

L A W S
OF THE
STATE OF NEW-YORK,
PASSED AT THE
FORTY-SECOND SESSION
OF THE
LEGISLATURE,
BEGUN AND HELD AT THE CITY OF ALBANY,
The Fifth day of January, 1819.



ALBANY:
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.....
1819.

III. *And be it further enacted*, That the sum above appropriated shall not be paid until the state hospital, now erecting at the quarantine, on Staten-Island, shall be completed, and the cost thereof paid out of the funds in the hands of the health commissioners.

CHAP. CXXV.

AN ACT to incorporate an Aqueduct Association, in the town of Schoharie, in the county of Schoharie.

Passed April 9, 1819.

WHEREAS Jabez W. Throop, and divers other persons, have Preamble. associated with intent to supply the village of Schoharie with good and wholesome water : Therefore,

I. *BE it enacted by the People of the State of New-York, represented in Senate and Assembly*, That Jabez W. Throop, William W. Enders, John Bouck, Benjamin Miles, Chester Lasell, Abraham Keyser, junior, John Lawyer, and such other persons as now are or hereafter may become interested in the association formed for supplying the said village with water, by means of conduits or aqueducts, shall be and hereby are created a body politic and corporate, in fact and in name, by the name of the "Cold-spring Aqueduct Association ;" and by that name shall be capable in law to sue and be sued, plead and be impleaded, in any court whatsoever, in all actions and matters whatsoever ; to have a common seal, and to change or alter the same at pleasure ; to purchase, take, hold and convey any estate, real or personal : Style, &c. *Provided* such real estate be necessary to effect the object of the incorporation, and do not exceed in value, at the time of acquiring the same, three thousand dollars. Proviso.

II. *And be it further enacted*, That it shall be lawful for any three of the said persons, before mentioned, to be associated, or such others as with them shall associate, to convene the said members of the said corporation at some proper and convenient place in the said village, first giving six days previous notice, in writing, of the time and place, to be put up in two of the most public places in the said village ; and such of the members of the said corporation, being at least a majority of the whole number thereof, as shall so convene, shall and are hereby authorised, by a vote of the majority present, to elect three directors from the said corporation, who shall hold their office for one year ; and also to appoint such other officer and officers, agent and agents, as they may deem necessary to carry into effect the objects of the said incorporation ; which said officer and officers, agent and agents, shall hold their office during such time as the members of the said incorporation, being a majority of any legal meeting, shall ordain and establish ; to make and ordain all such by-laws, rules and regulations for the superintendance, regulation and management of the said corporation, and for the equal assessment and collection of taxes amongst the members thereof, in proportion to their respective rights and Directors to be chosen.

interests therein, as they may deem necessary and proper ; to impose penalties for the violation of the said by-laws, rules and regulations, and further to institute such suits in the name of the said corporation, for the recovery of damages, debts or sums of money which may arise or accrue to the said corporation, or any penalty imposed as aforesaid : *Provided*, That no such penalty to be imposed, or any of the by-laws or ordinances of the said corporation to be made, be contrary to the laws of this state, or of the United States.

Lands may be entered on.

III. *And be it further enacted*, That it shall be lawful for the said corporation, or any person or persons employed by them, or acting under their authority, to enter into and upon, and make use of any land, and also to make use of any brook, stream, spring, outlet, or run of water which they shall deem necessary for the purpose of conducting a plentiful supply of good and wholesome water to and through the said village, and to agree with any owner or owners of any lands, tenements or hereditaments that may be damaged or affected by any of the said operations, for and about a reasonable compensation to be made to him, her or them, or any of them, for such lands, tenements or hereditaments, or the use thereof, as may be used or occupied for the purposes aforesaid, or for any damages which he, she or they may sustain in the using of any such lands for the said operations ; but in case of disagreement to be settled and determined by any three discreet and reputable freeholders of the town of Schoharie, to be chosen and agreed upon by the parties ; and in cases of refusal or neglect, by either party, to nominate or appoint them, then to be nominated and appointed by any judge of the court of common pleas for the county of Schoharie, not interested in the premises, or a member of the said corporation, at the request of either party ; and upon their determining the same, the said company shall pay to the said owners respectively the sums reported, under their hands, in full compensation for the same.

Penalties.

IV. *And be it further enacted*, That if any person or persons shall wilfully and maliciously do or cause to be done any act whatsoever, whereby the said conduits, penstocks or aqueducts shall be impaired or injured, the person or persons so offending shall pay a fine of five dollars, to the use of said corporation, besides the amount of damages sustained by means of such offence, to be sued for and recovered, in an action of debt, with costs of suit, in the name of the said corporation, in any court having cognizance thereof.

Water not to be used without permit.

V. *And be it further enacted*, That it shall not be lawful for any person or persons to draw, take, use or carry away any water, at or from any of the penstocks, conduits or aqueducts belonging to the said corporation without a written permit from the agent or superintendant of said corporation, excepting such person or persons as belong to said corporation ; and if any person or persons shall draw, take, use or carry away any water, at or from any of the penstocks, conduits or aqueducts belonging to said corporation, except such person or persons as belong to said corporation, without such permit as aforesaid, he or they shall pay a fine of fifty cents, to the use of the said corporation, for each and every offence,

to be sued for and recovered, in an action of debt, with costs of suit, in the name of said corporation, in any court having cognizance thereof.

VI. *And be it further enacted*, That if any of the aqueducts, conduits or penstocks belonging to said corporation, shall become impaired, decayed, or otherwise out of order, it shall and may be lawful for the agent or superintendant appointed by said corporation, to go on, repair, and put in order, all such part or parts of said aqueducts, conduits or penstocks, and keep an account, and make a bill, of the expense of such repairs, the amount of which shall be equally divided among and paid by the persons belonging to the said corporation; and if any person or persons belonging to said corporation shall neglect or refuse to pay his or their share or proportion of such expense as aforesaid, the same shall be sued for and recovered, in the name of the agent or superintendant, with costs of suit, in any court having cognizance thereof.

VII. *And be it further enacted*, That if any person having a penstock in his or her yard shall suffer or permit the water to run away unnecessarily, or waste, so as to hinder or prevent others from getting a full supply of water at any other penstock, he, she or they, so offending, shall pay a fine of fifty cents for each and every offence, to the use of said corporation, to be sued for and recovered, in an action of debt, with costs of suit, in the name of the agent or superintendant of said corporation, in any court having cognizance thereof.

CHAP. CXXVI.

AN ACT to incorporate the West Kill Turnpike Company.

Passed April 9, 1819.

1. *BE it enacted by the people of the State of New-York, represented in Senate and Assembly*, That all such persons who shall associate for the purpose of constructing a turnpike, extending from the Mountain turnpike, near the junction of West Kill and Mill creek, in the town of Blenheim, in the county of Schoharie, to the forks of the West Kill, in the town of Jefferson, in the said county of Schoharie, in the route in which the existing road has been laid out, and thence to the Charlotte river turnpike, in the most commodious direction, to be determined by the president and directors of the said company, elected at the first election thereof, shall be and the same are hereby constituted a body politic and corporate, with a capital stock of twelve thousand dollars, by the name of the "West Kill Turnpike Company;" that Lewis J. Patchin, Jacob Southerland, Bernard Shelmantine and Joseph L. Burnet, shall be and hereby are respectively appointed commissioners to receive subscriptions for the said turnpike; that the said commissioners shall, previous to opening such subscription, cause notices to be published in three public places, on the route of the said road, requiring the contributors to the existing road to exhibit