

New York (State) Laws, Statutes, etc.

L A W S

OF THE

STATE OF NEW YORK

1873-75

PASSED AT THE

SESSIONS OF THE LEGISLATURE

HELD IN THE YEARS

1797, 1798, 1799 and 1800, inclusive,

*BEING THE TWENTIETH, TWENTY-FIRST, TWENTY-SECOND AND
TWENTY-THIRD 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 IV.



ALBANY:

WEED, PARSONS AND COMPANY, PRINTERS.

1887.

CHAP. 83.

AN ACT to enable certain persons therein named to purchase and hold real estates within this State.

PASSED the 1st of April, 1799.

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 David Little, Joseph Sprowls, William Sprowls, John Little, John Campbell, William Cooper, Robert Vance, James Dickson, John Barry, William Barry, James O'Neil, John O'Neil, James McVickar, Donald McDonald, Robert W. Jones, Anthony Theodore Braun, John Scott, William Thompson, Thomas Gourley, Hugh Scott, John Arnold, James Devin, Louis LeGuen, George Alexander, Joseph Alexander, William James, Joseph Scott and Hannah his wife, John Nixon, John Meadon, William Henry Blood, William Story, John McNish, Alexander Hunter, Alexander Welsh, Thomas Welsh, and William Welsh, severally to purchase lands, tenements and hereditaments within this State and respectively to have and to hold the same, as also all lands tenements and hereditaments by them severally purchased before the passing of this act, to them, their respective heirs and assigns forever, as fully as any natural born citizen, may or can do, any law or usage to the contrary notwithstanding.

Persons named may hold lands in this State.

And be it farther enacted, That no lands, tenements or hereditaments heretofore purchased by any of the persons herein before named, shall escheat to the people of this State on account of the alienism of such person, but all such lands, tenements and hereditaments are hereby declared to be vested in such purchaser or purchasers, his, her, or their heirs or assigns, any law to the contrary notwithstanding. *Provided always* that no alienation of any lands, tenements, and hereditaments purchased or to be purchased or held by virtue of this act, shall be good and effectual in the law other than to a citizen or citizens of the United States.

Lands previously purchased not to be forfeited.

CHAP. 84.

AN ACT for supplying the city of New York with pure and wholesome water.

PASSED the 2d of April, 1799.

WHEREAS Daniel Ludlow and John B. Church together with sundry other citizens of this State have associated for the purpose of supplying the city of New York with water for the use of such of the inhabitants thereof and others, as may be inclined to take the same, and have with a view to further this laudable design, and to divide the hazards attendant thereon, set on foot a subscription, and actually subscribed considerable sums of money thereto, upon condition that the legislature should deem it expedient to grant them support and encouragement, by giving them and such others as shall hereafter subscribe and join their association, a suitable charter of incorporation, as doth appear by their several petitions to the legislature; to the end therefore, that the

Preamble.

said Daniel Ludlow and John B. Church, and their present and future associates, may be encouraged to proceed to carry into effect their laudable undertaking, which promises under the blessing of God, to be conducive to the future health and safety of the inhabitants of the said city

Manhattan
Company
incor-
porated.

Be it enacted by the People of the State of New York represented in Senate and Assembly, That Daniel Ludlow, John B. Church, John Watts, Joseph Browne and their present and future associates, their successors and assigns, be and they are hereby created a body corporate and politic by the name of the "President and Directors of the Manhattan Company" and are hereby ordained, constituted and declared to be for ever hereafter, a body politic and corporate in fact and in name, and by that name, they and their successors shall and may have continual succession, and shall be persons in law capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended in all courts and places whatsoever, in all manner of actions, suits, complaints, matters and causes whatsoever; and that they and their successors may have a common seal and make, change and alter the same at their pleasure; and also that they and their successors by the same name and stile, shall be in law capable of purchasing, holding and conveying any estate real and personal for the use of the said corporation. *Provided* that the real estate so to be holden shall be such only as shall be necessary to promote or attain the objects of this incorporation.

Capital
stock.

And be it further enacted, That the capital stock of the said corporation shall not exceed two millions of dollars, and that a share in the said stock shall be fifty dollars; and that subscriptions to the said capital stock shall be opened and kept open under the direction of the said president and directors until the whole number of shares subscribed, together with those already subscribed shall amount to thirty nine thousand shares, and shall further be kept open as aforesaid for the term of thirty days thereafter for the benefit of such persons as may choose to subscribe for not more than two shares; that it shall and may be lawful for the mayor aldermen and commonalty of the city of New York, to subscribe to the said stock any number of shares not exceeding two thousand.

Directors;
elections.

And be it further enacted, That the stock, property and concerns of the said company shall be conducted and managed by thirteen directors, stockholders and citizens of the said city of New York, of which directors the recorder of the said city of New York for the time being shall always, ex officio, be one, which directors shall hold their offices for one year from the second Tuesday in December in every year; and twelve of the said directors shall be elected on the first Tuesday in December in every year, at such time of the day, and at such place within the city of New York, as a majority of the directors for the time being shall appoint; and public notice shall be given by the said directors not less than thirty days previous to the time of holding the said election by an advertisement to be inserted in at least two of the public news-papers printed in the said city of New York; and the said election shall be made by such of the stockholders of the said company as shall attend for that purpose in their proper persons or by proxy and all elections for directors shall be by ballot; and the twelve persons who shall have the greatest number of votes at any election shall be the directors. And if it shall happen at any election that two or more persons have an equal number of votes in such manner that a greater number of persons than twelve shall by plurality of votes appear to be

chosen as directors, then the said stockholders herein before authorized to vote at such elections shall proceed to ballot a second time, and by plurality of votes determine which of the persons so having an equal number of votes shall be the director or directors, so as to complete the whole number of twelve. And the said directors, as soon as may be after their election shall proceed in like manner to elect by ballot one of their number to be their president; and if any of the directors so to be elected shall at any time remove out of the city of New York, the office of such director or directors shall be considered as vacant; and if any vacancy or vacancies shall at any time happen among the directors, by death, resignation, removal or otherwise, such vacancy or vacancies shall be filled for the remainder of the year in which they may happen, by such person or persons as the remainder of the directors for the time being, or the major part of them, shall appoint. That the first directors shall be Daniel Ludlow, John Watts, John B. Church, Brockholst Livingston, William Edgar, William Laight, Paschal N. Smith, Samuel Osgood, John Stephens, John Broome, John B. Coles and Aaron Burr, who shall hold their offices until the second Tuesday in December next. And the said first directors, at their first meeting shall proceed to appoint their president.

President.

First directors.

And be it further enacted, That the directors shall have power to appoint the time and place of all meetings for the dispatch of business, to appoint all such officers, agents and servants, as they shall deem necessary for carrying into effect the powers by this act vested in the said company, and to establish rules and regulations for and concerning the conduct and government of such officers, agents and servants.

Officers, agents and servants.

And be it further enacted That it shall be lawful for the said company and any person or persons employed by them or acting under their authority, to enter into and upon and freely to make use of any land which they shall deem necessary for the purpose of conducting a plentiful supply of pure and wholesome water to the said city, and to erect any dams or other works across or upon any stream or streams of water, river or rivers, or any other place or places where they shall judge proper, for the purpose of raising such stream or streams, or turning the course thereof, or of making use of such streams, rivers or places for constructing or working of any necessary engines, and to construct, dig or cause to be opened any canals or trenches whatsoever, for the conducting of such stream or streams or any other quantity of water, from any source or sources that they may see fit, and to raise and construct such dikes, mounds or reservoirs as they may judge proper for securing and conveying such supply of water as aforesaid to the said city, and to survey and lay out all such lands and streams, as they may think proper in order to ascertain the best mode of furnishing such supply and the best and most productive streams and sources or fountains of water for that purpose, and to lay and conduct any number of pipes, conduits or aqueducts through or over any of the said lands or any rivers or streams of water as they may see fit to or towards the said city, and in any and every part of the said city, and to agree with the owner or owners of any mills, lands, tenements or hereditaments that may be damaged or affected by any of the said operations for and about a reasonable compensation to be made to him, her or them for such mills, lands, tenements or hereditaments or the use thereof, as may be used or occupied for the purposes aforesaid or any of them, or for any damage which he, she or they or any of them may sustain by the employing, diverting or obstructing any such

Power of entering upon lands; appraisal of value.

stream or streams, or using any such lands, or the cutting, laying, raising or making any such reservoirs, aqueducts, canals, trenches, pipes, conduits, dikes or mounds as aforesaid; but in case of disagreement, or in case the owner or owners of such mills, lands, tenements, or hereditaments shall be feme covert, under age, non compos mentis, or out of the State, then it shall be lawful for the judges of the supreme court of this State, or any one of them, (not being an inhabitant of the said city) upon the application of either party, to nominate and appoint three indifferent persons, to view, examine and survey the said mills, lands, hereditaments and tenements, and to estimate the injury sustained as aforesaid, and to report thereupon to the said court without delay, and upon the coming in of such report, and the confirmation thereof by the said court, the said president, directors and company shall pay to the said owners respectively, the sum mentioned in such report, in full compensation for the said mills, lands, hereditaments and tenements, or for the injury sustained as aforesaid, as the case may be, and upon such payment the said president, directors and company shall be and become seized in fee of all such mills, lands, hereditaments and tenements as they shall have taken possession of and paid for as aforesaid, and they and all those who have acted under them, shall be acquitted from, and freed from responsibility for or on account of any such injury.

Damages
to lands.

And be it further enacted, That it shall be lawful for the said company hereby incorporated, and for all and every person or persons employed by or under them, for the purposes contemplated by this act from time to time to enter upon any lands contiguous or near to said streams, fountains, aqueducts, dams or other works, or the places which may be selected for and intended to be used and employed for the same, with carts, waggons or other carriages and beasts of draught and burthen, and all necessary tools and implements both for executing and making and also for altering and repairing the said works or any of them, and to take and carry away any timber stone, clay, gravel, sand or earth from the same, for the making altering or repairing the said works or any of them, subject always to the making of compensations for all damages thereby occasioned, either by agreement of parties, or in the mode herein before prescribed.

By-laws
and ordi-
nances.

And be it further enacted, That it shall be lawful for the president and directors of such company from time to time to make and establish such bye-laws and ordinances as they may think fit and proper, and as may be consistent with the constitution and laws of this State and of the United States, for conducting and managing the affairs of the said company, and for conducting and preserving the said works and every of them, and for conveying, employing distributing and disposing of the water so to be conducted as aforesaid, and for carrying into effect all the objects and purposes of the said incorporation; and may also agree with the corporation of the city of New York, the inhabitants of the said city and others choosing to take or use the said water, regarding the rates at which the same shall be paid for. *Provided* that the said company shall within ten years from the passing of this act furnish and continue a supply of pure and wholesome water sufficient for the use of all such citizens dwelling in the said city as shall agree to take it on the terms to be demanded by the said company, in default whereof the said corporation shall be dissolved.

Other busi-
ness may
be engaged
in.

And be it further enacted, That it shall and may be lawful for the said company to employ all such surplus capital as may belong or accrue to the said company in the purchase of public or other stock, or

in any other monied transactions or operations not inconsistent with the constitution and laws of this State or of the United States for the sole benefit of the said company.

And be it further enacted, That it shall be lawful for the said directors to call and demand from the stockholders respectively all such sums of money by them subscribed or to be subscribed, at such times and in such proportions as they shall see fit, under pain of forfeiture of their shares, and of all previous payments thereon to the said president, directors and company.

Assessments on stockholders.

And be it further enacted, That if any person or persons shall willfully do or cause to be done any act whatsoever whereby the said works, or any pipe, conduit, canal, water-course, mound, plug, cock, reservoir, dyke, 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 company, treble the amount of the damages sustained by means of such offence or injury, to be recovered by such company 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 liable in any county in this State.

Willful damage to pipes and conduits.

CHAP. 85.

AN ACT to amend the act entitled "An act for the relief of debtors with respect to the imprisonment of their persons."

PASSED the 2d of April, 1799.

Be it enacted by the People of the State of New York represented in Senate and Assembly, That so much of the fourth section of the act entitled "An act for the relief of debtors with respect to the imprisonment of their persons," as authorizes the detaining in gaol any prisoner or prisoners, who is or are already, or hereafter may be entitled to be discharged from imprisonment under the provisions in the said section, upon the payment of the weekly sum therein mentioned by the creditor or creditors of such prisoner or prisoners shall be and hereby is repealed. And every prisoner who hath or may comply with the directions of the said fourth section of the said act, shall be discharged from imprisonment, any thing therein to the contrary notwithstanding.

Part of act recited repealed; certain prisoners to be discharged.

And be it further enacted That every person who now is, or hereafter shall be confined in gaol on execution, and shall have remained in gaol the space of three calendar months, shall be entitled to the benefit of the act herein before mentioned, although the sum or sums of money for which such person is or shall be charged in execution shall exceed the sum of two hundred pounds. *Provided* that the several sums for which such person is charged in executions shall not collectively exceed the sum of two thousand five hundred dollars,

Certain persons may have benefit of act.