

UNIV. OF  
CALIFORNIA  
LAWS

OF THE

STATE OF NEW YORK,

PASSED AT THE

NINETY-FOURTH SESSION

OF THE

LEGISLATURE,

BEGUN JANUARY THIRD, AND ENDED APRIL TWENTY-FIRST 1871.  
IN THE CITY OF ALBANY.

VOL. II.



ALBANY:  
THE ARGUS COMPANY, PRINTERS.  
1871.

shall be liable accordingly, and may represent the stock and vote thereon at any meeting of the company.

Certifi-  
cate to be  
recorded.

§ 12. Within thirty days after the last installment shall have been paid upon the subscriptions to the capital stock of the company received at any time, at which books for subscriptions shall have been opened as herein above provided, the president of the company and a majority of the trustees, shall make a certificate stating the whole amount of the capital of the company, and that the same has been fully paid, which certificate shall be signed and sworn to by them, and immediately recorded in the office of the clerk of the city and county of New York.

Subject to  
sanitary  
rules.

§ 13. The markets of any company organized under this act shall be subject to such sanitary rules and supervision as the health authorities of the city may from time to time establish and require.

General  
privileges  
and liabil-  
ities.

§ 14. Every company organized under this act shall possess the general powers and privileges, and be subject to the liabilities and restrictions contained in title third of chapter eighteen of the first part of the Revised Statutes, so far as the same may be consistent with the provisions of this act.

§ 15. This act shall take effect immediately.

## Chap. 821.

AN ACT to supply the village of Gloversville with pure and wholesome water.

Passed April 28, 1871; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

Water  
commis-  
sioners.

SECTION 1. Austin Kasson, John McLarren, William H. Place, Charles J. Fox, Aaron Simmons, John Ferguson and Hiram S. Parkhurst, and their successors in office are hereby constituted a body corporate by the name of "Water Commissioners of the village of Gloversville," and in that name may sue and be sued, complain and defend in any court.

§ 2. Within twenty days after the passage of this act, the persons named in the foregoing section shall meet at the office of the board of trustees in Gloversville, and shall then and there determine by lot the order in which their term of office shall expire, and the determination so made shall be certified by the clerk of said board of trustees. If said commissioners shall neglect or refuse to assemble and determine as aforesaid, the said board of trustees shall, within twenty days thereafter, make such determination. The term of office of the commissioners first going out of office shall expire on the first Monday of June, eighteen hundred and seventy-four, that of the second, on the first Monday of June, eighteen hundred and seventy-five, that of the third, on the first Monday of June, eighteen hundred and seventy-six, that of the fourth, on the first Monday of June eighteen hundred and seventy-seven, that of the fifth, on the first Monday of June, eighteen hundred and seventy-eight, that of the sixth, on the first day of June, eighteen hundred and seventy-nine, and the seventh, on the first day of June, eighteen hundred and eighty.

Meeting of board.

Term of office of commissioners.

§ 3. On the first Monday of June, eighteen hundred and seventy-four, and on the same day in each year thereafter, an election shall be held in said village for the purpose of electing a suitable person to fill the place of the commissioner whose term of office shall expire on that day, and to fill any vacancy that may have occurred, and public notice of such election shall be given by said board of trustees, by publishing notice of such election in all the newspapers of said village once in each week for two weeks previous to such time of election, and such election shall be conducted in all respects as elections for trustees of said village are directed to be conducted, and the term of office of each commissioner (except when chosen to fill vacancy), shall be the period of seven years, and the term of one elected to fill a vacancy shall be the unexpired term of the person whose place he was elected to fill. All commissioners shall be electors and tax-payers of said village; all commissioners shall continue in office until a successor shall be elected and qualify. In case of

Publication of notice of election.

Who electors.

failure to hold the election at the time aforesaid, or in case of failure for any cause to elect a commissioner or commissioners at the time aforesaid, said board of trustees shall immediately thereafter name a day for the holding of an election, giving the like notice of such time as above provided, and such election shall be conducted in all respects as provided for the election on the first Monday of June. In case of vacancy in office by death, removal, resignation, or any other inability to serve, the commissioners then duly in office shall fill such vacancy by appointment, and the person appointed shall hold his office until the next annual election, and until another shall be qualified to fill his place.

Vacancies, how filled.

Oath of office.

Bond conditioned for performance of duty.

Appointment and removal of treasurer.

Appointment of clerk.

Majority required to trans-

§ 4. Every commissioner, whether elected or appointed, shall, before entering upon his duties of office, and within ten days after notice of election or appointment, take and file with the clerk of said board of trustees, the constitutional oath of this State, and shall also enter into a bond to said board of trustees, with sureties to be approved by the county judge of Fulton county, conditioned for the faithful performance of his duties as such commissioner, the penalty of the bond of each commissioner in office to be in the sum of fifteen thousand dollars, and of each commissioner in office subsequent to June first, one thousand eight hundred and seventy-two, in the penal sum of ten thousand dollars.

§ 5. The commissioners shall, from time to time, as a vacancy in the office of treasurer shall occur, appoint one of their number treasurer, who shall be subject to removal at the discretion of the commissioners, and who shall perform his duties without fee or reward, and who shall, before he enters upon his duties as treasurer, execute and deliver to said board of trustees a bond in the penalty of fifty thousand dollars, with such sureties as shall be approved by the county judge of Fulton county, conditioned that he will faithfully perform his duties as such treasurer; and such commissioners shall appoint a clerk, at such compensation as they shall deem just, subject to removal at their discretion.

§ 6. A meeting of a majority of the board of commissioners shall be necessary for the transaction of busi-

ness, though a meeting of less than a majority shall have authority to create a legal adjournment.

§ 7. It shall be the duty of the commissioners to examine and consider all matters relative to supplying the village of Gloversville with pure and wholesome water, and for that purpose they shall have power to employ engineers, surveyors and such other persons as may be necessary for that purpose, and they shall adopt such plans as in their opinion may be most feasible for procuring such supply of water, and which shall embrace proper distribution pipes and supplies for all streets and places, where, in their opinion, it shall be to the interest of said village, and shall ascertain the probable amount of money necessary to carry the same into effect, and for that purpose they shall have power to contract for, and purchase, and take by deed or other instrument, under seal, in the name of said village of Gloversville, all lands, tenements, hereditaments, rights or privileges whatever, and situate at any place within the county of Fulton, which may be required for the purpose, and to contract for the execution of the work, or any part thereof, or the supply of any necessary material; and the commissioners and their agents and employees are authorized to enter upon any land or water, for the purpose of making surveys, and to agree with the owner of the property, real and personal, which may be required for the purposes of this act, as to the amount of such compensation to be paid to such owner.

§ 8. In case of disagreement between the commissioners and the owners of any property which may be required for the purposes aforesaid, or affected by any operation connected therewith, as to the amount to be paid to such owner, or in case such owner shall be an infant or married woman, or insane, or absent from this State, or unknown, or the owner of a contingent or uncertain interest, the Supreme Court, at any general or special term within the fourth judicial district, shall, upon the application of either party, after ten days' personal notice, or, where such notice cannot be served within this State, after three weeks' notice of such application, published in all the weekly newspapers in said county, nominate and appoint three disinterested persons ref-

act business.

May lay pipes and convey water to village.

Commissioners may take and hold real estate.

May contract for execution of work, and supply material.

Right to make surveys.

Appointment of referees to estimate compensation for owners.

erees for the whole or for each case of disagreement, to examine such property, who, upon being duly sworn faithfully and impartially to discharge their duties, shall estimate and report to said court, at a general or special term in said district, for confirmation, the several sums which shall be a just compensation to such owners, respectively, for the appropriation to the purposes of this act of any property which may be so required, or for the title or use of any such property. Such referees may examine witnesses upon hearings before them, and all evidence taken before them shall accompany said report. In case said report shall not be confirmed by said court as to one or more of such respective owners, the said court shall, upon the same notices before provided, appoint other disinterested persons as referees, who shall proceed in all respects as above specified as to referees. And the report of such new referees shall be treated as final, and shall be confirmed by the court.

Appoint-  
ment of  
other  
referees.

Confirma-  
tion of  
report of  
referees.

Payment  
of com-  
pensation  
to owners  
for land  
taken.

§ 9. Whenever any report of referees shall have been confirmed by said Supreme Court, the said commissioners may deposit, as said court may direct or pay to said owner, or to such person or persons as the court may direct, the sum mentioned in said report, in full compensation for the property so required. And thereupon the said village shall become seized in fee of the property so acquired, and said commissioners and village shall be discharged from all claim by reason of any such appropriation or use.

Right to  
borrow  
money  
upon  
credit of  
village.

Rate of  
interest.

May make  
and exe-  
cute  
bonds.

§ 10. The said commissioners shall have power, and it shall be their duty to borrow from time to time, upon the credit of the village of Gloversville, a sum not exceeding eighty thousand dollars, upon such term of credit, not exceeding thirty years, and at a rate of interest not exceeding seven per cent per annum, as shall seem for the best interest of said village, not over five thousand dollars, with interest, to be payable in any one year; and to secure said loan, said commissioners are authorized to make, execute and deliver bonds, certificates or other obligations, which shall be signed by them, or any five of them as such commissioners, which said bonds, certificates or other obligations shall be made payable in such respective amounts and at such

respective times as such commissioners shall deem best, and the same and the interest thereon shall be a valid liability against said village, and the credit of said village is pledged for the payment of the same; and the said money so borrowed shall be appropriated by said commissioners to supplying said village with water agreeably with the provisions of this act.

§ 11. Said commissioners shall have power to make all necessary contracts for labor and materials in the construction of the work and all pertaining thereto; and whenever any contracts other than for labor by the day shall be made, said contract shall be in writing, signed by a majority of the commissioners, and of which there shall be three originals executed by the parties, which shall be numbered with the same numbers, one of which shall be given to the contractor, one to the said board of trustees and one retained by the commissioners, and three weeks' public notice shall be given in one or more newspapers published in said village, as the commissioners shall direct, of the times and places at which sealed proposals will be received for entering into such contracts; and the commissioners shall have full discretion as to the acceptance or rejection of any and all sealed proposals. And in case any material or labor shall then remain uncontracted for, the like notice for sealed proposals and like proceedings may be had as above provided, and so from time to time as said commissioners may desire to contract for work or materials. And every person who shall enter into any contract for the supply of materials, or the performance of any work, except for labor by the day, shall give satisfactory security to said commissioners for the faithful performance of his contract according to its terms.

Power to make necessary contracts for material and work.

May receive sealed proposals for contracts.

Contractor to give security for performance of contract.

§ 12. No commissioners shall be interested, directly or indirectly in any contract relating to the work or materials therefor, nor in any work, or materials for the work, nor for any portion of the water-works, nor shall he receive any compensation for his services, nor for anything pertaining thereto, further than all necessary expenses and disbursements paid by him.

Commissioners to be disinterested and no compensation for services.

§ 13. The said commissioners and all persons acting under their authority, shall have the right to use the

Must leave streets,

lands, &c.,  
in good  
condition.

ground or soil under any street, highway or road within the county of Fulton, for the purpose of introducing water into and through any or all portions of the village of Gloversville, on condition that they shall cause the surface of such street, highway or road to be relaid and restored to its usual state, and all damages done thereto to be repaired, and such right shall be continuous for the purpose of repairing or relaying water pipes upon like conditions.

Rents for  
supply of  
water to  
be called  
"water  
rents."

§ 14. The said commissioners shall establish a scale of rents to be charged and paid to the commissioners from time to time, either in advance or at such time or times as said commissioners shall prescribe for the supply of water, to be called "water rents" and apportioned to the different classes of buildings in said village, in reference to their dimension, values, exposures to fires, ordinary or extraordinary uses for dwellings, stores, shops, hotels, factories, livery stables, barns, and all other buildings, establishments and trades, yards, numbers of families or occupants, or consumption of water, as near as may be practicable, and from time to time either modify, amend, increase or diminish such rents. And said commissioners and their respective employees, shall be authorized at all times to enter into any building or place where water is used from supply pipes, to examine as to the water, quantity of water used, and manner of using it.

May enter  
and ex-  
amine  
as to  
supply in  
buildings.

Permis-  
sion must  
be obtain-  
ed of com-  
missioners  
to connect  
pipes.

§ 15. The connecting or supply pipes leading from buildings or yards to the distribution pipes shall be inserted and kept in repair at the expense of the owner or occupants of the building or yard, and shall not be inserted or connected with the main pipe until a permit therefor shall be obtained from said commissioners, or other person having charge thereof, and all such connecting or supply pipes shall be constructed in the manner directed by said commissioners or persons in charge.

Pipes,  
how con-  
structed.

Receipts  
and ex-  
penses.

§ 16. The entire annual receipts for water rents, after deducting therefrom such sums as may be necessary to defray the expenses of repair of said water-works, and extending the same, and other necessary expenses, shall be applied toward the payment of the interest on the

loans, and also toward the creation of a sinking fund for the payment of the principal of the loan as it shall from time to time become due and payable, which sinking fund shall be managed by said commissioners.

Sinking fund.

§ 17. In case the entire annual receipts for water rents after deducting, as in said section sixteen provided shall in any year, or in any respective years, not be sufficient to pay the interest for that respective year on said loan, it shall be the duty of the board of trustees of said village, and they are hereby directed, to cause such deficiency to be assessed, levied and collected from the taxable property of said village, at the same time and in the same manner as other contingent expenses of said village are assessed, levied and collected, and with such other contingent expenses, and the same shall be applied to the payment of such interest.

May assess to pay deficiencies on interest.

§ 18. The said board of trustees of said village shall annually, on and after the year eighteen hundred and seventy-four, at the same time with the annual assessment of contingent expenses of said village are assessed, levied and collected, cause to be assessed, levied and collected from the taxable property of said village the sum of one hundred thousand dollars, which amount, when collected, shall be paid to said commissioners for the purpose of increasing the sinking fund for the payment of said principal.

To increase sinking fund to pay principal.

§ 19. The said commissioners shall, annually on the first day of March in each year, and at all other such times as required by said board of trustees, deliver to said board of trustees a detailed statement of all their accounts, a general statement of all their work, and condition of their affairs, and state of finances, including a full detail of the amount expended in the progress of the work, and a particular statement of any deficiency as to water rents, as to meeting the interest upon the principal sum borrowed as in the previous section hereinbefore referred to, and all books and papers of every kind and description kept by said commissioners, upon which are entries of their transactions as such, shall at all times be subject to inspection by said board of trustees, and by every elector of said village.

Annual report to trustees as to condition of affairs, and progress of work.

Books of commissioners subject to inspection of trustees.

Village to pay all judgments against commissioners.

§ 20. All judgments against said commissioners in their name of office, and judgments against them, when the transaction upon which the action was brought shall have been in the performance of their duties as commissioners, shall be deemed judgments against said village, and shall be paid by said village, and shall not be enforced against the individual property of either of the said commissioners.

May establish by-laws for their government, and rules for collection of water rents.

§ 21. The said commissioners shall have power from time to time to make and establish such by-laws, rules and regulations as they shall deem proper for the election of their officers, and as to the duties of these officers and employees, and as to the means of enforcing said duties, and for regulation of the time and manner of holding meetings of said commissioners, and for enforcing the collection of water rents, and regulating the manner of using water, and generally for transacting, managing and directing the affairs of the commissioners, and may provide regulations as to water used, water and water rents, and enforce the observance thereof by cutting off the use and supply of water; provided that such by-laws, rules and regulations are not repugnant to this act, and the constitution of this State or of the United States.

Rules and regulations to conform to general laws.

Violations deemed a misdemeanor.

§ 22. A violation of any of the provisions of this act by any of such commissioners, shall be deemed a misdemeanor, and upon conviction thereof of such commissioner, his term of office shall be deemed vacant.

Right of tax payers to vote for or against levying tax.

§ 23. As soon after the passage of this act as possible, a meeting of the resident tax-payers of said village, as shown by the last preceding assessment roll of said village, shall be called by the said board of trustees of said village, upon a notice published for two weeks in all the newspapers published in said village, at which the question shall be submitted, whether the taxes in this act authorized for the purposes aforesaid shall be levied and collected from the village as in this act provided, and said commissioners shall not proceed with their duties under this act, unless the majority of voters voting at such meeting shall vote in favor of such taxes; such vote shall be by ballot, and there shall be written or printed on the ballot of those in favor of such taxes,

Style of ballot.

"in favor of taxes for water-works," and on the ballots of those opposed, "against taxes for water-works."

§ 24. This act shall take effect immediately.

## Chap. 822.

### AN ACT to incorporate the Breslau Central Union Building Association of New York.

Passed April 28, 1871.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

SECTION 1. Carl Weidling, Charles Starzeck, Emiel Stein, John Heess, Joseph Lindauer, Mathias Sohm, Henry Merle, Peter Fondershen, Otto Joos, Ernst Reith, August Kostboth, Otto Krueger, Adam Mueller, Carl Arnolds, Lorenz Vest, Franz Mueller, William E. Burkhardt, Frederick Scheuerle, Frederick Mueller, their associates and their successors, are hereby constituted a body corporate and politic by the name and style of "The Breslau Central Union Building Association" of New York, and by that name shall have perpetual succession, and may sue and be sued in any court whatever, and to have and use a common seal and alter the same at pleasure; the principal office of said corporation shall be located in the city of New York, with a branch office in the town of Breslau, Suffolk county.

Corporate name.

May use a seal.

§ 2. The general business and objects of the corporation hereby created shall be co-operative among its members in providing funds to aid them in the erection of buildings, the purchase of real estate, and to make improvements thereon.

General business.

§ 3. The corporation hereby created shall consist of delegates of sub-organizations established under and by authority of the Central Union hereby created or as now established, and every such sub-organization of not less than ten members shall have the right of and to elect one delegate to the Central Union, and one additional delegate for every other ten members belonging to said sub-organizations, the president of each of said sub-organizations shall possess the same right as a delegate

Corporation to consist of delegates.