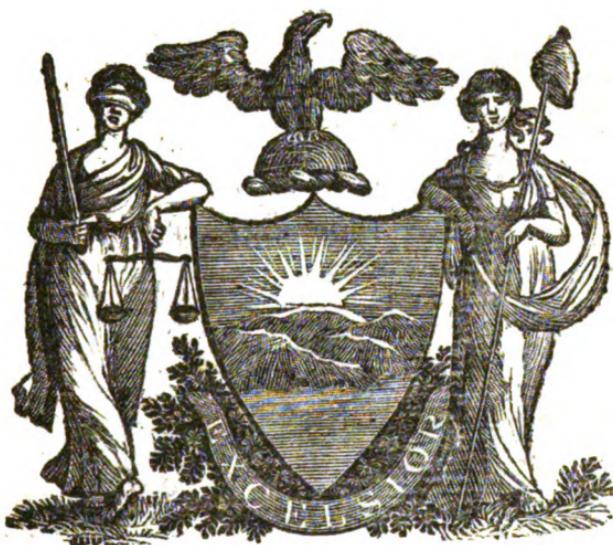


L A W S

OF THE

State of New-York.



V O L. III.

Containing
ALL THE ACTS

Passed from the Revision of 1801, to the End of the 27th Session of the Legislature, 1803.

A L B A N Y :
PRINTED BY CHARLES R. AND GEORGE WEBSTER,
1804.

- 32 dition as the same was before such conduits were laid. *Provided always,* That nothing in this act contained, shall be construed to impair, alter or contravene any contract made by Benjamin Prescott, with the mayor, aldermen and commonalty of the city of Albany, or with Stephen Van Rensselaer, esquire, in force at the passing of this act.
- 23 III. *And be it further enacted,* That if any person or persons shall wilfully stop, impair, break or deface any conduit, reservoir or other matter or thing appertaining to the conducting or preserving the water aforesaid, he, she or they shall forfeit and pay to the trustees and company aforesaid, treble the damages thereby sustained, to be recovered by the said trustees in an action of trespass, in any court having cognizance thereof, with costs.

Catskill Aqueduct.

C H A P . LXI.

C O N T E N T S .

9. Appraisers, how appointed.
10. Clerk, Collector and Treasurer, their duty.
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8. Damages, how ascertained.
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- 4, 5. Penalties to a certain amount, may be imposed.
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An ACT for the incorporating an Aqueduct Association in the Village of Catskill, in the County of Greene.

Passed March 26th, 1802.

WHEREAS James Bogardus, together with sundry other citizens, have associated for the purpose of supplying the village of Catskill with pure and wholesome water, for the use of such inhabitants thereof and others, as may be inclined to take the same :

- 1 I. *Be it enacted by the People of the State of New-York, represented in Senate and Assembly,* That James Bogardus, John Bogardus, Peter Bogardus, Thomas Thompson, John V. D. S. Scott, and Garrit Abeel, and such other persons as may become interested in the association or company, formed for supplying the village of Catskill in the county of Greene 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 "Aqueduct Association in the village of Catskill," and by that name shall be

capable in law to sue and be sued, plead and be impleaded in any court of record, but shall not be capable of holding any real estate, excepting such as may be necessary for such conduits or aqueducts, in any other place than within the said village, or any real or personal estate exceeding the annual value in the whole of three thousand dollars exclusive of the profits or income of such conduits or aqueducts.

II. *And be it further enacted*, That it shall and may be lawful for any three of the said persons, so associated, or to be associated, by a notice to be given in writing at two of the most public places in the said village, or in the public paper printed in the said village, five days at least previous to any meeting, to convene the said company or association at the most convenient and public place in the said village ; and such of the members of the said association, being at least a majority of the whole number, as shall so convene, shall and are hereby authorized, by a vote of a majority present, to elect and appoint a treasurer, clerk and collector of such association, and such other agents as may be necessary to carry into effect the objects of the association ; to make and ordain all such bye-laws, rules and regulations relative to the said conduits or aqueducts as they may deem proper and necessary for the superintendence, regulation and management of the same, and of such as may be added thereto, and for the alteration, preservation and reparation thereof, or for the equal assessment and collection, amongst the proprietors of the same aqueducts, in respect to their respective rights or shares, of all costs and expenses arising in the execution of all such bye-laws, rules and regulations aforesaid ; and to impose penalties for the violation of the said bye-laws and regulations ; and further to institute such suits in the name of such company or association as may be necessary to recover damages that may be done to the said aqueducts, or for any penalty imposed as aforesaid, with costs of suit ; *Provided*, That no penalty to be imposed by virtue of any such bye-laws or regulations as aforesaid, shall be contrary to the laws of this state, or exceed twenty-five dollars for any one offence.

III. *And be it further enacted*, That it shall be lawful for the said company, and any person or persons employed by them, or acting under their authority, to enter into and upon, and freely to make use of any land which they shall deem necessary for the purpose of conducting a plentiful supply of pure and wholesome water to and through the said village of Catskill ; and to erect any dams or works across or upon any stream or streams of water, or any other place or places where they shall judge proper for the raising such stream or streams of water, or turning the course thereof, or of making use of such streams or places for constructing or working of any necessary engines ; and to construct, dig, or cause to be dug, any canal or trenches whatsoever, for the conducting of such springs, streams or any other quantity of water from any source or sources that they may see fit ; and to raise and construct such dikes, mounds and reservoirs as they may judge proper for securing and conveying such supply of

water as aforesaid to and through the said village ; and to survey and lay out all such streams as they may think proper, in order to ascertain the best mode of furnishing such supply ; and to lay and conduct any number of pipes, conduits or aqueducts through or over any of the said lands, as they may see fit, to or towards the said village, and in any and every part of 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 for such lands, tenements or hereditaments, or the use thereof, as may be used or occupied for the purposes aforesaid, or any of them, or for any damage which he, she or they may sustain, in using any such lands, or the conducting, digging, laying, raising or making any such reservoirs, aqueducts, canals, trenches, pipes, conduits, dikes or mounds as aforesaid ; but in case of disagreement, to be settled and determined by any three discreet reputable freeholders of the town of Catskill, to be chosen and agreed upon by the parties ; and in cases of refusal or neglect by either party to nominate and appoint them, then to be nominated and appointed by any judge of the court of common pleas for the county of Greene not interested in the premises, at the request of either party, and upon their determining the same, the said company shall pay to the said owners respectively, the sum reported, under their hands and seals, in full compensation for the same.

10 IV. *And be it further enacted,* That the treasurer shall receive and pay out all monies collected by virtue of this act, agreeable to the orders and directions of the association ; and the said clerk shall enter in writing all the proceedings of the same association or company, when convened as aforesaid under this act ; and the said collector shall levy and collect all such taxes and sums of money so as aforesaid to be voted in pursuance of this act, agreeable to such tax-list or assessment-rolls as shall be made out and delivered him by the said clerk, the same being first by him certified and subscribed, and shall pay the same monies over to the treasurer of the said association ; and the said collector shall have the like powers, and proceed in the like manner in the said collection as is by law prescribed to the collector of any town in the collection of the contingent charges of the county.

11 V. *And be it further enacted,* That all transfers of shares in the said association or company shall be made and entered in a book to be by them provided for that purpose, under such regulations as may be prescribed by the said association.