by them; which report the said judge shall cause to be forthwith filed in the office of the clerk of said county, with a certificate to be subscribed by him, of his having made the appointment. That the said directors shall thereupon pay the owner or owners of such lands or tenements, or person or persons legally authorised to receive the same, whenever he or she shall demand it, the amount of such damages, and shall forthwith, after such appraisement shall have been completed, pay to such judge all the costs, charges and expenses attending the making such appraisement and perfecting such report, which payments shall be deemed a full compensation for such injury. And it shall and may be lawful to and for the said president, directors and company, to conduct and lay their conduits below the surface of any street or public highway, leaving the same in as good condition as the same were in before such conduits were laid.

§ 4. If any person or persons shall wilfully stop, im-^{Penalty.}pair, break, injure or deface any conduit, reservoir, spring-house, or other matter or thing appertaining to the conducting or preserving the water aforesaid, he, she, or they shall forfeit and pay to the president, directors and company aforesaid, treble the damages thereby sustained, to be recovered in an action of trespass, in any court having cognizance thereof, with costs.

§ 5. In case it shall happen that any election of direc-^{Election.}tors shall not be made on any day when in pursuance of this act it ought to be made, the said corporation shall not for that cause be deemed to be dissolved, but it shall and may be lawful, on any other day, to hold and make an election of directors and president, in such manner as shall be regulated by the by-laws of the said corporation.

§ 6. This act shall be a public act, and be construed in all courts and places benignly and favorably for the beneficial purpose therein intended: and the legislature may at any time amend, alter or repeal this act.

CHAP. 179.

AN ACT *authorising the appointment of a supreme court commissioner, to reside in Hillsdale, Columbia county.*

Passed April 19, 1833.

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

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

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

CHAP. 180.

AN ACT *to authorise John A. Meserole, and others to build a draw-bridge over the Bushwick creek.*

Passed April 19, 1833.

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

§ 1. John A. Meserole, Neheziah Bliss and James M. Halsey, or a majority of them, of the town of Bushwick, county of Kings, are hereby authorised by private subscription, to build, erect, finish and keep in repair a bridge over Bushwick creek, in said county, from the foot of First-street, in the village of Williamsburgh, to a point south of a dock of Gardner Thomas, deceased, in the town of Bushwick; said bridge to be constructed with a draw of sufficient width to admit vessels of thirty tons burthen to pass and re-pass the same.

§ 2. The said John A. Meserole, Neheziah Bliss and James M. Halsey, or a majority of them, may lay out a road from the east end of the said bridge across the meadow to a road leading to the dock aforesaid, of two rods