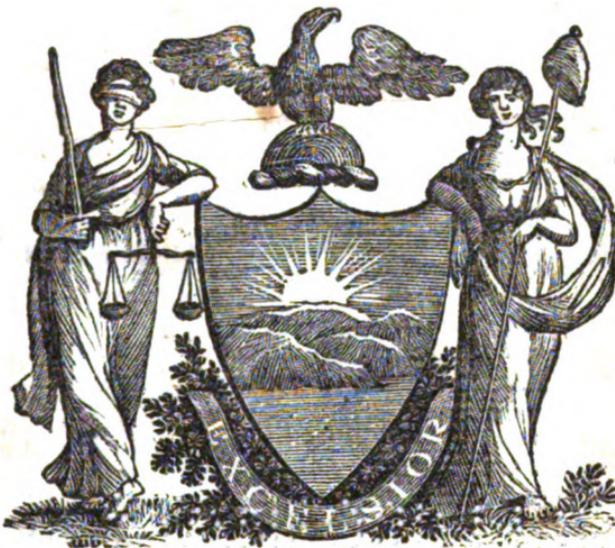


L A W S

OF THE

State of New-York.



V O L. IV.

Containing
ALL THE ACTS
Passed at the 28th and 29th Sessions of the Legislature, 1804-5 and 1806.

Albany :
PRINTED BY WEBSTERS AND SKINNER.
1806.

AN ACT to amend the Act, entitled "An Act to drain a certain Swamp and Bog-Meadow, in the Towns of Hempstead and Haverstraw, in the County of Rockland."

Passed April 4, 1806.

BE it enacted by the People of the State of New-York, represented in Senate and Assembly, That it shall and may be lawful for the persons who now are the commissioners for draining a certain swamp and bog-meadow in the towns of Hempstead and Haverstraw, in the county of Rockland, or the survivors or survivor of them, to demand and recover of and from the proprietors of the said swamp and bog-meadow, such further sum of money not exceeding three hundred dollars, as may be found necessary to complete the draining the said swamp and meadow: *Provided always*, that no proprietor shall be compelled to pay more than in proportion to the benefit and advantage he or she is to derive from such draining, the said proportions to be ascertained by the inspectors.

II. *And be it further enacted*, That every proprietor conceiving himself or herself aggrieved with respect to the amount of monies directed to be collected from him or her by any former or future assessment, for and towards the draining of the said swamp and meadow, such proprietor shall or lawfully may appeal to such of the judges of the court of common pleas in and for the county of Rockland, as shall be disinterested in the premises, and the said judges shall meet at such time and place as they shall think fit, giving notice thereof to the parties, and being so met they shall hear the proofs and allegations of the parties, and decide according to justice and equity, and the determination of the said judges, or the major part of them, made in writing under their hands and filed in the clerk's office of the county aforesaid, shall be final and conclusive.

III. *And be it further enacted*, That each of the said judges shall receive two dollars for every day he shall be necessarily engaged in performing the duties required of him by this act, which monies shall in the first instance, be paid by the appellant, but if such appellant prevail on the trial of the appeal, he or she shall recover the same from the adverse party.

C H A P. CXLIII.

C O N T E N T S .

- 17. Act, public and to be favorably construed.
- 7. Assessments, by whom made... 1. Bye-laws, proprietors may make.
- 14. Collector, his power and duty.
- 6. Inspectors, their powers and duties.
- 8. Lands, streams, &c. proprietors may enter upon, survey, &c.
- 9. Proprietors to agree with owners for... 11. To compensate them.
- 10. Value and damages how ascertained in case of disagreement.
- 3. Monies, which may be annually raised limited... 4. How to be applied.
- 5. Officers, may be chosen.
- 1. Proprietors of aqueducts, may make bye-laws... 2. And impose penalties.
- 15. List of, treasurer to keep—also of their shares and transfers.
- 16. No person considered as such, unless evidence of his right be registered.
- 12. Treasurer, his duty... 13. To act as clerk.

AN ACT for regulating and protecting the Aqueducts at or near Schaghticoke-Point, in the Town of Schaghticoke, in the County of Rensselaer.
Passed April 4, 1806.

1. **B**E it enacted by the People of the State of New-York, represented in Senate and Assembly, That it shall and may be lawful for Herman Knickerbacker, Reuben Merriam and Zephaniah Russel, present proprietors of the aqueducts at or near Schaghticoke-point, and such other persons as shall be admitted as such hereafter, from time to time, to convene at such time and place, at or near the said point, as a majority of said proprietors shall appoint, due notice of such time and place of meeting being first given, by causing the same notice to be put up at least at three public places at or near said point, not less than five days previous to such meeting; and at each and every of such meetings the said proprietors shall have full power to make, ordain and declare all such bye-laws, ordinances, rules, regulations and directions, relative to such aqueducts, as they, or the major part of them, may deem proper, for the superintendence, regulation and management of the same, and for the extension, alteration, preservation and repairing thereof, and for the equal assessment and collection amongst the proprietors, of all costs and expenses attending the same; and shall have full power to make, ordain, limit and provide such pains, forfeitures and penalties as they may think proper, for enforcing the observance and performance of the said bye-laws, rules and regulations, to be prosecuted for by the inspectors herein after mentioned, in their own names, and recovered in any court having cognizance thereof, by action of debt or otherwise to the use of the said proprietors, to be by them appropriated for the support and maintenance of the said aqueducts: *Provided*, that no such pain, penalty or forfeiture shall exceed the sum of ten dollars for any one offence: *And provided also*, that such bye-laws, ordinances, rules, regulations or directions, be not contrary to, or inconsistent with the constitution, laws and statutes of this state, or of the United States.
2. **II.** *And be it further enacted*, That the said proprietors, or a majority of them, at any of such meetings, may vote any sum or sums of money which they shall think fit, not exceeding one hundred dollars in any one year, to be assessed and levied on the said proprietors in proportion to their respective rights or shares, to defray the expenses of the necessary alterations, additions and repairing of such aqueducts, or the fountains thereof, or for the compensation of the inspectors, treasurer and collectors hereafter mentioned; and to elect three or more discreet persons for inspectors of the said aqueducts; one discreet person for their treasurer, and one discreet person as their collector, each of whom shall continue in office until others be duly chosen.
3. **III.** *And be it further enacted*, That the said inspectors, or a majority of them, shall have power and are hereby authorized and directed from time to time, to examine, inspect, superintend, manage and direct the said aqueducts, agreeably to such bye-laws, rules and ordinances as the said proprietors, or a ma-

majority of them, shall from time to time hereafter make and declare, touching the same or the management thereof ; and shall have power to prosecute in their own names for all trespasses which may at any time be done and committed by any person or persons upon or against the said aqueducts, and to recover the amount of all damages occasioned by such trespasses, in any court having cognizance of the same, to the use of the said proprietors to be appropriated as aforesaid ; and shall meet and duly assess upon the proprietors aforesaid, all such sum or sums of money, costs and expenses, so as aforesaid to be voted by the said proprietors, and shall further do and perform all such duties as shall or may be lawfully committed to them by any bye-laws, rules or ordinances of the said proprietors. 7

IV. *And be it further enacted,* That it shall be lawful for the said proprietors, 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 at Schaghticokepoint, 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 for 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 dykes, 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 construct any number of pipes, conduits or aqueducts through or over any part 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 damages 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 Schaghticoke, to be chosen and agreed to by the parties ; and in case of refusal or neglect by either party to nominate and appoint them, then to be nominated by any judge of the court of common pleas for the county of Rensselaer, not interested in the premises, at the request of either party ; and upon their determining the same, the said proprietors shall pay to 8 9 10 11.

the said owners respectively, the sum reported under their hands and seal, in full compensation for the same.

- 12 V. *And be it further enacted*, That the said treasurer shall keep a book in which he shall fairly enter all receipts, advances and expenditures of all sums of money by him received, advanced or paid out; and shall likewise do and perform all other duties committed to him by any rule, ordinance or law to be made
- 13 in pursuance of this act; and shall, as clerk of the said proprietors, keep the minutes of all the votes, resolutions and transactions of the said proprietors at their several meetings so to be held, as prescribed by this act, in a proper book by him to be kept for such purpose.
- 14 VI. *And be it further enacted*, That the said collector, so to be chosen, shall collect all such taxes and sums of money, so as aforesaid to be voted by the said proprietors, agreeable to such tax-list or assessment-roll as shall be made out by the said inspectors as aforesaid, within thirty days after the same shall be delivered to him, and shall pay the monies so by him collected into the hands of the treasurer; and in case the proprietors aforesaid, or any of them, shall refuse or neglect paying his or their proportion of such taxes or sums of money, within the time limited for such payments, then it shall be lawful for such collector to collect the same, by exposing and selling at public vendue, after giving ten days previous notice thereof in at least three public places at or near said point, the right or share of such delinquent of, in or to the said aqueducts, rendering the overplus monies, if any, after deducting the costs and expenses of such sale, to the owner or owners thereof.

And to the end that the whole number of the proprietors of the said aqueducts may always hereafter be known, and the number and proportion of their several rights and shares therein ascertained with the greater ease and precision,

- 15 VII. *Be it further enacted*, That the said treasurer shall keep a proper book in which he shall duly enter the names of all the proprietors of the said aqueducts, together with their several rights or shares of, in or to the same, according to such bye-law or rule as the said proprietors, or a majority of them, shall make hereafter for that purpose, and shall also duly enter a note or memorandum of every transfer, lease or assignment made, or hereafter to be made, of any right or share of, in or to the said aqueducts, according to such bye-law or rule as the said proprietors shall hereafter prescribe; which entry so to be made by the said treasurer shall be deemed evidence of such transfer, lease
- 16 or assignment; and no person shall be considered a proprietor of the said aqueducts, after six months from the passing of this act, until the evidence of his right or share be so registered, nor entitled to draw or use the waters from the said aqueducts, by virtue of any title or claim not so registered.
- 17 VIII. *And be it further enacted*. That this act is hereby declared to be a public act, and that the same be construed in all courts and places favorably, and benignly for every beneficial purpose therein contained.