

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.



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CHAP. 24.

AN ACT for the better regulating and protecting the aqueducts in the city of Hudson.

PASSED the 9th of March, 1790.

Preamble. WHEREAS the proprietors of the aqueducts in the city of Hudson, have by their petition represented their association for the purpose of supplying themselves and others with water and that they have conducted the same from a fountain at a considerable distance and at a very great expence the benefits whereof are likely to be lost for want of adequate provisions made by law for the regulating and managing said aqueducts and for obliging each proprietor thereof to bear and defray his proportionable part of the expences attending such aqueducts and in amending superintending and managing the same. Therefore

Regulation of aqueducts in Hudson. *Be it enacted by the People of the State of New York represented in Senate and Assembly and it is hereby enacted by the authority of the same* That the mayor aldermen and commonalty of the city of Hudson for the time being in common council convened, shall and may (whenever applied thereunto for the purpose by the said proprietors of the said aqueducts or by a majority of them) have power to make ordain and declare all such bye laws ordinances constitutions rules and regulations relative to such aqueducts as the said common council may deem proper for the superintendence regulation and management of the same and for the extention alteration preservation and reparation thereof, or for the equal assessment and collection amongst the said proprietors of all costs and expences attending the same or of the sums of money which the said proprietors may from time to time hereafter vote agreeably to this act.

Meeting of proprietors for assessment of expences, etc. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for the proprietors of the said aqueducts hereafter from time to time to convene at such time and place within the said city as the said mayor or recorder for the time being shall appoint, due notice of such time and place of meeting being first given by causing the same to be publicly advertised for the space of the three weeks successively in a public news paper to be printed in the said city or by putting up such public notice thereof in at least four of the most public parts of the said city; and at such meeting, the said proprietors may under the inspection of the said mayor or recorder by a majority of voices vote any sum or sums of money which they shall think fit to be assessed and levied on the said proprietors in proportion to their respective rights or shares, to defray the expences of the necessary alterations additions and reparations of such aqueducts or the fountains thereof, or for the compensations to the clerk and treasurer collector and inspectors hereafter mentioned and also by a majority of voices or votes to elect one discreet person for their clerk and treasurer one discreet person for their collector and two or more discreet persons for inspectors of said aqueducts.

Oaths of officers. *And be it further enacted by the authority aforesaid,* That the said clerk and treasurer collector and inspectors when chosen in manner aforesaid shall respectively before they enter upon their respective offices take and subscribe before the said mayor or recorder who are hereby authorised to administer the same an oath well and faithfully to execute their respective trusts and offices according to the best of their skill and understanding; which said clerk and treasurer collector and

inspectors so elected and qualified, shall continue in their respective offices until others be duly chosen and qualified in their respective places.

And be it further enacted by the authority aforesaid, That the said inspectors so to be chosen and qualified as aforesaid, or a majority of them shall have power and are hereby authorised 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 common council shall from time to time hereafter make and declare touching the same, or the management thereof; and shall also have power to prosecute in their own names for all trespasses to 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; and shall meet and duly assess upon the proprietors aforesaid all such sum or sums of money costs and expences 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 law rule or ordinance of the said common coucil.

Inspectors,
duties of.

And be it further enacted by the authority aforesaid That the said clerk and treasurer so to be chosen and qualified as aforesaid shall, as clerk of the said proprietors keep the minutes of all the votes resolutions and transactions of the said proprietors at their meeting so to be held as prescribed by this act, in a proper book by him to be kept for such purpose; and also that the said clerk and treasurer as treasurer of the proprietors aforesaid 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 likewise do and perform all other duties lawfully committed to him by any law rule or ordinance to be made in pursuance of this act by the said common council.

Clerk and
treasurer.

And be it further enacted by the authority aforesaid That the collector so to be chosen and qualified as aforesaid for the said proprietors shall collect all such taxes and sums of money so as aforesaid to be voted by the said proprietors in pursuance of this act agreeably to such tax-list or assessment roll as shall be made out by the inspectors as aforesaid within three months after the same shall be delivered to him and shall pay the monies so by him collected into the hands of the said treasurer and in case the proprietors aforesaid, or any of them shall refuse or neglect paying his her or their proportion of such taxes within the time limited for such payment then it shall be lawful for such collector to levy the same by exposing and selling at public vendue after giving eight weeks previous public notice thereof the right or shares of such delinquent of in or to the said aqueducts, rendering the overplus monies, if any, after deducting the costs and charges of such sale to the owner or owners thereof.

Collector.

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

Be it enacted by the authority aforesaid That the said clerk and 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 and respective rights or shares of in or to the same, according to such bye law or rule as the said common council shall or may hereafter prescribe and direct for such purpose; and shall also duly enter in the same book every transfer lease or assignment made or hereafter to be

Register of
proprietors

made of any right or share of in or to the same aqueducts according to such bye law or rule as the said common council shall or may hereafter prescribe and direct for such purpose; which entry so to be made by the said clerk shall be deemed evidence of such transfer lease or assignment; and no person shall be considered as a proprietor of the said aqueducts after the space of six months from the passing of this act, until the evidence of his right or share shall be so registered as aforesaid nor entitled to draw or use the waters from the said aqueducts by virtue of any title or claim not so registered as herein directed without permission in writing under the hands of the said inspectors or a majority of them, conformable to the rules or directions to be prescribed by the said common council.

Action of meeting of proprietors to be binding on all.

And be it further enacted by the authority aforesaid That all lawful agreements votes and proceedings made had or done by the said proprietors and entered upon their records concerning the said aqueducts shall be considered valid and obligatory among themselves and binding upon all each and every of them; and that all monies heretofore voted and expended about the said aqueducts shall after being duly assessed by the inspectors to be chosen in pursuance of this act, be recoverable in the same manner as before in this act is provided.

Penalties for offending against regulations

And be it further enacted by the authority aforesaid That the said common council of the said city of Hudson as often as they shall make ordain and publish such laws rules ordinances and directions for the purposes aforesaid in regard to the said aqueducts, or for the regulation alteration extension reparation inspection and management thereof may make ordain limit and provide such and the like pains forfeitures fines and penalties, upon towards and against all and every person or persons, who shall offend against such laws, rules ordinances and directions, or any of them, as by the said common council shall be thought requisite, to make ordain limit and provide for the observation and preservation of the same laws rules ordinances and directions, to be prosecuted for by the said inspectors, and in their names, and recovered in any court of record 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* no such pain, forfeiture fine or penalty, shall exceed the sum of five pounds.

And provided always that such bye laws, ordinances constitutions rules or directions be not contrary to or inconsistent with the constitution laws and statutes of this State or of the United States.

CHAP. 25.

AN ACT for securing and improving certain lands in the city of New York for public uses, and for other purposes therein mentioned.

PASSED the 16th of March, 1790.

Preamble. WHEREAS Fort George, in the city of New York and the battery adjacent thereto are at present useless for the purpose of defence; Therefore,

Lands recited set apart for public uses

Be it enacted by the People of the State of New York, represented in Senate and Assembly and it is hereby enacted by the authority of the same, That all that part of Fort George in the city of New York and the lands adjoining thereunto, belonging to the people of this State beginning at