

L A W S
OF THE
State of New-York,
PASSED AT THE FORTY-SECOND, FORTY-THIRD AND
FORTY-FOURTH SESSIONS
OF THE
LEGISLATURE.
From January 1819 to April 1821.

—
VOL. V.



ALBANY:

PUBLISHED BY WILLIAM GOULD & CO. LAW BOOK-SELLERS,
NO. 94 STATE-STREET, AND GOULD & BANKS, LAW BOOK-
SELLERS, CORNER OF NASSAU AND SPRUCE-STREETS,
OPPOSITE THE CITY-HALL, NEW-YORK.

Packard & Van Benthuyzen, Printers.

.....
1821.

CHAP. LVIII.

AN ACT to erect a new county, by the name of Livingston, out of parts of the counties of Ontario and Genesee, and for other purposes.

Passed February 23, 1821.

County of
Livingston
erected.

I. *BE it enacted by the People of the State of New-York, represented in Senate and Assembly,* That all that part of the counties of Ontario and Genesee, beginning at the southeast corner of the town of Springwater, thence west along the south line of the towns of Springwater and Sparta, in the county of Ontario ; thence west along the south line of Mount Morris, to the southwest corner of said town, in the county of Genesee ; thence north along the west line of the towns of Mount Morris, Leicester, York, and so far on the west line of the town of Caledonia, as that a line drawn due east will strike one mile north of the house of Peter Bowen, in said town ; thence due east through the town of Caledonia to the centre of Genesee river ; thence along the centre of the river to the mouth of the Honeoye creek ; thence eastwardly along the centre of said creek through the town of Rush ; thence to the northwest corner of the town of Lima, and along the north and east line of the town of Lima, so far as said town is bounded by the Honeoye creek ; thence along the south line of Lima to the northeast corner of the town of Livonia ; thence along the east line of the towns of Livonia and Freeport to the town of Springwater ; thence east along the north line of Springwater to its northeast corner ; thence south along the east line of said town to the place of beginning, shall be a separate county, to be called and known by the name of Livingston.

Courts.

II. *And be it further enacted,* That there shall be held in and for the county of Livingston, a court of common pleas and a court of general sessions of the peace, to be held in three terms, to commence as follows, to wit : the first term of the said courts shall begin on the last Tuesday of May, and the second term of the said courts shall begin on the last Tuesday of September, and the third term of the said courts shall begin on the last Tuesday of January in each and every year ; and the said courts of common pleas shall have the same jurisdiction, powers, and authority in the said county, as courts of common pleas and general sessions of the peace in the other counties of this state have in their respective

Proviso.

counties : *Provided,* That nothing in this act contained, shall be construed to affect any suit or action in any court whatever already commenced, or that shall be commenced before the first day of April next, so as to work a wrong, or to prejudice the parties therein, or to affect any criminal or other proceedings on the part of the people of this state ; but all such civil and criminal proceedings shall and may be prosecuted to trial, judgment and execution, as if this act had not been passed : *And provided also,* That no proceedings, before any judge or commissioner authorised to act under the insolvent laws of this state, now pending, or that may be pending on the first day of April next, shall in any man-

Proviso.

ner be affected by the passage of this law, or the law erecting the county of Monroe.

III. *And be it further enacted*, That the said courts of common pleas and general sessions of the peace, in and for the said county of Livingston, shall be held in the brick academy in the village of Geneseo, until the court-house in and for said county shall be erected, and so far completed as to be, in the opinion of the judges of the court of common pleas in and for said county, convenient to hold their courts therein; and the said courts of common pleas and general sessions of the peace, shall thenceforth be holden in and for said county, in said court-house. Courts where to be held.

IV. *And be it further enacted*, That the freeholders and inhabitants of the said county of Livingston, shall have and enjoy all and every the same rights, powers and privileges, as the freeholders and inhabitants of any of the counties of this state are by law entitled to have and enjoy. Privileges.

V. *And be it further enacted*, That it shall and may be lawful, for all courts and officers of said county of Livingston, in all cases civil and criminal, to confine their prisoners in the gaol of the county of Ontario, and that it shall not be the duty of the justices of the supreme court to hold a circuit in the said county of Livingston, until the expiration of one year, unless in their judgment they shall deem it necessary. Prisoners.

VI. *And be it further enacted*, That the said county of Livingston shall be entitled to elect one member of the assembly, and the county of Ontario shall be entitled to choose five members of assembly, in the same manner as the other counties within this state are by law entitled. One member of assembly.

VII. *And be it further enacted*, That it shall be the duty of the supervisors and county treasurers of the said counties of Ontario, Genesee, and Livingston, to meet on the second Tuesday of June next, at the house of James Ganson, in the town of Avon, in the county of Livingston, and apportion all the monies in the hands of the respective treasurers of the counties of Ontario and Genesee, as to them or a majority of them, shall appear to be just and equitable. Monies to be apportioned.

VIII. *And be it further enacted*, That all that part of the township of Caledonia, which lies within the county of Livingston, as before directed, shall be a separate town by the name of Caledonia, and the first town meeting shall be held at the house of Peter Bowen, in said town; that all that part of the township of Rush, which lies in the county of Livingston, according to the line as herein before mentioned, shall be and is hereby annexed to the town of Avon. Caledonia.

IX. *And be it further enacted*, That it shall be the duty of the commissioners of common schools, in the several towns which are divided by this act, to meet at the same time and place where the supervisors and overseers of the poor are directed to meet, and make an equitable apportionment of the monies in their hands, if any there be. Common schools.

X. *And be it further enacted*, That the court-house and gaol of the county of Livingston, shall be erected at such place in said county as commissioners shall designate, and that Gamaliel H. Barstow, Archibald S. Clarke, and Nathaniel Garrow, are hereby Court house and gaol.

appointed commissioners for that purpose, whose duty it shall be to meet on the second Tuesday of May next, at the house of James Ganson, in the town of Avon, and then proceed to examine, establish, and fix the site for such court-house and gaol, whose decision shall be conclusive in the premises; and that the said commissioners shall be entitled to receive three dollars per day, for every day they may be necessarily employed in said service, which sum shall be levied, collected and paid as part of the contingent expenses of the said county of Livingston: *Provided further*, That a suitable and convenient lot for said court-house and gaol shall have been first conveyed to the supervisors of said county and their successors for ever: *And provided further*, That whenever the gaol, in and for said county of Livingston, shall be so far complete, as in the opinion of the sheriff of the said county it will be safe to remove the prisoners thereto, it shall and may be lawful for said sheriff to remove all his prisoners then confined in the gaol of the county of Ontario, or on the limits thereof, to the said gaol in the county of Livingston, and such removal shall not be considered an escape.

Money to be assessed.

XI. *And be it further enacted*, That the supervisors of the several towns in the county of Livingston, for the time being, or a majority of them, shall be and are hereby authorised and required at their first annual meeting, to ascertain, determine and declare what sum is fit and proper to be raised and levied on the freeholders and inhabitants of the said county, for the purpose of erecting and finishing a court-house and gaol for said county; and they are further authorised and required, at their first annual meeting, to divide the sum that shall have been determined as fit and proper to be raised and levied on the freeholders and inhabitants of said county, for the purpose of erecting and finishing a court-house and gaol for said county, into three equal parts; and they shall at the first, and two succeeding annual meetings, be and they are hereby authorised and required to direct to be raised and levied, on the freeholders and inhabitants of the said county, at each of their said meetings, one equal third part of the sum they shall have so declared as fit and proper for erecting and finishing a court-house and gaol for said county.

Commissioners.

XII. *And be it further enacted*, That William Wadsworth, Daniel H. Fitzhugh, and William Markham, shall be, and are hereby appointed commissioners to superintend the building of said court-house and gaol, in said county of Livingston, and shall account to the supervisors of said county for all monies which they may have received, whenever thereunto required: *Provided*, That the commissioners shall first have given bonds, with approved security, to the said supervisors, for the faithful performance of the trust reposed in them, and that the said commissioners shall receive one dollar and fifty cents per day, for their services, for each day they may be actually employed in the duties of their said office, which said accounts shall be audited by the board of supervisors, and paid as other contingent charges of the county.

May contract with workmen.

XIII. *And be it further enacted*, That the said commissioners, or a majority of them, may contract with the workmen, and purchase materials for building said court-house and gaol, or may cause the said court-house and gaol to be built in any other way

they may deem for the best interest of the county, and shall from time to time draw upon the treasurer of the said county for such sums of money, for the purposes aforesaid, as shall come into the treasury by virtue of this act, and the treasurer is hereby required out of the monies aforesaid, to pay to the order of the said commissioners, the several sums of money to be by them drawn for, and it is hereby made the duty of the said commissioners to account with the supervisors of the said county for the monies which they shall have received from the treasury when thereunto required.

XIV. *And be it further enacted*, That it shall be lawful for the treasurer of the county of Livingston to retain in his hands one cent on each dollar, for his trouble in receiving and paying out the monies directed to be raised in the said county by this act. Treasurer's fees.

CHAP. LIX.

AN ACT to alter the time of holding Town Meetings, in the town of Pembroke, in the county of Genesee.

Passed February 23, 1821.

BE it enacted by the People of the State of New-York, represented in Senate and Assembly, That the annual town meetings in the town of Pembroke, in the county of Genesee, shall hereafter be held on the first Tuesday of April annually ; and that all such town officers, whose duty it was to meet on the last Tuesday in February, shall meet on the last Tuesday in March, in every year, to do and transact such business as to their respective offices may appertain. First Tues- day of April, town meet- ing held.

CHAP. LX.

AN ACT for the relief of the Wardens and Vestry of St. George's Church, in the city of Schenectady.

Passed February 23, 1821.

WHEREAS the wardens and vestry of St. George's church, in the city of Schenectady, were, previous to the year of our Lord one thousand eight hundred and eleven, seised in fee of a farm in the town of Princetown in said county : That on the fourth day of July, in the said year, they entered into a contract for the sale of the same to Solomon Kelly : That they are desirous of conveying their title to the said land in pursuance of their contract, which they have recently been informed they are not authorised to do without legislative aid, and have prayed that they may be authorised to sell and convey the same : Therefore, Preamble.

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 wardens and vestry of St. George's church, in the city of Schenectady, to sell and convey to Solomon Kelly, all the right and title which the said wardens and vestry of St. George's Certain lands may be conveyed to S. Kelly.