

New York (State). Statutes.
L A W S

OF THE

State of New-York.



V O L. V.

Containing
ALL THE ACTS of the 30th—and the **PUBLIC ACTS** of the
31st and 32d Sessions of the Legislature—1807, 1808 and 1809 ;

Also,
THE TITLES OF THE PRIVATE ACTS.

Albany :
PRINTED BY WEBSTERS AND SKINNER.

1809.

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the aforesaid towns, on notice being previously given by the said supervisors, shall meet and divide the monies and poor belonging to the said town of Lumberland, previous to its division, agreeable to the last tax list, and that each of the said towns shall for ever thereafter respectively support its own poor.

C H A P. CXVII.

AN ACT for altering the Time of holding Town Meeting in the Town of Olean, in the County of Niagara, and for exempting the Freeholders of said Town from serving as Jurors in the Courts of Common Pleas and General Sessions.

Passed March 27, 1809.

I. *BE it enacted by the People of the State of New-York, represented in Senate and Assembly,* That the town meetings hereafter to be holden in town of Olean shall be held on the first Tuesday in March annually, and that the first town meeting shall be held at the house of Thomas Lusk, in said town, on the first Tuesday in March, 1810; and that all such town officers, whose duty it was to meet on the last Tuesday in March, shall meet on the last Tuesday in February, to do and transact such business as to their respective offices may appertain.

II. *And be it further enacted,* That the freeholders of the town of Olean shall be and they are hereby exempted from serving as jurors in the courts of common pleas and general sessions of the peace in the county of Niagara for three years from the passing of this act.

C H A P. CXIX.

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AN ACT to enable the Trustees of the Village of Newburgh to supply the Inhabitants thereof with pure and wholesome Water.

Passed March 27, 1809.

WHEREAS the trustees of the village of Newburgh have prayed the Legislature to be enabled to supply the said village with pure and wholesome water, by means of conduits, intended to be laid through lands belonging to others as well as lands belonging to the said trustees, and legislative provision being necessary in the premises: Therefore,

I. *BE it enacted by the People of the State of New-York, represented in Senate and Assembly,* That the said trustees, by themselves or by any engineer or other person to be by them employed, may enter upon any land or lands through which they shall deem it proper to carry any conduits, lay any reservoir, or make any other devices, for

the purpose of supplying the said village with water from any spring or springs in the vicinity, and within the limits thereof, and 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 trustees to contract and agree with the owners or occupants severally of the lands through 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 herein after directed: *Provided always*, That there shall in all cases be left a sufficiency of water in said spring or springs for the use of the owner of the lands whereon the said spring or springs are situated, and his heirs, and his and their assigns for ever.

II. *And be it further enacted*, That in case the said trustees cannot agree with all the owners or occupants of the lands through which such works shall be carried or erected, they shall, previous to any appraisement 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 judges of the court of common pleas in and for the county of Orange, or to any three of them, and if such judges shall be of opinion that the lands so surveyed and laid out are 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 said county of Orange, there to remain as a public record: and it shall then be lawful to and for the said judges, by a writing under their hands and seals, to appoint not less than three, nor more than five discreet persons, none of whom shall be inhabitants of the said village, or interested in the lands so surveyed as aforesaid, to appraise the premises, specified in such field-book, and delineated 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 of damages in a book to be kept by them for that purpose, and having completed 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 thenceforward the lands and tenements mentioned and specified in the field-book, and delineated on the map filed in the office, shall be and hereby are vested in fee simple in the said trustees and their successors. *Provided always*, That such vesting shall be on the conditions

following, to wit : that whenever the said trustees 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 for 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 trustees for the same in any court having competent jurisdiction, and if the prosecutor prevail in such suit, he or she shall have judgment in his or her favor with damages and treble costs.

III. *And be it further enacted,* That if any person shall wilfully injure, damage or destroy any of the said conduits, reservoirs, or devices thereunto appertaining, and be thereof convicted, the person so offending shall forfeit and pay a fine of five dollars, to the use of the said trustees, to be recovered in the name of the president of the said trustees, 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 double costs shall be recovered by the said trustees.

IV. *And be it further enacted,* That it shall and may be lawful for the said trustees, 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 twenty-five dollars, to be recovered in the name of the president of the said trustees in any court having cognizance of the same.

V. *And be it further enacted,* That it shall and may be lawful for the trustees of said village and their successors, for the term of five years from the passing of this act, annually, by writing under their hands and seals, to grant to the several grocers who shall reside in the said village, and who shall apply for the same, a licence to retail strong and spiritous liquors under five gallons, and the monies arising from such respective licences shall continue and belong to the said trustees and their successors for the said term of five years.

VI. *And be it further enacted,* That it shall be lawful for the trustees of said village and their successors, to determine the sum which each grocer, applying for a licence to retail strong and spiritous liquors under five gallons as aforesaid, shall pay for the same, not being less than five dollars nor more than twenty-five dollars, which sum shall be paid to the said trustees and their successors, by the person applying, before the licence shall be issued as aforesaid. *Provided always,* That such grocers shall appear before a justice of the peace of the county of Orange, and enter into recognizance to the people of the state of New-York, in the sum of one hundred and twenty-five dollars, conditioned, that such person will not, during the time that such person shall sell liquors as aforesaid, keep a disorderly house, or suffer or permit any cock-fighting, gaming or playing with cards or dice, or keep any billiard table or other gaming table, or

12 shuffle-board within said grocery; and the said trustees and their successors are required to keep an account of the persons to whom licences shall be granted, and of the sums by them paid therefor, and to file the same with the clerk of the town of Newburgh, on or before the first day of September, in every year, and the monies arising from said licences shall be by them applied to defray the expense of bringing the water into said village as aforesaid.

14 VII. *And be it further enacted*, That it shall be lawful for the trustees of said village and their successors to appropriate the annual profits arising from the licences of carmen, butcher's stalls, and also the monies arising from the hay-scales, to the sole and only use of bringing the water aforesaid in the said village until the said village shall be supplied with water in manner aforesaid.

15 VIII. *And be it further enacted*, That the trustees of the said village and their successors shall be and are hereby authorized, annually, for the term of ten years from the passing of this act, to order the raising of a sum of money, not exceeding two hundred and fifty dollars in one year, by a tax on the real and personal estates of the freeholders and inhabitants of said village, to be applied to the only use of bringing the water aforesaid in the said village, which monies shall be rated and assessed by the assessors of the said village, in a just and equitable manner, in proportion as nearly as may be to the advantages which each shall be deemed to derive respectively from the said waters: and which monies shall be collected by the collectors of said village in like manner as the taxes of towns and counties are collected, by virtue of a warrant to them directed by a majority of the said trustees, and paid into the hands of the treasurer of said village, to be applied and disposed of, from time to time, in such manner, for the purpose aforesaid, as the said trustees, in their meeting convened, shall direct and appoint.

IX. *And be it further enacted*, That the act, entitled "an act for incorporating the Newburgh aqueduct association," passed March 7, 1806, be and the same is hereby repealed.

C H A P. CXX.

AN ACT making Provision for draining Swamps and Bog Meadows in the County of Ulster.

Passed March 27, 1809.

BE *it enacted by the People of the State of New-York, represented in Senate and Assembly*, That from and after the passing of this act, the act, entitled "an act making provision for draining swamps and bog meadows in the counties of Orange and Dutchess," passed the ninth of April, 1804, with all its provisions, shall be and the same hereby is declared to be extended to the county of Ulster.