

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.

m3

Worcester, beginning at the centre line east and west of lot number thirteen, of M'Kee's patent, and from thence south to the county of Delaware; thence westerly along said county line to the town of Milford, thence northerly along the east bounds of the town of Milford, so far as to have an east course strike the division line in the centre of lot number thirty-two of M'Kee's patent; thence with a straight line to the place of beginning, shall be erected into a separate town, by the name of Maryland; and the first town meeting shall be held at the house of Nathaniel Rose, in said town.

IV. *And be it further enacted*, That all the remaining part of the town of Worcester, shall be and remain a separate town by the name of Worcester; and the first town meeting shall be held at the house of Joshua Bigelow junior, in said town.

V. *And be it further enacted*, That the freeholders and inhabitants of the towns of Westford, Maryland, Decatur and Worcester, shall be and are hereby empowered to hold town meetings, and elect such town officers, and enjoy all the privileges that the freeholders and inhabitants of other towns in this state do by law.

VI. *And be it further enacted*, That as soon as may be after the first Tuesday of March next, the supervisors and overseers of the poor of the aforesaid towns, shall, by notice to be given for that purpose, by the supervisors thereof, meet together and apportion the poor maintained by the said town of Worcester, and the poor money belonging to the same, previous to the division thereof, agreeable to the last tax list, and that each town shall for ever thereafter support its own poor.

## C H A P. LXXXVII.

AN ACT to amend an Act, entitled "An Act to regulate Highways in the Counties of Suffolk, Queens, Kings and Richmond.

Passed March 25, 1808.

**B**E it enacted by the People of the State of New-York, represented in Senate and Assembly, That if the supervisors of the county of Richmond shall at any time be equally divided in opinion, in the execution of the powers committed to them by the eighteenth section of the act, entitled "an act to regulate highways in the counties of Suffolk, Queens, Kings and Richmond." then, in that case, they shall, instead of the treasurer of the said county, call to their assistance the first judge thereof, whose decision in the premises shall be final and conclusive, and that the powers of the said treasurer, in this respect, shall be and the same are hereby annulled.

## C H A P. LXXXVIII.

## CONTENTS.

1. Manhattan company, may dispose of their right in the water-works to the corporation
- 9 . . . . . In what case duration of charter limited to thirty years. [of N. York.
4. . . . . In what case released from the effect of certain legal provisions. .
5. . . . . May employ their whole capital in a certain manner.
6. . . . . Bills obligatory and of credit, how assignable.
7. . . . . Estate, real, what kind the company may hold—May lease the same.
2. New-York corporation to have certain privileges if they acquire said water-works.
10. State may subscribe 1000 shares in the stock of the company.
8. Water, time for supplying New-York with, extended.
3. Water-works, penalty for injuring.

**A N A C T** supplementary to the Act, entitled "An Act for supplying the City of New-York with pure and wholesome Water."

Passed March 25, 1808.

**W**HEREAS the mayor, aldermen and commonalty of the city of New-York, and the president and directors of the Manhattan company, have, by their respective memorials, prayed that the said president and directors may be authorized by law to sell and dispose to the said mayor, aldermen and commonalty, their water-works, and the real estate appurtenant thereto, and the right to supply the said city with water; and it appearing reasonable and proper to the legislature to grant the prayer of the said memorials: Therefore,

- 1 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 president and directors to lease, demise, grant, bargain, sell, assign, alien, transfer or convey to the said mayor, aldermen and commonalty, all their said water-works, pipes, conduits, canals, and all matters and things appertaining to the same, and the real estate appurtenant to the said works, and also all their right to supply the said city with water; and to lease, demise, grant, bargain, sell, assign, alien, transfer or convey the same, either absolutely in fee simple or otherwise, by good and sufficient conveyances in the law, and on such terms as may be agreed upon by the said parties; and that it shall and may be lawful for the said mayor, aldermen and commonalty to acquire, take and hold the same: *And further,* That the same shall and may be done without any prejudice to the other rights and powers of the said president and directors in any respect whatever, and that all the said other rights and powers as vested in them by the act to which this is supplementary, shall continue to the said president and directors, without any obligation on their part to supply the said city with water, and without being drawn into question in any respect whatsoever.
- 2 II. *And be it further enacted,* That in case the said lease, purchase, sale, transfer or conveyance shall be completed, the said mayor, aldermen and commonalty, and any person or persons employed by them, or acting under their authority, shall, from and after the completing thereof, have and enjoy all and singular the powers, privileges, authorities and rights which are granted to the said president and directors, and to any person or persons acting under them, by the fourth, fifth, sixth and seventh sections of the said act, to which this is supplementary, as fully and particularly as if the same were herein repeated and specified; save and except what is contained in the said seventh section of the said act relative to the power of agreeing with the corporation of the said city, regarding the rates at which the said water shall be paid for.
- 3 III. *And be it further enacted,* That in case the said lease, purchase, sale, transfer or conveyance shall be completed, if any person or persons shall, after the completing thereof, wilfully do or cause to be done any act whatever, whereby the water-works, belonging to the said mayor, aldermen and commonalty, or any pipe, conduit, canal, water-course, mound, plug, cock, reservoir, dike or any engine, machine or structure, or any matter or thing appertaining to the same, shall be stopped, obstructed, impaired, weakened or injured, the person or persons so offending, shall forfeit and pay to the said mayor, aldermen

and commonalty, treble the amount of the damage sustained by means of such offence or injury, to be recovered by such mayor, aldermen and commonalty, with costs of suit, and by action of debt, in the supreme court of judicature of this state ; which action shall in every instance be considered as transitory in its nature, and shall and may be triable in any county in this state.

IV. *And be it further enacted,* That if the said lease, purchase, sale, transfer or conveyance shall take effect, the said president and directors of the Manhattan company shall not be in any wise responsible, affected or liable to be called in question for, or in consequence of any thing mentioned or enacted in the proviso contained in the said seventh section of the said act, to which this is supplementary, or in the eighth section of this act. 4

V. *And be it further enacted,* That if the said lease, purchase, sale, transfer or conveyance shall be completed, it shall and may be lawful for the said president and directors of the Manhattan company, to employ the whole of their capital in like manner as they are permitted by the said act to which this is supplementary, to employ their surplus capital. 5

VI. *And be it further enacted,* That the bills obligatory and of credit under the seal of the said corporation of the president and directors of the Manhattan company, which shall be made to any person whatever, shall be assignable by endorsement thereupon, under the hand of such person or his assignee, so as absolutely to transfer and vest the property thereof in such assignee, and to enable such assignee to bring and maintain an action thereupon in his own name ; and all bills or notes which may be issued by order of said president and directors, for the payment of money to any person whatever, or his order, or to bearer, though not under the seal of the said corporation, shall be binding and obligatory upon the said corporation, in like manner, and with like force and effect as upon any private person if made by him, and shall be assignable and negotiable in like manner as if made by such private person. 6

VII. *And be it further enacted,* That it shall and may be lawful for the said president and directors of the Manhattan company to hold such lands, tenements and hereditaments as shall be requisite for its immediate accommodation in relation to the convenient transacting of its business, or such as shall have been bona fide mortgaged to them by way of security, or conveyed to them in satisfaction of debts previously contracted in the course of their dealings, or purchased at sales upon judgments which shall have been obtained for such debts ; *And further,* That the said president and directors shall be at all times capable of leasing, parting with, conveying or transferring the same. 7

VIII. *And be it further enacted,* That the time specified in the proviso, contained in the seventh section of the act to which this is supplementary, shall be and hereby is extended to ten years from the passing of this act, before the expiration whereof the said company shall not be affected by or liable to be called in question for or in consequence of any thing mentioned or enacted in the said proviso. 8

IX. *And be it further enacted,* That in case the sale authorized by this act is made, the duration of the Manhattan company shall be limited to the term of thirty years from and after the completion of such sale. 9

X. *And be it further enacted,* That this state shall have a right to 10

subscribe any number of shares to be held in the said company, not exceeding in the whole one thousand shares, at any time within ten years from the passing of this act ; and the capital stock of the said company shall be augmented to the amount of the shares so subscribed by the state.

- 11 XI. *And be it further enacted*, That this act, and the act to which it is supplementary, be and they are declared to be public acts, and that they and each of them be construed benignly and favorably in all courts and places whatever, for every purpose therein intended.

## C H A P. XC.

### CONTENTS.

2. Assembly, members of, to be chosen in the several counties.
1. Senators, number to be chosen in each district at the ensuing election.
3. Votes, returns of, how made where two counties elect one member.

**AN ACT** *apportioning the Representation in the Legislature, according to the Rule prescribed in the Constitution.*

Passed April 1, 1808.

- 1 I. **B**E it enacted by the People of the State of New-York, represented in Senate and Assembly, That the electors of senators in the southern, middle, eastern and western districts of this state, shall, at the next general election therein, be entitled to elect and choose nine senators, to wit ; two in the southern district, one in the middle district, one in the eastern district, and five in the western district ; and the clerk of the senate is hereby directed to give notice of the elections accordingly, and to countermand such notices which he may have already given.
- 2 II. *And be it further enacted*, That until another census shall be taken by order of the legislature, or other provision be made in the premises, the electors in the several counties in this state, shall be entitled to elect and choose at the next general election therein, and annually thereafter, the number of members of assembly following, to wit : Suffolk three, Queens three, Kings one, Richmond one, New-York eleven, Westchester three, Rockland one, Orange four, Ulster four, Dutchess six, Delaware two, Greene two, Columbia four, Rensselaer four, Washington five, Essex one, Clinton and Franklin one, Saratoga four, Albany six, Schoharie two, Montgomery five, Herkimer three, Oneida five, Otsego four, Chenango three, Madison three, Tioga one, Broome one, Onondaga three, Cayuga three, Ontario five, Steuben and Allegany one, St. Lawrence one, Genesee one, Niagara one, Seneca one, Lewis one, and Jefferson two.
- 3 III. *And be it further enacted*, That in all cases where two counties are authorized by law to elect one member of assembly, the certificates or returns of the votes taken in the respective towns in the county, containing the least number of electors, by the census, shall be delivered to the clerk of such smaller county, and be by him estimated and canvassed, and a transcript of such canvass shall be by him transmitted to the clerk of such larger county, before the time appointed by law for certifying the election of members of assembly, who shall estimate and canvass the votes contained in such certificates, in like manner as if the same had been given in such larger county.