


L A W, S
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. I.



ALBANY:
THE ARGUS COMPANY, PRINTERS.
1871.

uated in the town of Newtown, Queens county, of which John Frost died seized, acquired by the escheat of the same on the death of said John Frost, is hereby released to and vested in Elizabeth Ann Frost, widow of the said John Frost, deceased, her heirs and assigns forever.

Proviso.

§ 2. Nothing contained in this act shall affect the right of any creditor of the said John Frost, deceased, in and to said real estate, or any part thereof.

§ 3. This act shall take effect immediately.

Chap. 119.

AN ACT to amend the charter of the village of Potsdam.

Passed March 16, 1871; three-fifths being present.

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

Village trustees may borrow money.

SECTION 1. The trustees of the village of Potsdam, in addition to the powers heretofore conferred upon them, shall possess the powers given by this act, and shall have power to borrow from time to time, upon the credit of the village of Potsdam, a sum not exceeding in the whole forty thousand dollars, upon such terms of credit, not exceeding thirty years, and at such rate of interest, not exceeding seven per cent per annum, as shall seem to them best for the interest of said village; and to secure the payment of said loans, the said trustees are authorized to make, execute and deliver bonds, certificates or other obligations, which shall be signed by the president of said trustees and the clerk of said village; which said bonds, certificates or other obligations shall be made payable in such respective amounts and at such respective times as said trustees shall deem best, but the same shall not be sold at less than the par value thereof; and the same, and the interest on the same, shall be a valid liability against the said village of Potsdam; and the credit of said village is pledged for the payment of the same and the interest on the same, and the said moneys so borrowed shall be appropriated by the said trustees to supplying said village with water, agreeable to the provisions of this act.

To execute village bonds therefor.

Avails therefrom, how applied.

§ 2. The said trustees shall have power, for the purpose of supplying said village with water, to contract for and purchase or lease, and take by deed or other instrument any lands, tenements, hereditaments, water rights, or privileges whatever, and any materials or things which may be required for the said purpose; to employ engineers, surveyors, experts, and such other persons, as may be necessary for that purpose; to adopt such plans as in their opinion may be most feasible for procuring and distributing such supply of water; to make all necessary contracts for labor and materials in the construction of the work for such purpose and all matters pertaining thereto, and to require surety thereon; to use the streets, highways, roads, lanes and public grounds of said village and the public bridges across the Racket river in said village, for the purpose of laying pipes and introducing water into and through any or all portions of the said village, and such right shall be continuous as well for the use of said water-works as for the purpose of repairing or relaying such pipes; but such plans shall not be accepted without the assent thereto of a majority of a committee of five persons, consisting of William H. Wallace, Samuel B. Gordon, Edwin A. Merritt, Bloomfield Usher and Edward W. Foster, appointed at the last annual charter election of said village, to prepare and report a plan for supplying the said village with pure and wholesome water, and the entire cost thereof shall not exceed forty thousand dollars.

Trustees may purchase lands, waters, &c.

May procure materials, employ engineers, &c.

Right to use of streets, bridges, &c.

Committee to approve plans for water-works.

Cost limited.

§ 3. The said trustees shall establish a scale of rents to be charged and paid from time to time, either in advance or otherwise, as the said trustees 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 dimensions, values, exposure to fires, ordinary or extraordinary uses for dwellings, stores, shops, hotels, factories, livery stables, barns and all other buildings, establishments and trades, yards, gardens, fountains, number 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 trustee

Trustees to establish scale of water rents.

Right to enter buildings, &c., to examine as to use of water.

Supply of water may be stopped.

Use of water meters may be required.

Connecting and supply pipes, by whom maintained.

Permits required to connect with main pipes.

Receipts from water rents, how applied.

Deficiency in receipts, how levied and collected.

tees, or their respective employees, or the superintendent of water-works of said village, 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; and may stop the supply of water to any person or in any place, in case of failure or refusal to pay the water rents therefor as prescribed and established by the said trustees, and may also require the use of meters for the measurement of the water consumed.

§ 4. The connecting or supplying pipes leading from buildings, yards or grounds to the distribution pipes, shall be inserted and kept in repair from said distribution pipes to the street bounds of said buildings, yards or grounds, at the expense of the said village, and from the said street bounds and outside of said streets, at the expense of the owner or occupants of the building, yard or grounds, and shall not be inserted or connected with the main pipes until a permit therefor shall be obtained from the superintendent of water-works, or other person or persons having charge thereof; and all such connecting or supply pipes shall be laid and constructed in the manner directed by said superintendent of water-works, or other person or persons having charge thereof.

§ 5. The entire annual receipts for water rents, after deducting therefrom such sums as may be necessary to defray the expenses of the superintendence and repairs of said water-works, and of extending the same, and other necessary expenses pertaining thereto, shall be applied toward payment of the interest on the loans aforesaid, and any balance remaining over after such application, shall constitute and be invested in a sinking fund for the payment of the principal of said loans.

§ 6. In case the entire annual receipts for water rents, after deducting therefrom such sums as may be necessary to defray the expense of the superintendence and repairs of said water-works and of extending the same, and other necessary expenses pertaining thereto, shall, in any year or any respective years, not be sufficient to pay the interest for that respective year on said loans, it shall be the duty of the said trustees and they are hereby directed and authorized to cause such deficiency

to be assessed, levied and collected from and upon the taxable property of the said village, at the same time and in the same manner as other contingent expenses of said village, and the amounts so collected shall be applied to the payment of such interest.

§ 7. The said trustees shall have power from time to time, to make and establish such by-laws, rules and regulations for enforcing the collection of water rents and manner of using water generally, for transacting, managing and directing the affairs of such water-works, and may provide regulations as to the water used, water and water rents, the manner of procuring the use of said water by individuals, and the manner of tapping the distribution and other water pipes, and enforce the observance thereof by cutting off the use and supply of water, and in addition by penalties not exceeding five dollars for each offense.

By-laws for collection of water rents, &c.

Regulations as to use of water, &c.

§ 8. The trustees of said village are hereby authorized and empowered to appoint an officer for said village, to be designated the "superintendent of water-works," who shall hold his office for the term of one year from the time of his appointment, unless sooner removed by the said board of trustees, who shall, under the control and direction of the said board of trustees, have the custody and management of all the water-works of said village, shall collect all the water rents as the same become due, and forthwith pay the same over to the treasurer of said village, shall inspect, watch and manage the said water-works, and the supply and use of water therefrom, and all other matters and things pertaining thereto, and shall give sufficient surety, to be approved by the said trustees, for the proper performance of his duties, and for the payment to the treasurer of said village of all moneys received by him as such superintendent, and the amount of whose compensation shall be fixed by the said trustees.

Superintendent of water-works.

Term of office.

His powers and duties.

Compensation.

§ 9. If any person shall willfully do, or cause to be done, any act whereby such water-works or the appurtenances thereto shall in any manner be injured, or shall corrupt the water or render it impure, every such person shall be deemed guilty of a misdemeanor, and punished accordingly; and the said trustees may, in addi-

Willful injury to water-works, how punished.

tion, sustain an action against such person for all damages sustained thereby.

Sewers for carrying off surplus waters.

§ 10. The trustees of said village may also, in their discretion, make provision for the carrying off of all surplus water flowing from said water-works, water pipes or their appurtenances, and for the purification of the water in said village, and for that purpose may cause common sewers and drains to be made in any part of the village, upon the application, in writing in each case, of a majority of the resident owners of the lots of land along which the proposed sewer or drain is to be built, and may determine what share or proportion, if any, of the expense of the same shall be paid by the village, and may apportion and assess the expenses thereof, or the residue of such expenses, upon the owner or owners of, or others interested in, the buildings, tenements, lots and real estate which they shall deem benefited thereby, in proportion, as near as may be, to the benefits and advantages which each shall acquire thereby, and such assessment shall be binding and conclusive upon the owner or owners, and others interested, and shall be a lien upon such lots and real estate; but no such apportionment and assessment shall be made until at least six days' public notice of the time and place of such apportionment and assessment shall have been given by the clerk of said village by publishing the notice of the same in a conspicuous place, at least once in some newspaper published in said village. And for all such liens and charges, the trustees of said village shall issue their warrants and cause the same to be collected, with interest from the date of the assessment, in the same manner as other village taxes and assessments are collected. Any person in possession of any real estate, under contract for the purchase thereof, may, in the discretion of the said trustees, be deemed the owner thereof for all the purposes of this act.

Expense thereof, how apportioned.

Expense to be a lien upon lands.

Notice of assessment, how given.

Assessments, how collected.

Trustees not to be interested in contracts.

Avals from sale of bonds

§ 11. No trustee of said village shall be, directly or indirectly, interested in any contract relating to the work or materials therefor, nor in any work or materials for the work of the said water-works; and all sums of money received from the sale of said bonds, certificates or other obligations shall be forthwith paid over into

the hands of the treasurer of said village, and shall only be paid therefrom by the said trustees in the manner now provided by law for other village moneys; and the said trustees are hereby authorized to require from the treasurer of said village such surety as they shall approve, not exceeding in amount ten thousand dollars, for the safe keeping of such moneys, and for the proper discharge of his duties as treasurer of said village.

to be paid to village treasurer.

Treasurer to give security therefor.

§ 12. The said trustees shall annually, at the annual charter meeting of said village, render a detailed statement of all their accounts about said water-works, also of all their work, and state of their finances in and about the same, including a full detail of the amount expended in the progress of the work, the amount received for water rents and the disposition made of the same, and all their books and papers relating to said water-works and the expenses thereof shall at all times be subject to the inspection of any elector of said village.

Annual report to charter meeting.

§ 13. Section six of chapter sixty-nine of the laws of eighteen hundred and fifty-nine, being an act entitled "An act to amend and consolidate the several acts relative to the village of Potsdam," is hereby amended so as to read as follows:

§ 6. The said village, with the exception of the bridges across Racket river, which shall remain under the care and superintendence of the commissioners of highways of said town, and the territory comprised within the village, shall be exempt from the superintendence and jurisdiction of the commissioners of highways of the town of Potsdam, and the trustees of the said corporation shall, concerning such territory and the persons owning or occupying land therein and the inhabitants residing therein, have all the powers and be subject to all the duties and liabilities of commissioners and overseers of highways in like cases, except as herein otherwise provided; and they may, in their discretion, appoint (with the power to revoke such appointment) one of their number or any other competent person street commissioner, whose special duty it shall be, subject to the control of said trustees, to superintend the construction

Powers of trustees, as highway commissioners.

Appointment of street commissioner.

His duties and salary.

and repair of the roads, sidewalks, crosswalks and public squares, and who shall receive for his services such sum as a majority of the trustees may deem proper, not exceeding thirty dollars per annum, to be paid out of moneys arising out of highway taxes. And instead of highway labor the trustees shall cause to be assessed, levied and collected by tax upon the inhabitants and property in said village, annually, such an amount, denominated highway tax, as they shall deem necessary, not exceeding the sums herein specified, which highway tax shall be assessed as follows: Each male inhabitant of twenty-one years of age and upward shall be assessed fifty cents, and there shall be assessed among and upon all persons or corporations owning or occupying real and personal property, and upon the lands of non-resident banks, and upon all banking associations, individual bankers and incorporated companies in said village, a sum not exceeding thirty cents on each hundred dollars of assessed valuation, which money shall be expended upon the streets, highways, sidewalks, crossings and public squares in said village under the direction of the trustees; and the trustees in making the said assessment for highway labor shall take the valuation of the last assessment roll made by the assessors of said village.

§ 14. Subdivision three of section eight of said act is hereby amended so as to read as follows:

3. To appoint one constable, who shall possess all the powers now possessed and be liable to the same penalties and duties now imposed upon the constables of said town, and to fill any vacancy that may occur in any of the offices of the village.

§ 15. This act shall take effect immediately.

Highway
tax, how
assessed
and col-
lected.

Money,
how ex-
pended.

Trustees
to appoint
village
constable.

Vacancies
in village
offices.
how filled.