

of the State of New York

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OF THE

STATE OF NEW-YORK,

PASSED AT THE

FIFTY-SEVENTH SESSION

OF THE

LEGISLATURE,

BEGUN AND HELD AT THE CITY OF ALBANY,

THE SEVENTH DAY OF JANUARY, 1834.



ALBANY:

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1834.
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successor of the commissioner so dying, resigning or refusing to act shall be appointed.

§ 18. In all and every case of the appointment of commissioners under this act, it shall be competent and lawful for any two of such commissioners so to be appointed, to proceed to and execute and perform the trust and duties of their said appointment, and their acts shall be as valid and effectual as the acts of all the commissioners so to be appointed, if they had acted therein, would have been, and in all cases the acts, proceedings and decisions of a major part of such of the commissioners as shall be acting in the premises shall be as binding, valid and effectual as if the said commissioners named and appointed for such purpose had all concurred and joined therein.

Two commissioners may act.

§ 19. The commissioners to be appointed under and by virtue of this act, who shall enter upon the duties of their appointment, shall each be entitled to receive the sum of not more than four dollars, besides all reasonable expenses for maps, survey, clerk hire and other necessary expenses and disbursements, for each day they shall respectively be actually employed in the duties of their appointment, and the same shall be paid by the mayor, aldermen and commonalty of the city of New-York.

Their pay.

§ 20. The proceedings under and by virtue of this act, in respect to the several parcels of the said lands, tenements, hereditaments and premises as separately described in the first section, shall be distinct and unconnected with each other, and it shall be lawful for the said mayor, aldermen and commonalty to make application to the said supreme court in relation to one or both of the said parcels at any time they may deem proper.

Land may be taken separately.

CHAP. 151.

AN ACT to amend the act entitled "An act to incorporate the village of Syracuse," and the act amending the same.

Passed April 22, 1834.

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

§ 1. Every person elected or appointed to office pursuant to the acts hereby amended, (except members of the fire department,) shall duly accept the same, by taking such oath of office or executing such bond as is required, within the time prescribed, or shall forfeit for such neglect or refusal the sum of ten dollars, to be sued for and

Acceptance of office.

recovered in the manner prescribed by the fourth section of the act hereby amended: provided, that such persons shall not be subject to the payment of such fine more than once during any one year.

Pay of assessors.

§ 2. Assessors who shall hereafter be elected or appointed under the act hereby amended, shall severally be paid the sum of one dollar and fifty cents per day while actually employed in the duties of their office. The number of days so employed shall be determined by the oath of the said assessors.

Road district.

§ 3. The said village of Syracuse is hereby constituted a road district, subject to be divided by the trustees, and shall be exempt from the superintendence of the commissioners of highways of the town of Salina; and the said trustees of the village shall have the same powers over the said road district, and shall discharge all the duties which by law are given to or enjoined upon commissioners of highways, and subject to the like restrictions and appeals, except as hereinafter provided. The said trustees shall have power,

Street commissioner.

1. To appoint by contract a street commissioner, and to remove him at pleasure, and appoint another person in his stead.

2. To require from such street commissioner a bond, with one or more sufficient sureties, to be approved by such trustees, for the due performance of his duties, and for the faithful expenditure of all money that shall come to his hands.

3. To pay such street commissioner such compensation for his services as they may by resolution deem proper.

4. To make an estimate and assessment of the whole number of days' works to be assessed during the year, on male inhabitants only; and no person shall be compelled to pay a commutation who is not now by law liable to work on the highways, according to the provisions contained in article second, title first, chapter sixteenth of the first part of the Revised Statutes, and the act amending the same, except that the last village assessment roll shall be used and taken instead of the town assessment roll.

5. To require of every person who shall be so assessed over two days, the payment of his whole assessment in money, at the rate of fifty cents per day, and to collect the same in the manner that taxes voted by the inhabitants of the said village are collected.

6. To make their orders from time to time in favor of the street commissioner upon the treasurer, for such portions of the money so collected as they may deem proper,

to be expended in the improvement of the streets, and in the purchase of such necessary teams and implements therefor as they may deem proper. The said street commissioner shall deliver to the trustees a list of all persons in said village by law liable to work on the highway. When a list of the persons assessed for two days or less shall be delivered by the trustees to the street commissioner, he shall warn all such persons to labor on the highways, according to the article of the Revised Statutes above referred to; and all such persons, when duly warned, shall work the number of days for which they shall be assessed, but they may commute for the same at the rate of fifty cents per day, to be paid to the said street commissioner. If any such person shall neglect or refuse to labor or commute, he shall be liable to the same penalties, and to be enforced by the street commissioner, as is provided for in the third article of the title of the Revised Statutes above referred to. The said street commissioner shall superintend the labor to be done on the highways, and expend all moneys that shall come to his hands as such street commissioner, under the direction of the trustees. He shall, as often as he may be required by the said trustees, account to them for all money that he may receive, and at the end of his term of office, render them a full account, under oath, as is provided for overseers of highways in the said third article.

§ 4. The collector of the village of Syracuse aforesaid shall, under the direction of the trustees, collect the assessments in lieu of highway labor, and the said assessments shall be a lien on real estate like other taxes. Highway labor.

§ 5. The said trustees may organize a fire department for said village, to consist of a chief engineer, and an assistant engineer, companies of firemen, not exceeding thirty-two to each fire engine, and one or more hook and ladder companies, not exceeding thirty-two members to each company. All the officers and members of the said fire department shall be appointed by the trustees, and shall hold such appointments during their pleasure. The fire companies now formed shall continue and belong to the said department, and the members thereof be removable and vacancies therein be filled as herein provided. The trustees shall be fire wardens, and belong to the said fire department, and all persons while they shall belong to the same, shall be exempt from sitting as jurors in courts of record. In every case of fire, the chief engineer, if present, shall direct all the operations of the fire department; he shall direct any or all persons present to assist in extinguishing such fire, in preventing its spread, or in pre- Fire department.

servicing any property endangered. Every person disobeying the directions of the said engineer, or refusing to labor as required by him, shall be liable to a penalty not exceeding ten dollars, to be sued for and recovered by the trustees; and the execution to be issued for the collection of such penalty shall direct the constable to commit the defendant to jail, and the jailer to keep him in close custody within the jail for ten days, if the defendant shall not pay or secure the amount of the said judgment; and the jailer shall, when any person shall be so committed, keep him in custody as required by said execution. In the absence of the chief engineer, all the duties required of him, and all the powers herein given to him, shall be exercised by the assistant engineer; and in the absence of both said engineers, the president of the village shall take the place of such engineers, and discharge the duties hereby imposed, and exercise the powers herein granted to such engineers; and whenever the assistant engineer or the president of the village shall be so acting in the absence of the chief engineer, the same penalty as herein provided shall be incurred for a disobedience of their directions or a refusal to labor, as if the chief engineer had given such directions. Whenever the engineers, or in their absence any two trustees, shall deem it necessary in order to stop the progress of a fire, to pull down any building, they shall direct the same to be done, and may justify themselves for the same under this act.

Pavement of
streets.

§ 6. Whenever the trustees may deem necessary to pave any of the streets in said village, or to repair the same when so made, they shall have the power to do so, but they shall be governed in reference thereto in all respects by the provisions of the first section of the act entitled "An act to amend an act entitled 'An act to incorporate the village of Syracuse,' passed April 23, 1829," and the provisions of the said first section of the act hereby referred to, are made to apply to pavements as well as side-walks; and the several owners of lots upon any street so to be paved shall make such pavements, or pay for the same when made by the trustees, in the same manner as in said section is provided for making side-walks.

Amount of
tax.

§ 7. Whenever any meeting shall be called by the trustees for the purpose of voting any tax to be imposed upon the persons and property of the village, as provided for in the first section of the act incorporating the village, no person other than a freeholder of said village shall be allowed to vote at such meeting; and the tax so raised shall not in any one year exceed the amount of seven hundred and fifty dollars.

§ 8. So much of the several sections of the act hereby amended as are inconsistent with this act, are hereby repealed. Repeal.

§ 9. The trustees of said village shall have power to convey to Oliver Teall, his heirs or assigns, all the rights, property and powers of the trustees of the Syracuse water works company, as vested in said village by the eleventh section of the act hereby amended, for the term of thirty-five years from and after the passage of this act; and the said Teall, his heirs or assigns, shall thereafter be possessed of all the powers, rights and privileges which are granted in and by the act entitled "An act to supply the village of Syracuse with wholesome water," passed March 27, 1821, and of all the powers of said village in reference to that subject, by virtue of this act and the act hereby amended; and the said Teall, his heirs, executors, administrators and assigns, may exercise in his or their own name or names, all the rights and privileges granted by said act; and he shall distribute the water to such places as the trustees may direct; but it shall not be necessary for him or them, during said term of thirty-five years, to elect said three trustees, or account for the money to be received by him or them from said works, as in and by said act is provided. In case said Teall, after receiving the conveyance of said rights, powers and privileges, shall neglect to exercise them, the trustees of said village shall, after two years notice, have the right to resume all the rights, powers and privileges thereby granted: provided, that the sum which the said Teall, his heirs or assigns, shall charge for the use of said water shall not exceed five dollars for a private family, ten dollars for a boarding-house, and twenty dollars for a tavern, a year; and provided further, that the trustees of said village shall have power, at the expiration of said thirty-five years, to reinvest themselves and take possession of said water works, and all appurtenances thereunto belonging, by paying at the time of so taking possession thereof, estimating said water works and appurtenances at the necessary cost of erecting such works, deducting the decrease in their value by reason of their waste and decay by time and use; and provided further, that in case said trustees and said Teall, or his heirs, executors, administrators or assigns, cannot agree upon the value thereof, the same shall be ascertained and determined by three disinterested appraisers, to be appointed by the supreme court of this state, at the instance of either party.

§ 10. For the purpose of guarding against the calamities of fire, the trustees may designate such portions and Wooden buildings.

parts of said village as they shall think proper, within which no wooden buildings shall be erected; and every person who shall violate any such regulation shall forfeit to the trustees of the village the sum of two hundred dollars, and shall also forfeit the sum of twenty-five dollars for each and every week that any building is continued, contrary to such regulation.

Act to take effect.

§ 11. This act shall take effect immediately on its final passage.

CHAP. 152.

AN ACT to incorporate the president, directors and stockholders of the Dover iron company.

Passed April 22, 1834.

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

Corporation created.

§ 1. Isaac Vincent, Charles Wood, John Adriance, Lyman Roberts, John St. John, Nathaniel P. Perry, John W. McKoy, Daniel Gaylord, Gerardus Roberts, Walter Cunningham, Uriah Gregory, and such others as may hereafter be associated with them for the purpose of manufacturing iron in its various branches, and of vending the same in the most advantageous manner, shall be, and hereby are constituted a body corporate, in fact and in name, by the style of "The Dover Iron Company."

Directors.

§ 2. The stock, property and affairs and concerns of the said corporation shall be managed and conducted by not less than five nor more than seven directors, who shall be stockholders and citizens of the United States, and shall be elected on the first Monday of June in each year; and all such elections shall be by ballot, by a plurality of the votes of the stockholders present, each to have one vote, and stockholders not personally present may vote by proxy; and the directors so chosen, shall, as soon as may be, after every annual election, elect by ballot one of their number to be their president, which president and directors shall continue in office one year, and until others shall be chosen to fill their places; and a majority of the directors for the time shall form a board for the transacting of business; and if any vacancy or vacancies shall at any time happen of the president or directors, the remaining directors shall supply such vacancy or vacancies for the remainder of the year; and in case of the absence at any