

**L A W S**  
OF THE  
**STATE OF NEW-YORK,**

PASSED AT THE  
**THIRTY-NINTH, FORTIETH AND FORTY-FIRST**  
**SESSIONS**

OF THE  
**LEGISLATURE,**



COMMENCING  
**JANUARY 1816, AND ENDING APRIL 1818.**



**VOL. IV.**

**ALBANY:**

**PRINTED FOR WEBSTERS AND SKINNERS,**

**BY THE PRINTER TO THE STATE,**

**AND SOLD AT THEIR BOOKSTORE, CORNER OF STATE AND PEARL STREETS.**

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**1818.**

Person complained of may be removed.

Goods may be sold.

Witnesses summoned.

Costs.

Superintendants of Brothertown Indians to be superintendants of Stockbridge Indians.

Third section of former act repealed.

such sum as the said superintendants shall adjudge necessary to defray the expense of such proceedings; and said superintendants shall issue their warrant, under their hands and seals, directed to the sheriff or any constable of the counties of Oneida or Madison, commanding the officer to whom such warrant is directed, to remove the person so complained of and his or her family, if any he or she hath, from the lands of said Indians, and to distrain and sell the goods and chattels of such person, sufficient to raise the sum adjudged for the costs of such proceedings; and it shall be the duty of the said officers, to whom such warrant shall be directed and delivered, to execute the same without delay, and to make return thereof, with the costs, to said superintendants.

II. *And be it further enacted*, That the said superintendants, or any one of them, may issue a subpoena, for witnesses to appear before them, on the trial of any complaint, triable by virtue of this act; and it shall be the duty of each and every person subpoenaed as a witness, to attend before said superintendants, and be sworn, and give evidence as to what he or they may know, respecting the complaint then on trial, before the said superintendants, which oath each and every of the superintendants are hereby authorized to administer; and it shall be the duty of each of the said superintendants, to issue the like subpoena in favor of the person complained of if required so to do.

III. *And be it further enacted*, That the following costs, and no other, shall be allowed for executing the duties required by this act; for a summons, twelve and an half cents; for every order, one dollar; for a warrant, twenty-five cents; for a subpoena, for each witness, six cents; serving subpoena, on each witness, twelve and an half cents; each witness attending, twelve and an half cents; swearing each witness, six cents; for serving a summons, the same fees as are allowed to constables for serving a summons, by the act for the recovery of debts to the value of twenty-five dollars, and for serving a warrant, such sum as said superintendants shall adjudge to be reasonable.

IV. *And be it further enacted*, That the superintendants of the Brothertown Indians, who now are and may hereafter be appointed, shall, during their continuance in office, be the superintendants of the Stockbridge Indians, for all the purposes mentioned in this act.

V. *And be it further enacted*, That the third section of the act, entitled "an act for the relief of settlers on the lauds belonging to the Stockbridge Indians, passed 22d March, 1816, be and the same is hereby repealed.

## CHAP. CLIII.

AN ACT to amend the act, entitled "an act to enable the trustees of the village of Newburgh to supply the inhabitants thereof with pure and wholesome water."

Passed April 5, 1817.

I. *BE it enacted by the people of the state of New-York, represented in senate and assembly*, That it shall be lawful for the said

trustees, or their successors, for the purpose of supplying said village with water, from time to time, and as occasion shall require, to take, divert and use any spring or springs, stream or streams of water, or so much thereof as the said trustees or their successors shall deem necessary, within the limits of the said village, or within two miles from the limits of the said village, upon paying to the owner or owners thereof, and to every person or persons, on or through whose land such spring or springs, stream or streams rise or flow, an equivalent for the use and diversion of such waters, and any damages sustained thereby, to be agreed upon; but if the said trustees cannot agree with such owner or owners, or such other person or persons as shall be damaged as aforesaid, upon such equivalent, or if such owner or owners shall be feme covert, under age, of unsound mind, or out of this state, then such damages shall be appraised and ascertained by William Thompson, Daniel C. Verplank, and Abraham H. Schenck, who, or a majority of them, are hereby authorized, constituted and appointed for that purpose, by virtue of this act, and whose duty it shall be duly to appraise and estimate the damages aforesaid, according to the true intent and meaning of this act, who shall certify their appraisement under their hands and seals, and make oath before one of the judges of the court of common pleas of the county of Orange, that the said appraisement is to the best of their belief, a just and impartial appraisement, which certificate shall thereupon be filed in the clerk's office of the said county, there to remain as a public record; and that upon payment or legal tender and refusal of said damages, by the said trustees, it shall be lawful for them, and from thenceforth the right to take, divert and use such waters shall be and is hereby vested in the said trustees and their successors: *Provided always*, that in case of a tender and refusal of the damages aforesaid, the money so tendered shall be deposited in the office of the treasurer of the trustees of said village, until the same shall be demanded by the person or persons entitled thereto: *Provided also*, that nothing contained in this act, shall be construed to impair, prejudice or defeat the rights of any suitor or suitors, in any action or actions, which may now be pending in any court, against the said trustees, for any of their former proceedings, by virtue of any act relating to the said village.

Trustees may divert springs or streams.

To pay for damages.

Appraisement of damages.

Proviso.

Tax to pay damages.

How collected.

II. *And be it further enacted*, That for the purpose of satisfying and discharging the said appraisement, the trustees of the said village shall cause a sum equal to the amount of such appraisement, in a distinct and separate tax, to be raised, levied and collected, by a tax on such of the freeholders and inhabitants of the said village to be benefited by the use of the said waters, or whose lands, houses and real property are so situated as to be benefited by the use of the said waters, and the said monies shall accordingly be rated and assessed by the assessors of the said village, on such of the freeholders, inhabitants and real estate in the said village, as may be benefited by the use of the said waters, and none other, in a just and equitable manner, in proportion to the advantages to be derived from the introduction of the said water into the said village; and the said monies shall be collected by the collectors of the said village, in like manner as the taxes of towns and counties are collected by virtue of a warrant to them directed by a majority of said trustees, and

paid into the hands of the treasurer of said village, to be applied and disposed of from time to time, in such manner, for the purposes aforesaid, as the said trustees shall direct and appoint.

#### CHAP. CLIV.

**AN ACT** for the relief of the commissioners appointed to superintend the navigation of Hudson's river, between the north bounds of the city of Albany, and Coeyman's Overslaugh.

Passed April 5, 1817.

*BE it enacted by the people of the State of New-York, represented in senate and assembly,* That the comptroller shall draw his warrant on the treasurer, for the last years interest accrued on the sum loaned, pursuant to law, by the commissioners appointed by law to superintend the navigation of Hudson's river, between the north bounds of the city of Albany, and Coeymans' Overslaugh, in favor of the said commissioners, to pay the debts which they have contracted in the execution of their trust, and that the amount of such warrant be reimbursed, whenever the said interest on the said loan, shall be paid into the treasury.

#### CHAP. CLV.

**AN ACT** to amend the act, entitled "an act to establish a turnpike corporation for improving the road from the springs in Lebanon, to the city of Albany, and a like corporation, for improving the road from the village of Bath to the Massachusetts line, and for repealing the act therein mentioned.

Passed April 5, 1817.

*BE it enacted by the people of the State of New-York, represented in senate and assembly,* That if any person shall with his team, carriage or horse, turn out of the turnpike road from the village of Bath to Sand-Lake, in the county of Rensselaer, within one mile from any gate on said road, either on ground adjacent, or any other road or roads, and again come on the said turnpike road, after passing such gate, within one mile of such gate, with intent to avoid paying the toll, such person shall forfeit and pay the sum of five dollars, to be recovered by the treasurer of the eastern turnpike road company, for the use thereof, in an action of debt.

III. *And be it further enacted,* That it shall be lawful for the stockholders of the eastern turnpike road company, at their next annual election, to choose only seven directors for the management of their concerns, instead of thirteen, their present number.