

New York (State) Laws, statutes, etc.

# L A W S

OF THE

# STATE OF NEW YORK

PASSED AT THE

## SESSIONS OF THE LEGISLATURE

HELD IN THE YEARS

**1789, 1790, 1791, 1792, 1793, 1794, 1795 and 1796, inclusive,**

*BEING THE TWELFTH, THIRTEENTH, FOURTEENTH, FIFTEENTH,  
SIXTEENTH, SEVENTEENTH, EIGHTEENTH AND NINE-  
TEENTH SESSIONS.*

REPUBLISHED BY THE SECRETARY OF STATE, PURSUANT TO  
CHAPTER THREE HUNDRED AND FORTY-ONE OF THE LAWS  
OF EIGHTEEN HUNDRED AND EIGHTY-FIVE.

VOLUME III.



ALBANY:

WEED, PARSONS AND COMPANY, PRINTERS.

1887.

sons have already settled or shall hereafter settle, or claim to hold lands within the said counties under pretence of title derived from such quit claim or other grant from the said State of Connecticut, and to report the name and names of every person so settling or claiming, to the person administering the government of this State for the time being, to the end, that they may be proceeded against according to law.

Attorney-general to defend suits brought to establish Connecticut titles.

*And be it further enacted,* That in case any suit shall be instituted by any person whomsoever claiming under any grant from the State of Connecticut for the recovery of any lands within either of the said counties, the person administering the government of this State for the time being, upon notice thereof, shall direct the attorney general of this State to defend every such suit; and the faith of this State is hereby pledged for defraying the expence of all the costs and charges of defending every such suit as aforesaid.

---

## CHAP. 26.

AN ACT to enable the corporation of the city of Albany, to supply the said city with water by means of conduits.

PASSED the 11th of March, 1796.

Preamble.

WHEREAS the corporation of the city of Albany, have prayed the legislature to be enabled to supply the said city with spring water by means of conduits intended to be laid thr'o lands belonging to others as well as thr'o lands belonging to the said corporation, and legislative provision being necessary in the premises. Therefore

Condemnation of land for Albany water works.

*Be it enacted by the People of the State of New York represented in Senate and Assembly,* That the said corporation by themselves, or by an engineer or other person to be by them employed, may enter upon any land or lands, thr'o which they shall deem it proper to carry any conduits, lay any reservoirs or make any other devices for the purpose of supplying the said city with water from any spring or springs in the vicinity and within the limits thereof, and to lay out and survey so much ground for the same as shall be deemed necessary, to be ascertained in manner herein after mentioned. And it shall and may be lawful for the said corporation to contract and agree with the owner or occupants severally of the lands thr'o which such conduits are intended to be carried, or such reservoirs and other devices to be placed if they can agree with such owners or occupants, but in case of disagreement, or, in case any owner or occupant shall be feme covert, under age, non compos mentis, or out of the State, the lands intended to be taken for the purpose aforesaid shall be appraised, and the damages assessed by appraisers to be appointed in manner hereinafter directed.

Appraisal of damages and valuation of lands.

*And be it further enacted,* That in case the said corporation cannot agree with all the owners or occupants of the land thr'o which such works shall be carried or erected, they shall previous to any appraisal to ascertain the value thereof and of the damages to be assessed cause a survey and map to be made of the tract or direction in which it is intended such conduits shall run, and of the ground in their estimation requisite for such conduits reservoirs and other devices, in the field-book of which survey and maps shall be specified and distinguished, the lands of each of the several owners and occupants intended to be appropriated to the works aforesaid and the quantity thereof, and shall

exhibit such field-book and map to the justices of the supreme court, or to any two of them, and if such justices shall be of opinion, that the land so surveyed and laid out, is not more than requisite for the intended works, they shall certify such field-book and map under their hands and seals, and cause the same to be filed in the office of the clerk of the city and county of Albany, there to remain as a public record; and it shall then be lawful, to and for the said justices, by a writing under their hands and seals to appoint not less than three, nor more than five discreet persons, none of which shall be inhabitants of the said city, or interested in the lands so surveyed as aforesaid, to appraise the premises specified in such field-book, and dileneated on such map; and it shall be the duty of the appraisers, or a majority of such as shall be appointed, to examine the lands of each person owner or occupant, so intended to be appropriated, and to ascertain the value thereof and of the damages which each may sustain by such appropriation, and to make a regular entry of each valuation and assessment or damages in a book to be by them kept for that purpose, and having compleated the valuation and assessments they shall certify the same under oath to be a true fair and impartial valuation and assessment to the best of their belief — and shall then cause such book (the execution of the certificate being first duly proved or acknowledged) to be filed in the office of the clerk aforesaid, there to remain as a public record; and from thence forward, the lands and tenements mentioned and specified in the field-book and dileneated on the map filed in the said office, shall be and hereby is vested in fee simple in the said corporation and their successors. *Provided always* that such vesting shall be on the conditions following to wit, that whenever the chamberlain of the said corporation shall be applied to and required by the owner or occupant of any of the lands so valued and assessed, or by the legal representative of any feme covert, person under age, non compos mentis, or person not within the State for the sum of money which to such applicant shall appertain, to be ascertained from the book so certified and filed by the appraisers as aforesaid, and shall neglect or refuse to pay such applicant the assessed value and damages with legal interest from the time of the filing of such book by the appraisers it shall thenceforth be lawful to the person entitled to the amount of such valuation damages and interest by himself or herself, his or her legal representative or attorney, to prosecute the said corporation for the same in any court within the said city and county having competent jurisdiction, and if the prosecutor prevails in such suit, he or she shall have judgment in his or her favour with damages and treble costs.

*And be it further enacted* That if any person shall wilfully injure damage or destroy any of the said conduits reservoirs or other devices thereunto appertaining, and shall be thereof convicted, the person so offending shall forfeit and pay a fine of ten pounds, to the use of the said corporation, to be recovered with costs of suit before any justice of the peace, and shall moreover be liable to a suit in damages, and if a verdict is obtained against such offender, damages with treble costs shall be recovered by the said corporation.

Injury to conduits, penalty for

*And be it further enacted,* That it shall and may be lawful for the said corporation from time to time, to make and establish such ordinances relative to the protection of the conduits and other works incident thereto as they in their discretion shall deem meet and proper, not contrary to the constitution and laws of this State, nor shall any penalty be inflicted by any such ordinance which shall exceed the sum of forty shillings.

Ordinances relative to conduits, etc.