

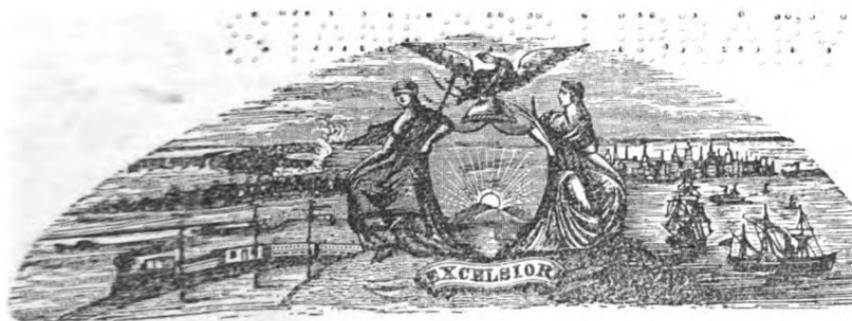
L A W S  
OF THE  
STATE OF NEW YORK

PASSED AT THE  
NINETY-FIRST SESSION

OF THE  
LEGISLATURE,

BEGUN JANUARY SEVENTH, AND ENDED MAY SIXTH, 1868,  
IN THE CITY OF ALBANY.

VOL. I.



ALBANY:  
VAN BENTHUYSEN & SONS' STEAM PRINTING HOUSE.  
1868.

May erect floats on Harlem river.

General provisions.

floats for the accommodation of its boats on the waters of the said Harlem river, at the foot of the stairs of Harlem bridge in said city, and shall be subject to the provisions of chapter eighteen of the first part of the Revised Statutes, so far as the same are applicable.

§ 3. This act shall take effect immediately.

## Chap. 248:

### AN ACT for supplying the village of Plattsburgh with pure and wholesome water.

Passed April 17, 1868 ; three-fifths being present.

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

Trustees of Plattsburgh may appoint water commissioners.

SECTION 1. The trustees of the village of Plattsburgh, at a meeting of their board to be called for the purpose by the publication of a notice therefor in the newspapers published in said village, for one week previous to the time of holding such meeting, shall have power and they are hereby authorized to appoint three persons, to be known as water commissioners of the village of Plattsburgh, who shall be citizens and inhabitants of said village ; but no trustee shall be appointed to such office.

Duty of commissioners to make preliminary examinations.

§ 2. It shall be the duty of the said commissioners to examine and consider all matters relative to supplying the village of Plattsburgh with a sufficient quantity of pure and wholesome water, for the use of its inhabitants and for the extinguishment of fires.

Commissioners may agree with owners of present water works.

§ 3. The commissioners are authorized to agree with the owners of the present water works on the west side of the Saranac river, for the purchase thereof, subject to the approval of the trustees ; but in case they cannot agree with said owners on the price to be paid therefor, the commissioners or the said owners may apply to one of the justices of the supreme court in the fourth judicial district in this State, to appoint three disinterested appraisers, who shall proceed to examine and appraise the said water works, and who shall make a report of their doings to said justice for his approval or disapproval ; and when the same shall be approved by said

Appraisers to be appointed in case of disagreement.

justice, the said commissioners shall, on condition that the plan proposed by the commissioners shall be adopted by a vote at the special election hereinafter provided to be held, pay the amount of such appraisal to the owners; on which payment being made, the village of Plattsburgh shall be seized in fee and become the owner of the said present water works and all the rights and privileges thereof.

Payment of appraisal conditional upon affirmative vote at special election.

§ 4. The said commissioners are hereby authorized to employ engineers, surveyors and such other persons as in their opinion may be necessary to enable them to perform their duties under this act.

Commissioners may appoint engineers.

§ 5. The said commissioners shall adopt such plan as in their opinion may be most advantageous for procuring such supply of water, and shall ascertain as nearly as may be what amount of money may be necessary to carry the same into effect, and for such purpose they shall have power to make conditional contracts, subject to the ratification of the trustees of the village of Plattsburgh, with the owner or owners of land, tenements, hereditaments, rights or privileges whatsoever, which may be required according to such plan, for the purchase thereof at stated prices, which contracts shall be so drawn as to be binding on the owners respectively, in case the same shall be ratified by the trustees of said village within two years from the passage of this act.

Commissioners shall make estimate of cost and make conditional contracts.

§ 6. The said commissioners shall make a report to the trustees of said village, in writing, of their proceedings under the foregoing sections of this act, containing a full statement and description of the plan adopted by them, the streets in which they propose to lay water pipes, a brief statement of all the conditional contracts made by them, an estimate of the expense thereof, together with an estimate of the probable amount of revenue to accrue to said village upon the completion of said works, with the reasons and calculations upon which their opinions and the said estimates may be founded, and all such other information connected with the object of their appointment as they may deem important, together with a report of the amount to be paid to the owners of the present water works, on the west side of the river, for said works. They shall publish such

Commissioners shall report to village trustees as to plan and expense of work. Statement of condition and contracts. Estimate of probable revenues. Report to be published.

Report to be published.

report, after its approval by the trustees, once in each week for three weeks successively before the holding of the special election hereinafter provided to be held, in the newspapers published in said village.

Report, when to be made.

§ 7. Such report shall be made and presented to the said trustees by the commissioners, together with all such conditional contracts as may have been made by them by virtue of this act, on or before the first day of August, in the year one thousand eight hundred and sixty-eight.

Trustees before ratifying contracts shall call special village election.

§ 8. If the plan so adopted by the commissioners shall be approved by the trustees of said village, the said trustees, before ratifying such conditional contracts, or any of them, shall call a special election in said village by publishing a notice of the time and place of the holding thereof, for three weeks, in each of the public newspapers published in said village, and by posting a copy of such notice in three public places in said village, three weeks before the time of holding such election. The inspectors of the annual election of the village of Plattsburgh shall be inspectors of said special election, and they shall provide a ballot box with a suitable lock and key, and the taxable electors of the said village shall express their assent or refusal to allow the said trustees to proceed in raising the money necessary to construct the works aforesaid, by depositing their ballots in the box provided for that purpose; and the electors who are in favor of granting the necessary power to the said trustees, shall each deposit a ballot containing the word "yes" written or printed thereon, and those who are opposed shall each deposit a ballot containing the word "no" written or printed thereon; a canvass and return of the votes shall be made by the inspectors of election in the same manner as is now prescribed by law in regard to the canvass and return of votes for charter offices.

Taxable electors to express assent or disapproval.

Form of ballot.

Canvass and return of votes.

When trustees may ratify conditional contracts.

§ 9. If a majority of the said electors voting at such election shall be in favor of the measure, it shall then be lawful for the said trustees, and they are hereby authorized to ratify the conditional contracts which shall have been made by the said commissioners, or such of them as they shall approve, and to instruct

the commissioners to proceed in the work; and it shall also be lawful for the said trustees, and they are hereby authorized to raise by loan, from time to time, and in such amounts as they may think fit, a sum not exceeding in all five thousand dollars, over and above the estimate by the commissioners, as necessary to complete the said works according to the plan, and to issue bonds for the repayment of the money so to be loaned, which bonds shall bear interest not exceeding seven per cent per annum, and shall be redeemable in not less than ten nor more than twenty years from and after the passage of this act.

May borrow money and issue bonds.

§ 10. It shall not be lawful for the said trustees to issue bonds faster or for a larger amount than they shall receive on any loan, nor to sell or dispose of the said bonds, or any of them, at less than their par value.

Ibid.

§ 11. The moneys to be raised by virtue of this act, shall be applied and expended to and for the purpose of supplying the village of Plattsburgh with pure and wholesome water, according to the plan to be as aforesaid adopted and ratified, with such immaterial alterations as may be necessary, by and under the direction of the said commissioners.

Money to be expended for supplying village with water.

§ 12. It shall be lawful for the trustees of the said village, from time to time, and as often as they may deem it necessary, to order and cause to be raised by tax on the estates, real and personal, of the freeholders and inhabitants of and situate within the corporate limits of the village of Plattsburgh, and to be collected, such amount of money as shall be requisite to defray the interest, and to pay the principal of the said bonds as they may become due, after applying thereon the net revenues to accrue to the village of Plattsburgh from the said works.

Trustees to raise money to pay principal and interest on bonds.

Net revenues; how applied.

§ 13. The said moneys shall be levied and collected in the same manner as is now provided by law for the assessment and collection of taxes in the said village.

Money, how to be levied and collected.

§ 14. The said commissioners are authorized to enter upon any land or water in the town of Plattsburgh for the purpose of making surveys, and to agree with the owner of any property which may be required for the purposes of this act, as to the amount of compensation

Commissioners may enter lands to make surveys.

Trustees to approve agreements with land owners. Commissioners of estimate to be appointed.

to be paid to such owner; but such agreement to be subject to the approval of the trustees of said village as aforesaid.

§ 15. In case of disagreement between the commissioners and the owners of any property which may be required for the said purposes, or affected by any operation connected therewith, as to the amount of compensation to be paid to such owner; or in case any such owner shall be an infant, a married woman, or insane, or absent from this State, an application may be made to one of the justices of the supreme court of this State, in the fourth judicial district by either party, to nominate and appoint, and such justice of the supreme court shall nominate and appoint three disinterested persons to examine such property, and to estimate the value thereof or damages sustained thereby, and to report thereon to the said justice without delay.

To make report.

When commissioners shall pay awards and village acquire fee of property.

§ 16. Whenever such report shall have been confirmed, the said commissioners shall, within two months, pay to the said owner or to such person or persons as the said justice of the supreme court may direct, the sum mentioned in said report, in full compensation for the property so required, or for the damages sustained, as the case may be, and thereupon the trustees of the said village of Plattsburgh shall become seized in fee of such property so required, and shall be discharged from all claim by reason of any such damages.

Right to use streets and highways.

§ 17. The said commissioners in behalf of the said village of Plattsburgh, or of the trustees of said village, and all persons under the authority of said commissioners, or of the trustees of said village, shall have the right to use the ground or soil under any street, road or highway within the said town of Plattsburgh, for any purpose of introducing water into the village of Plattsburgh, on condition that they shall cause the surface of such street road or highway to be restored to its original state, and all damages done thereto to be repaired.

Injury to works deemed a misdemeanor.

§ 18. If any person shall willfully do or cause to be done any act whereby any work, materials or property whatever, erected or used, or hereafter to be erected or used within the village of Plattsburgh, or elsewhere, under or in pursuance of this act, for the purpose of

procuring or keeping a supply of water for the use of said village or the inhabitants thereof, shall in any manner be injured, such person, on conviction thereof, shall be deemed guilty of a misdemeanor.

§ 19. All contracts for materials or for the construction of the works shall be in writing, and these copies shall be taken, one of which shall be retained by the commissioners, one filed with the treasurer of said village, and the other with the clerk of the said village.

Contracts to be in writing and to be filed.

§ 20. The trustees of said village shall authorize the commissioners to draw upon the treasurer of the village for any sum in favor of and to be paid to the owner of any lands, waters, streams or property acquired by virtue of this act, and in favor of and to be paid to any contractor for any sum due upon his contract, and also for incidental expenses. Such drafts shall specify the objects for which they are drawn, and the trustees of said village shall make it the duty of the treasurer of said village to pay such drafts in every case where a deed or other voucher is delivered to him, or a copy of the contract shall be filed with him and a duplicate receipt of the contract or for such draft shall be presented with such draft.

When commissioners may draw drafts on village treasurer.

§ 21. The treasurer of said village shall, whenever required by the board of trustees of said village, and at least once in every three months, report to the board of trustees a list of all the payments made by him upon the orders of the commissioners.

Treasurer to make report.

§ 22. The trustees shall establish a scale of annual rents to be charged and paid annually for the supply of water or for the benefits resulting therefrom, and apportion to the different class of buildings in said village in reference to their dimensions, ordinary use for dwellings, stores, shops, private stables, and other common purposes, as near as may be practicable, and from time to time to alter, modify, amend, and increase or diminish such rates in the scale, and extend it to other buildings, establishments, or uses.

Scale of water rates.

§ 23. Such rates shall be chargeable to and be collected of the owners or occupants of such buildings respectively.

Rates, how chargeable.

§ 24. Hotels, factories, stables and other buildings,

Special

Rates for certain buildings.

establishments and trades which consume water beyond the quantity required for ordinary uses or common purposes, as specified in the foregoing twenty-third section, shall pay therefor annually in advance, if so required by the trustees, to the treasurer of said village as special rates in addition to the rates established by the scale aforesaid, such sum as the trustees shall direct, before any permit to use such extra quantity of water shall be given.

Annual assessment roll of unpaid water rents.

§ 25. The trustees of the village of Plattsburgh, on or before the first of May, in each year, after the said works shall be in operation, shall make out an assessment roll of all unpaid water rents then due for the said village, in which they shall set down in three separate columns, according to the best information in their power—in the first column the name of the owner or occupant of any building or lot chargeable with water rent under the provisions of this act; in the second column, the number of the building, if it have any, or its location, and the location of the lot chargeable with water rent under the provisions of this act, or some proper description thereof; in the third column, the amount of the water rent assessed upon such building or lot remaining unpaid and due; and deliver the same to the collector of taxes in said village, with their warrant, under the hands and seals of a majority of them annexed thereto, commanding him to collect from the several persons named in said assessment rolls, the several sums mentioned in the last column of such rolls opposite their respective names, and pay over the sums to the treasurer of said village. The warrant to be issued with such assessment rolls shall be in form and substance substantially like warrants issued for the collection of taxes assessed by the said trustees for other purposes.

Warrant to village collector.

Duty of collector.

§ 26. The collector shall immediately after the delivery to him of said assessment roll and warrant, proceed to collect the said water rents, with five per cent in addition for his fees, in the same manner that taxes assessed and levied by the trustees are collected, and shall make return of said roll and warrant, and pay over the water rents collected by him to the treasurer of the village of

Plattsburgh, within ten days after the return day of such warrant, and shall make, at the same time, a return under oath, in writing, of all rents that he has not been able to collect, in such form as the trustees may prescribe.

§ 27. Whenever the said water works shall be so far completed as to be in operation, and the main pipes for the supply of water shall be laid, the trustees of said village may abolish the office of water commissioners, and appoint a superintendent of the said water works, to have the control and management of the said water works, and the laying of distributing pipes that may remain, if any, to be laid to supply all of the inhabitants unsupplied with water.

When trustees may appoint superintendent of water works.

§ 28. It shall be lawful for the said trustees to prescribe and adopt by-laws, rules and regulations for the distribution and use of water, for the government of the superintendent of the water works and for the general management and control of the said water works; and they may require of the commissioners, the collectors and treasurer of said village, and from the superintendent of the water works, respectively, a bond with sufficient sureties, in such sums as they may prescribe, for the faithful performance of the duties of their respective offices and for the proper disbursement and payment of the moneys that they may severally receive, and for a true and faithful accounting therefor.

Regulations for use of water.

Official bonds to be given by certain officers.

§ 29. No trustee of said village of Plattsburgh shall be directly or indirectly interested in any contract for materials or work.

Trustees not to be interested in contracts.

§ 30. It shall not be lawful for any person whose building or lot is supplied with water for the use of the building or lot occupied by him or her, to allow the occupant or occupants of any other building or lot to take water from the lot so occupied by him or her without the written permit of the commissioners or the superintendent of the water works.

Right to use water not transferable.

§ 31. If a majority of the occupants of buildings on any street in the village of Plattsburgh shall petition the trustees of said village to have distributing pipe laid for their supply of water, the trustees shall direct such pipes to be laid, and each house and building on such street to be supplied, and shall have the right, and they

When water pipes shall be laid in any street.

are hereby empowered, to assess to the owners or occupants of such buildings or lots, a water rent according to the scale of rents which they shall establish as herein provided.

Action in case of adverse vote at special election.

§ 32. In case a majority of the voters voting at the special election hereinbefore authorized to be held shall be found to be opposed to the measure proposed by the commissioners, then, and in such case, the trustees may direct the commissioners to proceed to adopt a new plan as provided in sections five and six of this act, and report within such time as they may direct; and the trustees, if they approve thereof, shall submit the same to a vote of the taxable inhabitants of said village, at a special election to be called for that purpose by the trustees, in the manner prescribed in section eight of this act; and if a majority of the electors shall be found to be in favor of the measure, then the trustees shall proceed and have the powers prescribed by section nine and the subsequent sections of this act.

New plan may be adopted and submitted at special election.

In what event trustees may transfer franchise to a stock company and regulate water rates.

§ 33. In case of the rejection by the taxable inhabitants of said village of such plan or plans so submitted to them under the provisions of this act, the board of trustees of said village may, if they or a majority of them think it for the interest of said village, assign and transfer, under the seal of said board of trustees, each and all of the rights, powers, privileges and franchises granted to said commissioners or trustees in and by this act, and to any conditional contracts made in pursuance thereof, to an incorporated or joint stock company organized or to be organized for the purpose of supplying the village of Plattsburgh with water, under the laws of this State, and upon such transfer and assignment, such company shall be vested with all of the rights, powers, privileges and franchises given or granted to said commissioners or trustees, or both, by the terms of this act, and shall be subrogated to all contracts and agreements made in pursuance of this act. In case of the transfer to a company, as in this section provided, the board of trustees of said village shall, upon the first Tuesday of December, in each year, fix and determine the water rents or rates for the said village, for the year to commence on the first day of January thereafter, and

shall cause such water rates and rents to be assessed and collected as herein provided, and paid over to said company or corporation.

§ 34. This act shall take effect immediately.

## Chap. 249.

AN ACT to amend an act entitled "An act in relation to Academies and Schools in the village of Ogdensburg," passed April thirteenth, eighteen hundred and fifty-seven, and for other purposes.

Passed April 17, 1868 ; three-fifths being present.

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

SECTION 1. Section seventeed of an act entitled "An act in relation to Academies and Schools in the village of Ogdensburgh," passed April thirteenth, eighteen hundred and fifty-seven, is hereby amended so as to read as follows :

§ 17. On or before the first day of May next, and on or before the first day of May in each year thereafter, the board of education shall determine and certify, to the trustees of the village of Ogdensburgh, the amount of money over and above all other funds in hand applicable to that purpose, required for teachers' wages for the year commencing on the first day of April, and said board shall, at the same time determine and certify to the said village trustees what sum of money, exclusive of any applicable to such purposes, is necessary and requisite to defray for the year, the expenses for fuel, books for indigent scholars, school furniture and apparatus, insurance, leasing additional school rooms, repairs of houses, out houses, fences and other expenses ordinarily incident to the maintenance of such schools ; and the said trustees shall cause to be assessed the several sums of money so certified, on the taxable property and corporations within the district hereby organized, and collect the same along with the first village tax there-

Board of education to certify to village trustees amount required for school purposes.

Duty of village trustees to assess and collect moneys for teachers and general fund.