

L A W S
OF THE
STATE OF NEW-YORK,
PASSED AT THE
FIFTY-FIFTH SESSION
OF THE
LEGISLATURE,
BEGUN AND HELD AT THE CITY OF ALBANY,
THE THIRD DAY OF JANUARY, 1832.



ALBANY :
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.....
1832.

CHAP. 51.

AN ACT in relation to the "Troy Water-Works Company," and for insuring to the City of Troy a supply of Water for the extinguishment of Fires, and other purposes.

Passed March 20, 1832.

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

§ 1. That it shall be lawful for the Troy water-works company to grant, sell and convey all such estate, right, title and interest, as it may have acquired and now holds or may become entitled unto under its charter, to the mayor, recorder, aldermen and commonalty of the city of Troy; and it shall be lawful for the said mayor, recorder, aldermen and commonalty of said city, to accept of such granted premises and property, with the appurtenances, and to take, manage and control the same for the purpose of more certainly and efficiently supplying the city of Troy with water for the extinguishment of fires and other purposes.

Company may sell estate, &c. to the city of Troy.

§ 2. That from and after the said grant and acceptance thereof as aforesaid, the charter of the said water-works company shall be void and of no effect; and the said mayor, recorder, aldermen and commonalty of said city of Troy, shall be capable of purchasing, holding and conveying any estate, real or personal, which may be necessary and required for supplying said city with water, and may, by themselves or by their agents, servants, engineer or engineers, employed by them for that purpose, take possession of any lands or waters, (excepting the waters of the Poesten and Wynant's kills,) and use the whole or any part of any fountain, springs or streams of water; and may erect on their margins or elsewhere, all such reservoir or reservoirs, or buildings, and construct such works and machinery, as may be necessary for the purposes aforesaid; and may enter upon any lands through which they may deem it to be proper and necessary to convey the water of such fountains, springs, streams and reservoirs, or through which to carry or lay any conduit, or to construct any reservoir or reservoirs, or erect any other devices for the purpose of supplying the said city with water as aforesaid; and to lay out and survey so much ground for the purposes aforesaid, as they may deem it to be necessary; and it shall and may be lawful for the said mayor, recorder, aldermen and commonalty, to contract and agree with the owner or owners or occupant of the said lands and waters, severally, so laid out and surveyed through which the said waters and conduits are intended to be

After which charter to be void.

carried or laid, and the reservoirs and other devices erected and placed, for the purchase thereof, if they can agree with the occupants or owners of such lands and waters; but in case of disagreement, or in case any owner or occupant of such lands or waters, shall be a feme covert, under age, non compos mentis, out of the state or unknown, the lands and waters intended to be taken for the purposes aforesaid, shall be appraised in the manner herein after directed.

Damages,
how assessed.

§ 3. In case the said mayor, recorder, aldermen and commonalty, shall not agree with the owners or occupants of the waters or lands through which such waters are intended to be carried, and works erected, for the purchase thereof, they shall, previous to any appraisement for ascertaining the value thereof, and of the damages to be assessed and paid, cause a survey to be made of the tract or tracts of lands and waters, and the direction in which it is intended such waters, reservoirs and conduits shall run, and be erected, and of the ground deemed necessary and requisite for conveying the said waters from the said fountains, springs, streams or reservoirs, and for laying conduits, reservoirs and other devices, in the field book of which survey and map shall be specified and distinguished so much of the lands of each of the owners or occupants, as it may be intended to appropriate to the works aforesaid, and the quantity thereof, as nearly as may be; and shall exhibit such field book and map or maps, to the chancellor of this state, who shall certify such field book or books, map or maps, under his hand, and cause the same to be filed in the office of the clerk of the county of Rensselaer, there to remain a public record; and the said chancellor is then hereby authorised and required to appoint three competent and discreet commissioners, who shall, under the directions of the chancellor, appraise and determine the damage and recompense which each of the owners or occupants of such lands and waters may sustain or be entitled to receive, and report the same, under their hands, or the hands of any two of them, to the said chancellor, who shall examine the same, and hear the parties thereto, if he shall deem it to be expedient, and increase or diminish the damages or recompenses if he shall be satisfied that injustice has been done; and upon proof being made to the chancellor of the payment within sixty days after his determination, of the amount of such damages or recompenses to the owner, or the owners or occupants, respectively, or upon proof to the said chancellor of the depositing to the credit of such owner or occupant, the amount of such damage and recompense as may have been awarded to him or them, in such incorporated institution as the chancellor shall direct, and of the payment of all expenses, the said chancellor shall make an order, vesting in the said mayor, recorder, aldermen and commonalty of the said city of Troy, the lands, waters and pro-

perty, required and so designated and described on such maps and field books; and the said chancellor shall, from time to time, make such further orders and decrees, in relation to the premises, and in relation to the concerns of the said water-works company, as may be necessary for carrying into effect the intentions of this act, and securing the just rights of all parties, and for procuring for the city of Troy, either by the city or by the water-works company, a full and adequate supply of water; he shall also supply vacancies occasioned by the death, declining to serve, or absence from the state, of any of the commissioners for the appraisement of damages, by the appointment of other commissioner or commissioners, in his or their stead; and also order new surveys, maps and field books, or their alteration or amendment, where it appears that errors or omissions have occurred.

§ 4. In order that the provisions of this act may be carried promptly into effect, it shall be lawful for the said mayor, recorder, aldermen and commonalty, to constitute a fund to be denominated the water-works fund, which shall consist of all such donations to it as may be made by individuals or corporate bodies, and appropriations by the common council of the said city, including the lands, waters and water-works to which the said city may become entitled under the provisions of this act; and to borrow moneys on the faith and credit of said city, so that the aggregate of the debt of the city on account of this fund, shall not at any time exceed the sum of sixty thousand dollars; and to execute therefor to the lender or lenders, a bond or bonds under the common seal of the said city, countersigned by the mayor; and to secure to the lender or lenders the punctual payment of the interest, and redemption of the principal, at such time or times, place or places, as may be agreed upon with the lenders or determined by the common council of said city; may pledge, hypothecate, or mortgage any estate real or personal belonging to the said city or to which it may become entitled under the provisions of this act; or instead of making and executing such bonds or other sureties as aforesaid, it shall be lawful for the said mayor, recorder, aldermen and commonalty of said city, for the moneys to be borrowed for the purposes aforesaid, to make and issue to the lender or lenders, transferable certificates of stock in sums not less than one hundred dollars each, and not exceeding in the aggregate the said sum of sixty thousand dollars; the said certificates to be made in such form, and the interest and principal to be made payable at such time or times, place or places, and with such pledges, hypothecations, mortgages or securities for the payment of the interest and redemption of the principal sums borrowed, as may be agreed upon with the lender or lenders, or as the common council of said city may devise, prescribe

and consider to be most beneficial for the interests of the said city.

Rules and regulations.

§ 5. It shall be lawful for the said mayor, recorder, aldermen and commonalty of said city in common council convened, to ordain and prescribe such rules and regulations as may be found to be necessary in relation to the introduction, distribution and use of the waters, and to use, lease or dispose of the same waters at their discretion; and to exact and receive such rents or compensation for the use of the said waters when introduced, as may be agreed upon by such individuals or corporations to whom it may be granted; also to employ and appoint, and to remove and discharge at their pleasure, all such laborers, engineers, overseers or agents as may be employed, required or appointed, as well in the construction of the works contemplated by this act, as in the management of the moneys and funds to be appropriated and applied to this object.

Water, how to be conducted.

§ 6. It shall be lawful for the said mayor, recorder, aldermen and commonalty, to lead or conduct the waters, for supplying the said city, from any of the fountains, springs or streams aforesaid, to or from any reservoir or reservoirs, through any street, alley or public highway of said city; and to lay their conduits below the surface of any such street, alley or public highway, putting such street, alley or public highway in as good condition as they were before such conduits were laid therein; and further, that if any person shall wilfully injure, damage or destroy any of said conduits, reservoirs, hydrants or other devices appertaining to the said water-works, or shall waste the water supplied or furnished to him or them, shall be deemed guilty of a public misdemeanor; and upon conviction thereof by indictment or otherwise, shall be punished by fine or imprisonment, or both, at the discretion of the court before whom such conviction shall be had, and shall moreover be liable to pay treble the damages sustained, to be recovered with costs, in any action to be prosecuted therefor, by and in the name of the mayor, recorder, aldermen and commonalty of said city, in any court having jurisdiction thereof, in which action it shall not be an objection to any person as a witness or juror, that such person is a freeholder or taxable inhabitant of said city.

Accounts.

§ 7. It shall be the duty of the said mayor, recorder, aldermen and commonalty of said city, to cause distinct accounts to be opened and kept of the said water-works fund, separate and apart from all other accounts and concerns of said city, showing the moneys which may be given, appropriated or borrowed; also of the disbursements for the construction of the said water-works, and for their maintenance, repairs, superintendence and management; to cause all donations, appropri-

tions and moneys borrowed as aforesaid, to be faithfully and exclusively applied to the construction and maintenance of the said works; and to cause the nett income arising from the same, to be applied exclusively to the payment of the interest, and liquidation and redemption of the principal sums which may be borrowed in pursuance of this act, and to no other purpose whatsoever; but nothing in this act contained, shall be construed to prevent the investment of moneys belonging to the said fund, not required for the payment of interest, in such manner as to prevent a loss of interest; and it shall be lawful for any incorporated company, or for the comptroller of this state, for account of the canal fund, to make the loans authorised by this act, if they shall consider it to be safe and prudent to do so.

CHAP. 52.

AN ACT to incorporate the Dansville and Rochester Rail-Road Company.

Passed March 22, 1832.

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

§ 1. Abraham M. Schermerhorn, Elisha Johnson and Samuel W. Smith, and all such other persons as shall become stockholders agreeably to the provisions of this act in the corporation hereby created, shall be and for the term of fifty years from the passage of this act, shall continue to be a body corporate and politic, by the name of "The Dansville and Rochester rail-road company." Corporation created.

§ 2. The said corporation shall have the right to construct, and during its existence, to maintain and continue a rail-road with a single or double track, and with such appendages as may be deemed necessary for the convenient use of the same, commencing at any eligible point within the village of Rochester, in the county of Monroe, and extending southwardly through the valley of the Genesee river and Canaseraga creek, to the village of Dansville, in the county of Livingston. Route of road.

§ 3. The capital stock of the corporation shall be three hundred thousand dollars, and it shall be deemed personal property, and shall be divided into shares of one hundred dollars. Stock.

§ 4. Elisha Johnson, Abraham M. Schermerhorn, William H. Spencer, William Lyman, Charles H. Carroll, Daniel H. Fitzhugh and James Faulkner, shall be commissioners for receiving subscriptions to the capital stock of the corporation, Subscriptions to stock.