

THE
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OF THE
STATE OF NEW-YORK,

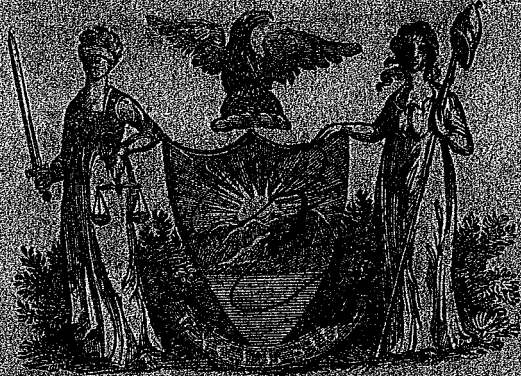
PASSED AT THE
THIRTY-FIRST SESSION

OF THE
Legislature:

Tracy

B
BEGUN AND HELD AT THE CITY OF ALBANY, THE TWENTY-
SIXTH DAY OF JANUARY, 1808.

June 13 1810 after finalization



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1808.

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of the moneys arising from the forfeitures of such recognizances. A. D. 1808.

And be it further enacted, That the said court of oyer and terminer and general gaol delivery, and general sessions of the peace, shall have a seal to be devised by the said clerk, and the description of the same in writing shall be deposited and recorded in the office of the secretary of this state, and remain a public record; and that all process issued by the said court shall be signed by the said clerk and sealed with the said seal.

Court shall have a seal to be devised by the clerk.

Process to be signed by the clerk and sealed.

CHAP. XL.

AN ACT to divide the county of Genesee into several counties, and for other purposes.

Passed March 11th, 1808.

B*E it enacted by the people of the state of New York, represented in senate and assembly,* That all that part of the county of Allegany, lying west of the meridian line, being the division line between the second and third ranges of townships of the Holland Land Company's land, be annexed to the county of Genesee, and that the remaining part of the county of Allegany be and remain a separate county, by the name of Allegany.

A certain part of Allegany annexed to Genesee.

And be it further enacted, That that part of the county of Genesee, bounded east by the meridian line, being the division line between the fourth and fifth ranges of townships of the land aforesaid, north by Lake Ontario, west by the middle of Niagara-river and Lake Erie, and south by

Part of Genesee erected into a county by the name of Niagara.

A. D. 1808. the middle of the main stream of Cattaraugus-creek, from the mouth thereof up to the point in the said creek, at which it is intersected by the division line between the sixth and seventh tiers of townships of the land aforesaid, and thence by that line to the east boundary aforesaid, be erected into a county, by the name of Niagara; and that that part of the county of Genesee, bounded north by the middle of the main stream of Cattaraugus-creek and Lake Erie, west by Lake Erie and the west bounds of the state of New-York, south by the north bounds of Pennsylvania, and east by the meridian line, being the division line between the ninth and tenth ranges of townships of the land aforesaid, and a line to be run from the termination of the said last mentioned meridian line, north, on the same course, till it intersects the north boundary thereof aforesaid, be erected into a county, by the name of Chautauque; and that that part of the county of Genesee, bounded north by the division line, being part of the south bounds of the county of Niagara, west by the east bounds of the county of Chautauque aforesaid, south by the north bounds of Pennsylvania, and east by the west bounds of the county of Allegany aforesaid, be erected into a county, by the name of Cattaraugus; and that the remaining part of the county of Genesee be and remain a separate county, by the name of Genesee. Which said counties of Niagara, Chautauque and Cattaraugus shall have the like powers and privileges as other counties in the state possess and enjoy: *Provided,*

County of
Chautauque e-
rected.

County of Cat-
taraugus e-
rected.

Proviso,

That the said counties of Chautauque and Cattaraugus shall be organized and for all county purposes shall act in conjunction with the county of Niagara, as a part thereof, and shall respectively remain so organized until they shall respectively contain five hundred taxable inhabitants, qualified to vote for members of assembly, which shall be ascertained in the following manner, to wit: The supervisors of the said counties of Niagara, Chautauque and Cattaraugus, at their annual meetings, shall ascertain, from the assessment rolls of the towns in the said counties of Chautauque and Cattaraugus, the number of inhabitants of those counties respectively qualified to vote as aforesaid, and when they shall respectively amount to five hundred, the said supervisors shall certify the same, under their hands and seals, to the person administering the government of the state, for the time being, and that thereafter the said counties of Chautauque and Cattaraugus shall respectively be organized as separate counties.

A. D. 1808.

And be it further enacted, That the court-house and jail, in and for the said county of Niagara, be erected in the village of Buffalo, or New Amsterdam, in the said county: *Provided,* the Holland land company, their agent or agents, shall within three years from the passing of this act, and at their sole expense, erect in the said village, a sufficient and suitable building or buildings, for a court house and jail for the said county, and shall legally convey not less than half an acre of land, whereon the same shall be erected, to-

Site of court-house & jail for Niagara established.

Proviso.

A. D. 1808. *gether with the said building or buildings, for the use of the said county.*

Judges of the court of common pleas to be notified when the public buildings are completed.

And be it further enacted, That the said Holland land company, their agent or agents, may, at any time or times within the said period of three years, notify the judges of the court of common pleas for the said county of Niagara, that they have, at their sole expense, erected a sufficient and suitable building or buildings, for a court-house and jail as aforesaid; and the said judges shall thereupon meet together, in the said village of New-Amsterdam, at such time and place as the said Holland land company, their agent or agents, may appoint or direct, not less than ten days after receiving such notification; and the said judges, or a majority of them, shall examine and inspect the said court-house and jail, and provided they shall find the said building or buildings to be erected according to the intent of this act, they shall certify the same under their hands and seals, and shall cause the said certificate to be recorded in the clerk's office of the said county.

Places of holding courts established.

And be it further enacted, That the first court of common pleas and general sessions of the peace, for the said county of Niagara, shall be held at the house of Joseph Landon, in the village of New-Amsterdam, and until the said court-house and jail shall be erected and certified as aforesaid, the said courts of common pleas and general sessions of the peace, for the said county, after the first term of the said courts, shall be held at such place in the said village of New-Amsterdam, as the

judges of the said county of Niagara, or A. D. 1808.
a majority of them, shall appoint.

And be it further enacted, That until the jail of the said county of Niagara shall be erected and certified as aforesaid, the jail of the county of Genesee shall be and remain the jail of the county of Niagara: *Provided however,* That all expenses attending prisoners from the said county of Niagara, while confined in the jail of the said county of Genesee, and their removal to, and from the said jail, shall be defrayed and borne by the said county of Niagara.

Jail of Genesee to be the jail of Niagara for a limited time.

Proviso.

And be it further enacted, That from and after the passing of this act, and from and after the commissioning and appointing of the civil officers of the said county of Niagara, there shall be held, in and for the said county, a court of common pleas and general sessions of the peace, and there shall be three terms of the said court of common pleas, and two terms of the said court of general sessions of the peace, in the said county, in every year. The terms of the said court of common pleas, for the said county, shall begin on the second Tuesday of February, and third Tuesday of June and November, in each year; and the terms of the said court of general sessions of the peace, for the said county, shall begin on the third Tuesday of June and November, in every year, and each of the said courts may continue to be held until the Saturday following, inclusive. And the said courts of common pleas, and general sessions of the peace, shall have the same jurisdiction,

Courts of common pleas and general sessions of the peace established.

44 LAWS OF NEW-YORK, 31st Session.

A. D 1808. powers and authority, in the said county of Niagara, as the courts of common pleas and general sessions of the peace in the other counties of this state have in their respective counties: *Provided always,* That nothing in this act contained shall be construed to affect any suit or action already commenced, or that shall be commenced, in any court of common pleas, or before any justice of the peace, before the holding of the term of the said courts of common pleas and general sessions of the peace, in the said county of Niagara, so as to work a wrong or prejudice to any of the parties therein, or to affect any criminal or other proceedings on the part of the people of this state; but all such civil or criminal proceedings shall and may be prosecuted to trial, judgement and execution, as if this act had never been passed.

Proviso.

Taxes heretofore assessed to be recovered.

And be it further enacted, That all taxes heretofore assessed in the county of Niagara, shall be recovered in like manner as if this act had never been passed.

Governor to appoint commissioners to fix the scite for the court house and jail.

And be it further enacted, That the governor, in his discretion, shall appoint three persons commissioners to explore the counties of Chautauque and Cattaraugus, and designate and fix the scite for a court-house and jail in and for the said counties respectively, within one year from the passing of this act, in writing under their hands and seals, to be filed of record in the clerk's office of the county of Niagara; and that the said commissioners shall receive a reasonable compensation for their services, to be audited and allowed by the supervisors of the said counties re-

respectively, or a majority of them, at their first annual meeting: *Provided*, That the concurrence of any two of the said commissioners, in case of the non-attendance of the other, shall be conclusive in the premises.

A. D. 1808.

And be it further enacted, That the supervisors of the counties of Chautauque and Cattaraugus respectively, at their first annual meeting, after the organization of the said counties respectively, shall direct to be levied on the freeholders and inhabitants of the said counties respectively, as described in the second section of this act, a sum not exceeding fifteen hundred dollars, in each county, for building a court-house and jail in and for the said counties of Chautauque and Cattaraugus respectively, with the addition of five cents on each dollar for collecting the same, which said monies shall be levied and collected in the same manner as the other contingent charges of the said counties shall be levied and collected.

Supervisors to levy the sum of 1500 dols. in each of the counties of Chautauque & Cattaraugus, for the erection of public buildings.

And be it further enacted, That the supervisors in the counties of Chautauque and Cattaraugus respectively, or a majority of them, at their said first annual meeting, after the organization of the said counties respectively as aforesaid, shall contract with such person or persons as they, or a majority of them, shall judge most expedient and proper, for a sum not exceeding fifteen hundred dollars, for erecting the court-house and jail for the said counties of Chautauque and Cattaraugus respectively, at such places as shall be designated and fixed for that purpose by the said commissioners herein before directed to be appointed to designate and fix the same, and in such manner, and on such plan as the

Supervisors authorized to contract for the erection of the public buildings.

A. D. 1808. said supervisors, or a majority of them, shall prescribe; and that the treasurers of the said counties respectively, shall pay to the said contractor or contractors, on the order of the said supervisors, the sum so drawn for, out of the monies that shall be paid to the said treasurers pursuant to this act.

Courts for the
counties of
Chautauque &
Cattaraugus
established.

And be it further enacted, That after the organization as aforesaid, and appointing and commissioning the civil officers for the counties of Chautauque and Cattaraugus respectively, there shall be held, in and for the said counties of Chautauque and Cattaraugus respectively, a court of common pleas and general sessions of the peace; and that there shall be three terms of the said court of common pleas, and two terms of the said court of general sessions of the peace in each county, in every year; the terms of the said court of common pleas to begin on the third Tuesday of February, and the fourth Tuesdays of June and November, and the terms of the said court of general sessions of the peace to begin on the fourth Tuesdays of June and November, in every year, and may respectively continue to be held until the several Saturdays next following, inclusive; and that the said courts respectively, shall have the like power and jurisdiction as the like courts in the other counties in the state have: *Provided always,* That nothing in this act contained shall be construed to affect any action or prosecution already commenced, or that shall be commenced before the holding of the first term of the said courts, in the said counties of Chautauque and Cattaraugus respectively, so as to work a wrong or prejudice to any of the parties therein, or to affect any criminal

Proviso.

or other proceedings, on the part of the people of the state, but all such civil or criminal proceedings may be prosecuted to trial, judgment and execution, as if this act had not been passed.

A. D. 1803.

And be it further enacted, That the said court of common pleas and general sessions of the peace, in and for the said counties of Chautauque and Cattaraugus respectively, shall be held at the court-houses in the said counties respectively, directed to be erected as aforesaid, as soon as the said court-houses respectively shall be finished so as to accommodate the said courts respectively; and that until then the said courts, if any, shall be held at such place in the said counties of Chautauque and Cattaraugus respectively, as the supervisors in the said counties respectively shall appoint, in writing under their hands, which appointments shall be filed with the clerks of the said counties respectively, at least thirty days before the time of holding the said courts respectively, and who respectively shall immediately thereafter cause three copies thereof to be made and put up in three of the most public places in the said counties respectively.

Courts for the said counties to be held at their respective court-houses as soon as completed.

And be it further enacted, That the prisoners of the counties of Chautauque and Cattaraugus respectively, shall be confined in the jail of the county of Genesee, until the jails to be erected in the manner herein before provided, in the said counties of Chautauque and Cattaraugus respectively, shall be finished in such manner as in the opinion of the sheriffs of the said counties of Chautauque and Cattaraugus, for the time being, respectively, will confine their respective prisoners, when it shall be lawful for the said sheriffs

Prisoners of the said counties to be confined in the jail of Genesee for a limited time.

A. D 1808. *respectively to remove and commit their respective prisoners to the jails of their respective counties.*

Declared to be a part of the Western District.

Also a part of the 17th congressional district.

Annexed to certain counties in relation to criminal proceedings.

Circuit courts when to be held.

Deeds relating to real property in the said counties to be at present recorded in Genesee.

And be it further enacted, That the said counties of Niagara, Chautauque and Cattaraugus, shall be considered as part of the western district of this state; and that the said counties of Niagara, Chautauque and Cattaraugus, shall be and remain a part of the seventeenth congressional district in this state.

And be it further enacted, That the said counties of Niagara, Chautauque and Cattaraugus, shall be annexed to the district now composed of the counties of Tioga, Cayuga, Steuben, Ontario, Genesee and Allegany, as it respects all proceedings under the act, entitled "an act relative to district attorneys."

And be it further enacted, That no circuit courts, or courts of oyer and terminer and general jail delivery, shall be held in and for either of the said counties until the same, in the opinion of the justices of the supreme court, be necessary.

And be it further enacted, That until the holding of the first term of the court of common pleas and general sessions of the peace, in the said county of Niagara as aforesaid, all deeds, mortgages and conveyances, or writings relating to real property, situate in the said counties of Niagara, Chautauque and Cattaraugus, shall be recorded in the clerk's office, in the county of Genesee; and after the holding of such first term as aforesaid, in the said county of Niagara, all deeds, mortgages, conveyances and writings, whereby any real estate, situate in either of the said counties may be affected, either in law or equity, shall be recorded in the clerk's office in the said county of Niagara, until the holding of

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the first term of the court of common pleas and general sessions of the peace, in the said counties of Chautauque and Cattaraugus respectively, as aforesaid; and that thereafter, all deeds, mortgages, conveyances and writings, whereby any estate, situate in the said counties of Chautauque and Cattaraugus respectively, may be affected, either in law or equity, shall be recorded in the said counties of Chautauque and Cattaraugus respectively, according to the provisions of an act, entitled "an act concerning the proof of deeds and conveyances." A. D. 1808.

And be it further enacted, That that part of the county of Niagara, lying north of the main stream of Tonndwota creek, and of a line extended west from the mouth of the said creek to the boundary line between the United States and the dominions of the king of Great Britain, be erected into a town by the name of Cambria; and the first town-meeting in the said town shall be held at the house of Joseph Hewit; and that that part of the county of Niagara bounded north by the southern bounds of the said town of Cambria and south by a line to be run west from the meridian line, between the fourth and fifth ranges of townships of land of the Holland land company, through the middle of the Buffalo creek, Indian reservation, to the said boundary line between the United States and the dominions of the king of Great Britain, be erected into a town by the name of Clarence, and the first town-meeting in the said town shall be held at the house of Elias Ran-
son; and that that part of the said county of Niagara, bounded north by the southern bounds of the said town of Clarence, east by

Town of Cambria, in Niagara, erected.

Town of Clarence erected.

A. D. 1808. the bounds of Allegany and Genesee, south by the main stream of Cattaraugus-creek, west by a line extended north from the mouth of the said creek to to the boundary line between the United States and the dominions of the king of Great-Britain, and north west by the said boundary line, be erected into a town by the name of Willink, and the first town-meeting in the said town, shall be held at the house of David Eddy.

Town of Willink erected.

Town of Pomfret, in Chautauque, erected.

Town of Chautauque erected.

Town of Olean consisting of the county of Cattaraugus, erected.

And be it further enacted, That that part of the county of Chautauque lying east of a line to be run, beginning on the Pennsylvania line, with the meridian, being the division line between the eleventh and twelfth ranges of townships of the land aforesaid, and running north on the said meridian till it intersects the division line between the fourth and fifth tiers of townships of the land aforesaid; thence west on the last mentioned division line till it intersects the meridian, being the division line between the twelfth and thirteenth ranges of townships of the land aforesaid; and thence north on the said last mentioned meridian to the boundary line between the United States and the dominions of the king of Great-Britain, be erected into a town by the name of Pomfret; and that the first town-meeting, in the said town of Pomfret, be held at the dwelling-house of Elisha Mann; and that the remaining part of the said county be erected into a town by the name of Chautauque, and the first town-meeting, in the said town of Chautauque, be held at the dwelling-house of John Scott.

And be it further enacted, That the county of Cattaraugus be erected into a town by the name of Olean, and that the first town-

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meeting, in the said town of Olean, be held at the dwelling-house of Joseph M'Clure, in said town. A. D. 1808.

And be it further enacted, That so much of this act as relates to the forming of new towns shall take effect from and after the day preceding the first Tuesday of April next.

Towns erected from 1st Tuesday of April next.

CHAP. XLIII.

AN ACT to divide the county of Clinton, and for other purposes.

Passed March 11th, 1808.

BE it enacted by the people of the state of New-York, represented in senate and assembly, That all that part of the county of Clinton, lying west of a line beginning in the line of said county of Clinton, between number six and seven of the old military townships, and running from thence southerly, along the east line of number seven, eight, nine, ten and eleven, of the old military townships aforesaid, to the north line of the county of Essex, shall be and is hereby erected into a separate county, by the name of Franklin; and the residue of said county of Clinton, lying east of the aforesaid line, shall be and remain a separate county, by the name of Clinton.

Part of Clinton erected into a county by the name of Franklin.

And be it further enacted, That there shall be holden, in and for the said county of Franklin, a court of common pleas and general sessions of the peace; and that there shall be two terms of the said courts in the said county, in every year, to com-

Courts to be holden therein.