

L A W S
OF THE
STATE OF NEW-YORK,
PASSED AT THE
FORTY-FOURTH SESSION
OF THE
LEGISLATURE,
BEGUN AND HELD AT THE CITY OF ALBANY,
The Seventh day of November, 1820.



ALBANY :
PRINTED BY CANTINE AND LEAKE,
PRINTERS TO THE STATE,
FOR WEBSTERS & SKINNERS, AND WM. GOULD.
.....
1821.

Elections regulated.

members of assembly, and representatives in congress, in the same manner as before the passing of this act, until the legislature shall otherwise direct, and the inspectors of elections in the several towns, in the county of Niagara, shall return the votes taken at any election for senators, members of assembly, and representatives in congress, to the clerk of the county of Erie, to be by him canvassed and estimated, and returned, as if this act had not been passed.

Taxes.

X. *And be it further enacted,* That all the taxes heretofore assessed in the late county of Niagara, shall be collected, and in every respect applied in the same manner, as if this act had never been passed; and that all sums of money due from the former county of Niagara, to the people of this state, shall be averaged and paid, by the counties of Niagara and Erie, erected by virtue of this act, according to the taxable property therein.

Judicial proceedings.

XI. *And be it further enacted,* That no record, judgment, or proceeding whatsoever, either civil or criminal, heretofore recorded, rendered, commenced, or moved, within the former county of Niagara, shall in any wise be affected by the operations of this act, and that every person who now holds or enjoys any office within the former county of Niagara, and who shall now reside within the county of Erie, shall, by virtue of his office, be considered as an officer of the county of Erie, to all intents and purposes.

Officers already appointed.

CHAP. CCXXIX.

AN ACT to incorporate the Village of Ithaca.

Passed April 2, 1821.

Boundaries.

I. *BE it enacted by the People of the State of New-York, represented in Senate and Assembly,* That the district of country contained within the following bounds, that is to say, beginning at a point sixty rods east of the intersection of the south side of Owego-street, with the west side of Aurora-street; thence running south fifty rods; thence west one mile; thence north two hundred rods; thence east one mile; thence south one hundred and fifty rods, to the place of beginning, shall hereafter be known and distinguished by the name of the village of Ithaca; and the freeholders and inhabitants, who are qualified to vote at town meetings, who may from time to time reside within the aforesaid limits, may, on the second Tuesday of May next, meet at some proper place, to be appointed by some justice of the peace, within the said village, and notified to the inhabitants thereof, at least seven days before said second Tuesday of May, and then and there proceed to elect five discreet freeholders resident within said village, to be trustees thereof, who, when chosen, shall possess the several powers and rights herein after specified; and such justice shall preside at such meeting, and shall declare the several persons having the greatest number of votes, as duly chosen trustees; and on every second Tuesday of May after the first election of the trustees, there

Election of officers.

shall, in like manner, be a new election of trustees for the said village ; and the trustees for the time being, shall perform the several duties required from the said justice, in respect of notifying the meeting of the freeholders and inhabitants of the village, and presiding at such election.

11. *And be it further enacted*, That the freeholders and inhabitants, residing within the aforesaid limits, be and they are hereby ordained, constituted and declared to be, from time to time, and for ever hereafter, a body politic and corporate, in fact and in name, by the name of the " Trustees of the Village of Ithaca ;" Freeholders and inhabitants incorporated and powers. Style. and by that name they and their successors for ever, shall and may have perpetual succession, and be persons in law capable of suing and being sued, pleading and being impleaded, defending and being defended, in all courts and places whatsoever, in all manner of actions, complaints and causes whatsoever ; and they and their successors may have a common seal, and may alter the same at their pleasure, and shall be in law capable of purchasing, holding, receiving, and conveying, any real or personal estate, for the use of said village, provided the said real estate shall be situated within said village ; and of erecting public buildings, such as fire engine house or houses, market or markets, and of raising money by tax, not exceeding five hundred dollars the first year, nor more than four hundred dollars for any one year thereafter ; for erecting such public buildings, procuring fire engines, and other utensils for extinguishing fires, and for making any necessary repairs or improvements, and for making a reasonable compensation to the officers of the corporation ; which money so to be raised, shall be assessed upon the freeholders and inhabitants of said village according to law, by a tax upon the real and personal property in said village, by not less than three nor more than five judicious assessors, who shall be freeholders in said village, to be chosen at their annual meeting, and collected by the collector of the corporation, to be chosen by the trustees of the said village annually, in like manner as the taxes of counties and towns are collected, by virtue of a warrant to him directed by a majority of the trustees : *Provided nevertheless*, That no tax shall be levied, or monies raised, assessed or collected, for the purposes aforesaid, or any other purpose, and no purchase or sale of any real estate made, and no public buildings erected or disposed of, without the consent of the freeholders and taxable inhabitants of said village, in open meeting, duly warned and notified, first given and expressed, by a majority of votes, then and there given : *And provided also*, and it is hereby made the duty of said assessors, in assessing the taxes so to be raised upon the inhabitants and property of said village, to apportion the same so as that the said taxes may be assessed in an equitable and just manner of and from the occupants and owners of the houses, lands, and all property in said village, in proportion as nearly as may be, to the advantages which each shall be deemed to have received from the improvement or purchase to be made by said money when collected : *Provided*, That the lands comprehended by the bounds of the village, and which are kept as wood lands, meadows, pastures, orchards, or in general that all such lands as are kept and improved exclusively as farming lands, with their appurtenances and appropriate appen-

Provide limiting the power of raising money and laying taxes

ages, shall, as long as they are so kept or improved, not be taxed for the benefit of the village, nor be subject to its jurisdiction or police, nor be deemed to be benefitted by any of the laws, ordinances, rules and regulations which the trustees may by law be authorised to make: *And provided also*, That if any person shall consider himself or herself aggrieved by any such assessment, it shall be lawful for such person or persons to appeal from the said assessors to the trustees of the said village, in ten days after such assessment shall be made, and public notice thereof given, as hereinafter mentioned, by giving notice to the said assessors, or any one of them, of such appeal, and the time and place of determining thereon by said trustees, who shall hear the same and do justice in the premises; and if either party shall conceive himself aggrieved by the decision of the said trustees, it shall be lawful for him to appeal to the next court of common pleas of the county of Tompkins, by giving eight days notice of such appeal, whose decision shall be final in the premises.

Purposes for which money is to be raised to be specified.

III. *And be it further enacted*, That it shall be lawful for the inhabitants of said village, as often as they shall vote to raise any sums of money for any of the purposes aforesaid, to specify, as far as is convenient, the particular purpose for which said sum or sums, or any part thereof, shall be appropriated, that the assessors may have regard thereto in assessing the same upon the respective inhabitants of said village.

Notice of assessment to be posted up.

IV. *And be it further enacted*, That it shall be the duty of the assessors, whenever they shall have completed the assessment of any tax, according to the provisions of the second section of this act, to affix and keep a copy of such assessment on the outer door of the court house; which said copy, so affixed, shall be a sufficient notice to all persons who shall conceive themselves aggrieved by such assessment, to appeal therefrom to the trustees of said village.

Trustees to make by-laws.

V. *And be it further enacted*, That it shall be lawful for the trustees of the said village, or a major part of them, and their successors, to make, ordain, constitute and publish, such prudential bye-laws, rules and regulations, as they from time to time may deem meet and proper, and such particularly as are relative to the streets, alleys and highways of the said village, and draining, filling up, paving, keeping in order and improving the same relative to the Six Mile-creek, south of the inhabited part of said village, and Cascadilla creek, to prevent the same from overflowing and injuring said village; relative to slaughtering houses, and nuisances generally; relative to the firing guns, or using fireworks of any description in said village; relative to running horses in said village; relative to a village watch, and lighting the streets of said village; relative to restraining geese, swine or cattle of any kind from running at large in said village; relative to the inspection of weights and measures; relative to the keeping and regulating of hay scales; relative to public markets; relative to taverns and groceries in said village, and relative to a common pound; and relative to any thing whatsoever which may concern the public good government of said village; but no such by-law shall extend the regulating or fixing the price of any commodities or articles of provisions offered for sale: *Provided also*, That such by-laws

be not contrary to, nor inconsistent with, the laws of this state, or of the United States; and it shall also be lawful for the trustees to require the householders and occupants of buildings in said village, under suitable penalties, to furnish themselves with fire-buckets, and other necessary utensils for extinguishing fire, and also to keep their fire places and chimneys clean and in good repair.

VI. *And be it further enacted*, That the said trustees, or a major part of them, as often as they shall make, ordain, and publish any by-laws for the purposes aforesaid, may make, ordain, limit and provide such reasonable fines, penalties and forfeitures against the offenders of such by-laws, as they may think proper, not exceeding twenty-five dollars for any one offence, to be prosecuted and recovered before any justice of the peace or court having cognizance of the same, by the trustees, to and for the use of the said corporation; and in all cases it shall be deemed sufficient for said trustees, in any suit or action to be brought for any such fines, penalties, or forfeitures, to declare generally that the defendant or defendants are indebted to the trustees of the village of Ithaca, in the amount of such fine, penalty or forfeiture, to be paid to the said trustees for the time being, when thereunto required, and under such declaration to give the special matter in evidence; and the freeholders and inhabitants of said village shall be deemed and are hereby declared competent to give testimony in any cause, and the justices of the county of Tompkins, residing in said village, to try any cause, and the freeholders of said village to serve as jurors in any cause wherein the said trustees are a party, notwithstanding any remote interest they may have as members of such corporation.

Fines, &c. for breach of by laws.

Inhabitants competent witnesses.

VII. *And be it further enacted*, That the person in possession of any real-estate, in the village of Ithaca, at the time any tax is assessed, shall be liable to pay the tax assessed thereon, and in case such person is not bound by contract or otherwise to pay such tax, or any part thereof, he or she shall and may recover the same from the owner of such real estate or other persons whose duty it was to have paid the same; and all taxes upon any real estate within said village shall be a lien thereon.

Occupant to be assessed and their remedy against owner.

VIII. *And be it further enacted*, That the inhabitants of said village of Ithaca, qualified to vote at town meetings, at the annual meeting in every year hereafter, to be held for choosing trustees, or any other meeting, duly notified, shall, and they are hereby authorised to choose, by a majority of votes, the assessors before mentioned, and one treasurer, one clerk, three fire wardens, and one pound keeper; and it shall be the duty of the said clerk to keep a faithful record of all the doings and votes of the inhabitants of said village, at their annual, and other legal meetings, in a book, by him to be provided; and in case of vacancy, by death, removal, refusal, or incapacity, to serve, of any of the aforesaid officers, it shall be the duty of the said trustees, or a major part of them, by warrant under the hands and seals of the said trustees or a majority of them, to appoint some suitable person to fill such vacancy; and the person so appointed, shall be vested with the like powers, and be subject to the same restrictions, as

Officers how to be chosen

Trustees to fill vacancies

if elected by the freeholders and inhabitants of the village as aforesaid.

Trustees, &c.
to take oath
or affirmation

IX. *And be it further enacted*, That the trustees, treasurer, assessors and collector, fire wardens and pound keeper, shall within ten days after each and every election and appointment, and before they proceed to the exercise of their several offices respectively, take and subscribe an oath or affirmation, before any justice of the peace in the said village or county, for the faithful execution of the trust or office to which they may be severally chosen or appointed, and that the treasurer and collector hereafter to be elected or appointed, shall, before they enter upon the execution of their respective offices, respectively give such security for the faithful performance of the trust reposed in them, as the major part of the trustees, for the time being, shall deem sufficient.

Collector and
treasurer to
give security

President of
of trustees.

X. *And be it further enacted*, That the trustees within ten days after their election, and every year thereafter, or the major part of them, shall, and it is hereby made their duty, to choose and appoint some one suitable person of their body to be president of said board of trustees, whose duty it shall be, when present, to preside at the meetings of the trustees, to order extraordinary meetings of the trustees, whenever he shall think proper, to receive complaints of the breach of any of the laws, to see that the by-laws, rules and ordinances are duly executed and observed, and to prosecute, in the name of the trustees, all offenders against such by-laws, and whose duty it shall be more particularly to see that the public property belonging to the said village, and relating to the fire engines and utensils, be suitably taken care of and kept in order, and do such such other acts and things as may be proper for him as president of the board of trustees to do, and in case of the death or disability, or refusal to serve, of said president, the said trustees shall proceed to choose, out of their body, a successor, in manner as above mentioned; and it is hereby made the duty of the said trustees to keep a record of their doings, especially of the passing of by-laws, rules and regulations.

Time of col-
lecting taxes.

XI. *And be it further enacted*, That the collector shall, within such time as shall be specified by the by-laws of said corporation, next after the receipt of his warrant for the collection of any tax, that may have been ordered to be raised, collect and pay over the same to the treasurer; and all money at any time in the hands of the treasurer, shall be liable to be drawn out by the trustees or a major part of them, and applied and disposed of as shall have been directed by the inhabitants of said village.

Trustees
to keep ac-
counts, and to
draw money
from treasury

XII. *And be it further enacted*, That the trustees shall keep a just and accurate account of their necessary expenses and disbursements, at all reasonable times open to the inspection of the inhabitants of the said village, and that the treasurer, collector, assessors, and clerk, shall be paid for their services such suitable compensation, as the trustees, or a majority of them, by a by-law of the corporation shall provide; and that the said trustees shall reserve, for their services, such reasonable compensation as the inhabitants of said village, at their annual meetings, shall think proper to grant and allow.

Trustees to
continue in
office till
new election.

XIII. *And be it further enacted*, That the trustees, assessors, treasurer, fire wardens, clerk and pound keeper, to be elected by

virtue of this act, shall continue in office, and be authorised to exercise all the powers, and perform all the duties in this act contained, and belonging to their offices respectively, until the second Tuesday of May next following after their election as aforesaid, and until a new election of said officers shall be made pursuant to this act, and until said officers so last chosen shall take and subscribe the oath or affirmation required of them respectively.

XIV. *And be it further enacted,* That the said village of Ithaca ^{Village a road district.} be and the same is hereby constituted a road district, subject to be subdivided by the said trustees, and that the same be exempt from the superintendance of the commissioners of highways of the town of Ulysses, and the said trustees of the village of Ithaca, shall have all the powers over the said road district, and discharge all the duties which by law are given to and enjoined upon the said commissioners of highways, and subject to the like restrictions and appeals ; and it is hereby declared lawful for the inhabitants of the said village, at their annual meetings as aforesaid, to choose an overseer of highways, for each and every subdivision in said road district, as shall be laid out by said trustees ; which overseers shall have all the powers, and discharge all the duties in their several districts or subdivisions, which by law are given to, or enjoined upon other overseers of highways, giving in their lists, and being accountable to said trustees, in the same manner as other overseers of highways are bound, by law, to do, to the town clerk, and to the commissioners of highways.

XV. *And be it further enacted,* That it shall be the duty of ^{Firemen.} the said trustees, or a majority of them, and they are hereby authorised and empowered to appoint, under the hand of the president of the board, and seal of the village, a company of firemen, not exceeding thirty, out of the inhabitants of said village, who, with the fire wardens heretofore directed to be chosen, shall have the care, management, working, and use of the fire engine or fire engines, which belong to the said village, and also the tools and utensils for extinguishing fires ; and the said trustees or a majority of them, are hereby authorised to remove or displace all or any of the firemen so as aforesaid to be appointed, when and as often as they shall think fit, and others in their stead to elect, nominate and appoint ; and that the firemen so to be appointed shall be free from ^{Exempt from militia duty.} the performance of all militia duty, except in cases of war, insurrection, or rebellion.

XVI. *And be it further enacted,* That it shall and may be lawful for the trustees of said village, by writing under their hands and seals, to grant license to such persons as shall apply to keep ^{Groceries.} groceries in said village, to retail strong and spirituous liquors to be drank in his or her store or shop, and that they shall receive for such license, not less than three dollars, nor more than thirty dollars, for every such license, and that the monies so raised shall be applied by said trustees towards defraying the contingent expenses of said village.

XVII. *And be it further enacted,* That each and every grocer ^{Grocers to recognize.} shall, previous to, or at the time of receiving such license, appear before a justice of the peace of the county of Tompkins, and enter into a recognizance to the people of the state of New-York, in the sum of one hundred dollars, conditioned that such person will not,

during the time that such person shall sell liquors as aforesaid, keep a disorderly house or shop, or suffer or permit any cock fighting, gaming, or playing with cards or dice, or keep a billiard table or other gaming table, or raffling, within their said grocery.

Cayuga inlet a public highway. XVIII. *And be it further enacted*, That the creek called the Cayuga inlet, from the bridge over the same, west of said village, to the Cayuga lake, shall be, and the same is hereby declared to be, a public highway, and that the same shall be improved and kept free from obstructions, in the manner authorised in regard to common highways by the act entitled "An act to regulate highways," passed March 19, 1813.

CHAP. CCXXX.

AN ACT for extending the State Pier in the port of Sag Harbor, and the encouragement of the Whale and Cod Fisheries.

Passed April 2, 1821.

D. 10,000 appropriated. I. *BE it enacted by the People of the State of New-York, represented in Senate and Assembly*, That the treasurer pay, on the warrant of the comptroller, the sum of ten thousand dollars, out of any money in the treasury not otherwise appropriated, to three commissioners, to be appointed by the council of appointment, for the purpose of extending the state pier in the port of Sag Harbor, for the encouragement of the whale and cod fisheries.

Commissioners to give bonds. II. *And be it further enacted*, That the said commissioners shall, before they enter on the duties required of them by this act, enter into bonds to the people of this state, with sufficient sureties, faithfully to discharge the duties required of them, and to expend the said sum of ten thousand dollars in extending said pier, in such manner as they, or any two of them, shall judge most conducive to the encouragement of said fisheries; and the said pier, which shall be made in pursuance of this act, shall belong to the people of this state, and the profits arising therefrom, as shall hereafter be regulated by law, shall be annually paid into the treasury of this state, by such person as the council of appointment shall from time to time appoint to receive the same: *Provided always*, That the said commissioners shall first procure of the owner or owners of any land on which they shall judge proper to make such pier, a release to the people of this state of all the right, title and interest to the same for ever.

Pay of commissioners. III. *And be it further enacted*, That the commissioners appointed by virtue of this act, shall be allowed one dollar and fifty cents per day for each and every day they shall be actually employed in carrying this law into effect, and shall account with the comptroller for all expenditures of money under the same.