LAWS

OF THE

STATE OF NEW YORK

PASSED AT THE

SESSION OF THE LEGISLATURE

HELD IN THE YEAR

1801,

BEING THE TWENTY-FOURTH SESSION.

(INCLUDING THE ACTS COMMONLY CALLED REVISED ACTS OF THAT SESSION.)

REPUBLISHED BY THE SECRETARY OF STATE, PURSUANT TO CHAPTER THREE HUNDRED AND FORTY-ONE OF THE LAWS OF EIGHTEEN HUNDRED AND EIGHTY-FIVE.

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account and inventory that the annual revenue of any church, congregation or religious society in either of the said cities exceeds the sum which by virtue of any charter or law they may or can respectively hold and enjoy, it shall be the duty of the chancellor justice or judge before whom the same shall be so exhibited to report the same together with such account and inventory to the legislature at their next meeting.

Churches chartered by Colony of New York.

And be it further enacted, That it shall be lawful for every religious corporation, created by letters patent under the great seal of the Colony of New York, to have, hold and enjoy lands, tenements, goods and chattels of the yearly value of three thousand dollars although the letters patent by which such corporation was created, should contain a clause or clauses restricting and limiting the annual revenue and income of such corporation to a less sum than the said three thousand dollars.—

Corporations heretofore organized.

And be it further enacted, That every corporation of any church, congregation or religious society heretofore made in pursuance of any law of this State and in conformity to the directions contained in this act shall be and the same is hereby established and confirmed and such corporation shall be deemed to have commenced from the time of recording such certificate as aforesaid, and in case of the dissolution of any such corporation or of any corporation hereafter to be formed in pursuance of this act by reason of a non compliance with the directions herein contained the same may be re-incorporated in the manner prescribed in this act at any time within three years after such dissolution, and thereupon all the estate real and personal formerly belonging to the same shall vest in such corporation as if the same had not been dissolved; *provided* that in such case the said account and inventory required to be exhibited by such corporation in the cities of New York, Albany and Schenectady shall be exhibited within one month after such re-incorporation and triennially thereafter as above directed.

Methodist Episcopal Church in New York city.

And be it further enacted, That the corporation of the Methodist Episcopal Church in the city of New York shall be and hereby are authorised to continue to elect nine trustees of the said corporation in the same manner as if that number of trustees had originally been named in the certificate of incorporation, and such trustees shall be classed or continue to be classed in the manner prescribed by the sixth section of this act.—

CHAP. 80.

AN ACT for the more effectual prevention of fires and to regulate buildings in the city of New York.—

PASSED the 27th of March, 1801.

Restrictions on buildings within certain limits.

Be it enacted by the People of the State of New York, represented in Senate and Assembly, That all dwelling houses, store houses and other buildings which from and after the passing of this act shall be built or erected within the city of New York, that is to say, within that part of the said city to the northward of the point of the battery, and included between the said point of the battery, and a line beginning upon the East river in a direct line from the corner of Montgomery and Cherry streets, thence down Cherry street to Pearl street, thence down Pearl street to Beekman street, thence through Beekman street to Chatham row, thence down Chatham row and across Broadway to Partition street; thence through Partition street across Greenwich and Washington streets

to Hudson's river, including also the lots of ground on the northwardly and eastwardly sides of the said streets, through which the above mentioned line runs, shall be made and constructed of stone or brick, with party or fire walls, rising at least six inches above the roof, and shall be covered, except the flat roof thereof, with tile or slate or other safe material against fire and not with boards or shingles; *provided* such flat do not exceed two fifth parts of such roof and that there be erected around the same flat a substantial balcony or balustrade.—

Penalty for violations.

And be it further enacted, That if any dwelling house, store house or other building whatsoever shall be erected or roofed contrary to this act, the proprietor or proprietors thereof shall for every such offence forfeit and pay the sum of five hundred dollars, and the workmen who shall build or roof such dwelling house, store house, or other building contrary to this act, whether he be the proprietor or not shall for every such offence forfeit and pay the sum of two hundred and fifty dollars, to be recovered with costs of suit in any court of record within this State by the treasurer or chamberlain of the said city for the use of the poor thereof, and when recovered shall be appropriated by the common council of the said city in the same manner as the monies raised by tax for the maintenance of the poor of the said city are by law directed to be applied, and no such action or suit shall be abated or discontinued by the death, resignation, removal from office or other change of such treasurer or chamberlain, but shall and may be continued and prosecuted to effect by his successor in office.

Restrictions on buildings within certain other limits.

And be it further enacted, That all dwelling houses, store houses and other buildings whatsoever which after the passing of this act shall be built or erected within the said city eastwardly and northwardly of the line herein before described and to the south and west of a line beginning at the outlet of the meadow of Anthony Lispenard into Hudson's river, and thence running to and along the north side of the dwelling house late of Nicholas Bayard esquire deceased, thence to and along the north side of the dwelling house of John R. Livingston, and thence to and along the north side of the dwelling house of Abraham Cannon to the East river, and which from the surface or level of the street or ground to which such building shall adjoin either in the front or in the rear to the foot of the rafter shall be more than twenty five feet, shall be made and constructed of stone, or brick with party or fire walls rising at least six inches above the roof, and shall be covered except the flat roof thereof with tile or slate, or other safe materials against fire, and not with boards or shingles, *provided* such flat do not exceed two equal fifth parts of the space of such roof, and that there be erected around the same a substantial balcony or balustrade.—

Penalty for violations.

And be it further enacted, That if any dwelling house store house or other building whatsoever shall be erected or roofed contrary to this act, the proprietor or proprietors thereof shall for every such offence forfeit and pay the sum of four hundred dollars, and the workmen who shall build or roof such dwelling house, store house, or other building contrary to this act, whether he be the proprietor or not shall for every such offence forfeit and pay the sum of two hundred dollars to be recovered with costs of suit in any court of record within this State by the treasurer or chamberlain of the said city for the use of the poor thereof, and when recovered shall be appropriated by the common council of the said city in manner aforesaid, and no such action or suit shall be abated or discontinued by the death, resignation, removal from office or other change of such treasurer or chamberlain, but shall and may be continued and prosecuted to effect by his successor in office. And the

more effectually to prevent the erection of any such dwelling house, store house or other building within the said city contrary to this act,—

What buildings deemed public nuisances.

Be it further enacted, That every such dwelling house, store house, or other building which after the passing of this act shall be erected or roofed within the said city contrary to this act, shall be deemed a common and public nuisance, and the justices of the supreme court and the justices of the courts of oyer and terminer or gaol delivery and the justices of the courts of general sessions of the peace, shall within the said city have cognizance of such offences, and are hereby enjoined and required in all and every of the charges thereafter to be made or given by them to the grand juries in their respective courts, strictly to charge such grand jurors diligently to enquire of, and to present all offences against this act, and the court to which an indictment or presentment shall be preferred for such offence shall be and hereby is impowered and enjoined to prosecute such indictment or cause the same to be prosecuted in the usual manner of prosecution; and upon conviction to adjudge such fines and penalties as they in their discretion shall think fit and proper; and also in their discretion to cause such nuisance to be abated and removed.—

New roofs of buildings.

And be it further enacted, That if any dwelling house, store house or other building already erected and now covered with boards or shingles within the said city southward and westward of the line last mentioned, shall at any time hereafter require to be new roofed it shall and may be lawful for the proprietor or proprietors thereof to roof the same with boards or shingles or in such other manner as was customary before the passing of this act, any thing herein before contained to the contrary notwithstanding.—

Roofs and spires of public buildings.

And be it further enacted, That all roofs, steeples, cupolas and spires of churches and other public buildings may be covered with boards and shingles; and all privies not exceeding ten feet square and fifteen feet in height, and all fire engine houses of the corporation, and all lime houses which shall be erected by the express permission of the corporation, may be built of wood and boards, or brick and stone and covered with boards or shingles, any thing in this act to the contrary notwithstanding.

Storage of sulphur, hemp and flax.

And be it further enacted, That from and after the passing of this act, no greater quantity of sulphur than ten hundred weight, and no greater quantity of hemp or flax than twenty hundred weight shall be put, stored, or kept in any one place in the city of New York to the southward of the fresh water, in the sixth ward, nor to the southward of Rutgers slip in the seventh ward, other than in such proper place or places as shall be appointed and approved of by the mayor, aldermen and commonalty of the said city in common council convened, under the penalty of twenty five dollars for every offence or refusal to remove the same to be recovered with costs of suit in any court of record within this State, by the treasurer or chamberlain of the said city, to be applied as the other penalties of this act are directed to be applied.

Act recited repealed.

And be it further enacted, That the act entitled "An act for the more effectual prevention of fires and to regulate buildings in the city of New York and to repeal and explain certain acts therein mentioned" passed the 8th of April 1796 and the amendment thereto," passed the 3d April 1797 and the acts therein mentioned and thereby repealed shall except as to the double taxes thereby imposed and already incurred and except as to suits now depending be and hereby are repealed.—

Storage of pitch, tar

And be it further enacted, That no pitch, tar, turpentine, rosin, spirits of turpentine linseed oil or shingles shall be put in any place in the

city of New York to the southward of fresh water other than in such places as shall be appointed and approved of by the mayor, aldermen and commonalty of the said city under the penalty of twenty five dollars for every offence or refusal to remove the same to be sued for and recovered with costs before any court having cognizance of debts to that amount by any person who will sue for the same, and when recovered to be paid to the chamberlain of the said city for the use of the poor thereof; *provided however* that it shall be lawful for any of the ship chandlers in the said city to keep in any inclosure within the limits aforesaid a quantity of pitch, tar, rosin or turpentine not exceeding in the whole twenty barrels at any one time. and other inflammable materials.

And be it further enacted, That if any person shall fire or discharge any gun, pistol, rocket, cracker, squib or other firework in any street lane or alley, garden or other inclosure or from any house or in any other place where persons frequently walk to the southward of the fresh water, every such person, for every such offence, shall forfeit and pay two dollars and fifty cents to be sued for, recovered and applied as aforesaid; and in case any such offender be a slave the owner or possessor of such slave shall be answerable in the same manner as if the act had been done by such owner or possessor. Discharge of fireworks.

And be it further enacted, That it shall be lawful for the mayor, aldermen and commonalty of the said city in common council convened, and they are hereby required, from time to time as often as it shall be necessary to appoint a sufficient number of strong, able, discreet, honest and sober men, willing to accept such appointment, being freeholders or freemen of the said city, to have the care management working and using the fire engines, and the other tools and instruments now provided, or hereafter to be provided for extinguishing of fires within the said city, which persons so to be appointed, shall be called the firemen of the city of New York, and who with the engineers of the same city, are hereby required to be ready at all times, as well by night as by day, to manage, work and use the same fire engines and other the tools and implements aforesaid.— Appointment of firemen.

And be it further enacted, That the persons so to be appointed firemen and every of them during their continuance in that office, and no longer, shall be exempted from serving in the office of constable and from being impannelled or returned upon any juries, or inquests, and of and from militia duty within the said city, except in cases of invasion or other imminent danger; and the names of all firemen, to be appointed by virtue of this act, shall be registered with the clerk of the peace of the said city, and his certificate shall be sufficient evidence in all courts and cases of such exemption. *And further* that it shall be lawful for the mayor, aldermen and commonalty of the said city in common council convened to remove all or any of the firemen now appointed or to be appointed by virtue of this act when and as often as they shall think fit and to appoint others in their stead.— Exemptions of firemen.

And be it further enacted, That it shall be lawful for the mayor, aldermen and commonalty of the said city in common council convened to make and ordain such rules and regulations in respect of the government and duty of the persons by them appointed firemen in the working managing and frequent exercising, trying and using of the same fire engines tools and other instruments, and to impose and establish such reasonable fines, penalties and forfeitures upon them, or any of them, for default or neglect of the duties and services thereby to be required from them as they shall from time to time think proper.— Regulations to govern firemen.

Peace officers; duty in case of fire.

And be it further enacted, That upon the breaking out of any fire within the said city, the sheriff, deputy sheriffs, constables and marshals (upon notice thereof) shall immediately repair to the place where such fire shall happen with their rods, staves and other badges of authority and be aiding and assisting as well in the extinguishing of the said fires and causing the persons attending the same to work as in preventing any goods or household furniture from being stolen at such fires, and shall seize all persons whom they find stealing or pilfering, and the officers aforesaid shall also give their utmost assistance to the inhabitants in removing and securing their said goods and furniture; and in the execution of the duties required from them by this act shall be obedient to the orders of the mayor, recorder and aldermen of the said city, or such of them as shall be present at such fires.—

Fire buckets to be kept by inhabitants

And be it further enacted, That it shall be lawful for the mayor, aldermen and commonalty of the said city in common council convened, by ordinances by them for that purpose to be made, to direct the inhabitants, or owners of houses and other buildings in the said city to furnish themselves with such and so many fire buckets, to be ready in their respective houses and other buildings for the purposes of extinguishing fires which may happen in the said city, and to impose and establish such reasonable fines, penalties and forfeitures, for every neglect, default or disobedience thereof, as they shall think proper.—

Buckets lost at fires

And be it further enacted, That in case any person shall lose any bucket at any fire which may happen in the said city, and shall within sixty days thereafter make proof thereof before the mayor, recorder or one of the aldermen of the said city of the value of such bucket, and that the same was actually lost or destroyed in that service, in such case the mayor, aldermen and commonalty of the said city in common council convened, shall by warrant under the hand of the mayor or recorder presiding at such common council, directed to the chamberlain of the said city, order the value of such bucket to be paid to such person so making proof of the loss thereof, out of any monies remaining in his hands for the contingent expences arising in the said city, and if any person shall at any time thereafter be convicted of having taken a false oath touching the premises, such person shall incur the penalties of wilful and corrupt perjury.—

Buckets found.

And be it further enacted, That if any such bucket so proved to be lost shall afterwards be found, the property thereof shall thenceforward be in the mayor, aldermen and commonalty of the city of New York, unless the owner thereof will take back the same and return the money allowed and paid for the loss thereof.

CHAP. 81.

AN ACT more effectually, to discover and apprehend offenders in the city of New York.

PASSED the 27th of March, 1801.

Police office established.

Be it enacted, by the People of the State of New York, represented in Senate and Assembly, That for the more effectually discovering and apprehending offenders in the city of New York an office shall continue in the said city to be denominated the police office in the city of New York, and to be kept at such place as the mayor, aldermen and commonalty of the said city shall from time to time provide and assign.