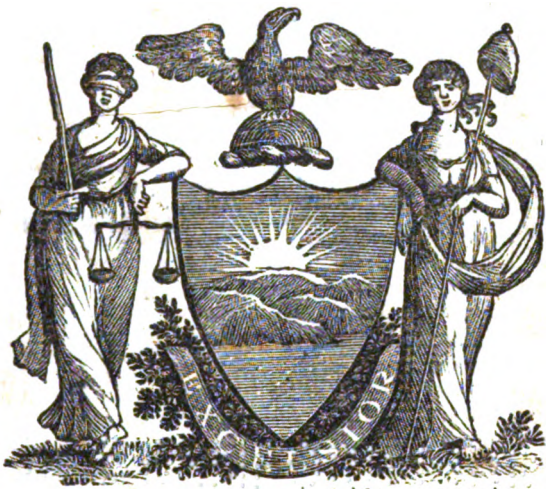


L A W S

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.

7 hours ; *Provided always*, that nothing in this act shall go to prevent any person or persons from rafting any lumber down said river they may think proper.

C H A P . C X L .

C O N T E N T S .

14. Act declared public, and to be favorably construed.
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11. Collector, his duty.
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 2. Proprietors of aqueducts, authorized to meet . . . & To make bye-laws.
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AN ACT for the better regulating and protecting the Aqueducts in the Town of Argyle.

Passed April 4, 1806.

1 **W**HEREAS William Williams, Anthony M. Hoffman and Peleg Bragg, in the town of Argyle, in the county of Washington, have formed themselves into an association for the purpose of supplying themselves and others with water by means of aqueducts, and have already at a considerable expense, conducted the water from the fountain to the dwelling house of Peleg Bragg, in the town aforesaid, the benefit arising from which aqueducts are likely to be lost for want of adequate provisions made by law for regulating and managing the said aqueducts, and for obliging each proprietor thereof to bear and defray his proportionable part of the expenses attending such aqueducts, and in amending, superintending and managing the same—
Therefore,

2 **I. 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 said proprietors, and such other persons as shall be admitted as such hereafter, from time to time to convene at such time and place in the said town of Argyle, as a majority of the 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 in the said town, not less than
3 five days previous to such meeting ; and at each and every of such meetings, the said proprietors shall have power to make, ordain and declare all such bye-laws, ordinances, regulations, rules 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 cost and
4 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 observation and perform-

ance of the said bye-laws, rules and regulations, to be prosecuted for by the inspectors herein after mentioned, in their own name, 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 : *And provided always*, 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.

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 two 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 to the inspectors, treasurer and collector 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 are duly chosen. 5 6

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 agreeable to such bye-laws, rules and ordinances as the said proprietors, or a 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 names, for all trespasses which may at any time be done or 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 laws, rules or ordinances of the said proprietors. 7 8

IV. *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 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. 9 10

11 *V. 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, agreeably 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 to be 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 payment, 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 in said town, 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 said 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,

12 *VI. 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-laws or rules as the said proprietors, or a majority of them, shall make hereafter for such 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 aqueduct, 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 or assignment; and no person shall be considered a
13 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 registered as aforesaid.

14 *VII. 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 benignly and favorably for every beneficial purpose therein intended.

C H A P. CXLI.

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