

L A W S  
OF THE  
STATE OF NEW-YORK,

PASSED AT THE

SEVENTY-EIGHTH SESSION

OF THE

L E G I S L A T U R E ,

BEGUN JANUARY SECOND, AND ENDED APRIL FOURTEENTH, 1855, IN THE  
CITY OF ALBANY.



ALBANY:  
VAN BENTHUYSEN, PRINTER.

.....  
1855.

in his place, unless sooner removed by the trustees of the district for misconduct in office; to make which removal for that cause the trustees are hereby authorised, in which case and in case of a vacancy they may appoint a treasurer in his place. The person so elected or appointed treasurer shall give a bond to the trustees and their successors by the name of the Geneva Union School, with sufficient sureties, for the faithful discharge of his duties. The amount and form of such bond and the sufficiency of the sureties, shall be settled and determined by the trustees. Such treasurer shall receive, keep, and disburse the moneys of the district under the direction of the trustees.

Corporate  
name.

§ 8. The said trustees and their successors in office are hereby created a body corporate, by the name of "the Geneva Union School," and empowered to establish and organise a classical school by that name in said district and village of Geneva, which school shall be subject to the visitation of the regents of the university of this state, and to all laws and regulations applicable to incorporated academies thereof, and shall be entitled to all the privileges of such academies, and to share in the distribution of the money of the literature fund of this state, as the academies thereof, provided however, that this act shall not affect the rights and duties of said trustees and district under the statutes of this state relating to common schools.

§ 9. This act shall take effect immediately.

## Chap. 358.

*AN ACT to amend the charter of the city of Poughkeepsie, and to enable the city to provide a supply of pure and wholesome water for the inhabitants thereof.*

Passed April 12, 1855.

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

Contract  
for supply  
of water.

§ 1. The common council of the city of Poughkeepsie are hereby authorised to contract with any hydraulic company that is now formed or may hereafter be formed, for the purpose of supplying the city with pure and wholesome water, and shall have power to lease the reservoir, water pipes, hydrants, &c.; now belonging to said city, for a term

not exceeding fifty years for that purpose ; provided said companies furnish said water at the expense of said companies. Provided, also, that no such contract shall be made until the question of entering into such contract shall be submitted to a vote of the taxable inhabitants of said city, and such vote shall be subject to the same rules and requirements as is directed in the charter of the city on questions for raising money by tax.

§ 2. The common council of the city of Poughkeepsie are hereby authorised to borrow a sum of money not exceeding three thousand six hundred dollars for the purpose of paying outstanding accounts, amounting to about three hundred and sixty-seven dollars, and the sum of twenty-two hundred and fifty-three dollars for the support of the poor in the city of Poughkeepsie, and pay the same to the chamberlain of the city. The said sum so authorised to be borrowed, together with all interest which may accrue on the same, shall be repaid on or before the first day of March next, and the board of supervisors of the county of Dutchess shall at their next annual meeting, make provision by additional tax upon said city, for the repayment of the said sum so borrowed, together with the interest by the time above specified.

May bor-  
row \$3,600.

§ 3. The common council of the city of Poughkeepsie shall have power, either by ordinance or resolution, in all cases where a side-walk of brick, stone, plank, gravel, or other hard substance, shall have been heretofore, or shall hereafter be made and constructed in front of any lot of ground or any street of said city, either in pursuance of a vote of the inhabitants of such street or otherwise, to regulate the grade, slope, width and construction of such walk, and to compel the proper maintenance and repair of the same, and if necessary to make, maintain, alter or repair the same ; and any expenses incurred in such construction, alteration, maintenance or repairs, together with the costs of collecting the same and interest as herein provided, shall be a lien on the lot in front of which said sidewalk shall be, in the same manner as taxes duly imposed in said city from the time that such expenses shall be incurred, and a charge against the owner thereof, which may be collected by a proper action in any court of law against such owner, or by warrant to be issued in the manner in this act specified.

Sidewalks

**Nuisances.** § 4. Whenever the owner or occupant of any lot of ground within said city shall have suffered or committed any nuisance thereon, which the common council shall have removed at the expense of the city, such expense, together with all fees and expenses of the collection thereof, and entered as hereinafter provided, shall be a lien upon said lot, from the time the said expense shall be incurred, in the same manner as taxes duly imposed in said city.

**Expenses of repairing sidewalks how collected.**

§ 5. Whenever any such expense shall have been incurred on or in front of any lot of land in said city, in removing or abating any nuisance, or in making, altering, or repairing a sidewalk, as in this act and in the act incorporating said city provided, and the owner of said lot shall not pay or cause the same to be paid on demand, the common council of said city may issue a warrant to the city marshal, designating and directing him to sell said premises to satisfy the amount of said expenses so incurred, with interest at seven per cent per annum from the time the same were incurred, and the expenses of collection. The said marshal shall proceed to sell such lot to satisfy the said warrant, in the manner prescribed in the act incorporating said city, for the sale or leasing of real estate for the collection of taxes; and all the provisions of said act respecting the sale of real estate for taxes, shall apply to the proceedings of said marshal under such warrant, so far as they are applicable thereto.

**Lease.**

§ 6. Every lease or conveyance of real estate in said city, upon a sale for any tax, charge or assessment, made by the marshal or any other officer or person designated in pursuance of this act or the act incorporating said city, shall convey the title to such estate as the same may create in such lands, and the right to the possession of the same, from the time when such tax, charge or assessment became a lien, pursuant to the provisions of either of the said acts, in preference to any deed or conveyance of said premises, or any general or specific lien thereon, subsequent to such date.

**Summons to testify.**

§ 7. The common council, and any committee thereof, shall have power to issue a summons to any person to appear and testify before them, in respect to any matter pending or referred to them. Such summons may be served at any place within the county of Dutchess, in the same manner as subpoenas for witnesses in criminal cases.

Any person who shall refuse to attend, in obedience to any such summons, may be arrested by an order or attachment, which may be issued by the mayor or recorder, upon proof of the service of such summons and of such refusal, and committed to the county jail, or other proper place of detention, until he shall appear and testify, as required. Such witness so refusing to attend, may also be fined and imprisoned for disobedience of such summons, by the mayor or recorder, in the same manner and to the same extent as witnesses refusing to attend in obedience to a subpoena duly issued by a justice of the peace. Whenever any person summoned as a witness before said common council, or any committee thereof, shall refuse to be sworn or affirmed, or to answer any pertinent and proper question, the mayor or presiding officer of said council, or the chairman of said committee, may forthwith commit such person to the county jail, or other proper place of detention, for a period not exceeding twenty days, or until he shall be sworn or affirmed, or answer such questions. Such commitment shall be made by warrant directed to the sheriff of the county, or other officer having such place of detention in charge, and shall recite the cause of such commitment, and such officer shall keep such person in close confinement, as directed thereby.

§ 8. The mayor of the city of Poughkeepsie shall possess all the power and authority conferred upon mayors of cities by any statute of the state; he shall have power to apprehend and arrest any person who shall within his view be guilty of any criminal act, or of any violation of the laws or statutes of this state. He may also, upon complaint being made to him under oath, issue a warrant to the marshal, or any police constable of the city of Poughkeepsie, to arrest any person charged with any crime or misdemeanor, or with any violation of any of the laws or statutes of said state, and bring such person for examination or trial either before him, the said mayor, or before the recorder or acting recorder. Any such warrant may be executed by any officer to whom it is directed at any place within the state. If such process shall be made returnable before the recorder or acting recorder, such officer, upon the same being returnable to him, or the prisoner arrested by virtue thereof being brought before him, shall take and acquire jurisdiction of the subject matter, and proceed with the case to the same extent and in the

Mayor, his powers.

same manner in all respects as if such process had been originally issued by him. Whenever any person shall be arrested by the mayor of said city, for any offence committed within his view, or by process originally returnable before himself, he may by an order in writing transfer the case to the Recorder, who shall thereupon take and acquire jurisdiction and proceed with such case, in the same manner and to the same extent as if such person had been arrested or such process originally issued by him; or the said mayor may in any such case proceed to examine such person, and commit him for trial, to answer the charge against him, or discharge him according to law. If the offence charged is by law triable in a court of special sessions of the peace, the said mayor may proceed to hold a mayor's court of special sessions to try such person or persons, and all provisions of law applicable to courts of special sessions shall extend and apply to such mayor's court. All process for the summoning of jurors or witnesses in such court may be served or executed by the marshal or any constable of said city.

Recorder,  
his juris-  
diction.

§ 9. Section one of title seven of the act entitled "An act to incorporate the city of Poughkeepsie," passed March twenty-eight, eighteen hundred and fifty-four, is hereby amended so as to read as follows: The recorder of said city shall, except in case of his absence from the city, or inability from sickness or other cause to act, have jurisdiction exclusive of any justice of the peace or other officer in said city, except the mayor and judges of courts of record, to issue all criminal process, and all process other than in civil actions, which a single justice or two justices of the peace in towns are empowered or directed by law to issue, to hear all complaints and conduct all examinations in criminal cases; to hold courts of special sessions, with all the power and jurisdiction of such courts as regulated by statute, to try, convict and sentence, all persons who may be guilty of any offences which are triable by courts of special sessions, and to commit for trial all persons who shall be guilty of felonies not triable in such courts. Section five of title seven of said act to incorporate the city of Poughkeepsie, is hereby amended by inserting the words "mayor or," immediately before the word "recorder," wherever it occurs in said section.

Police con-  
stable.

§ 10. Section six of title seven of said act is hereby amended so as to read as follows: The common council

of said city shall annually, as soon as practicable after the annual election, appoint two proper persons to be police constables for said city, who shall hold their office for one year, and until successors shall be appointed. The said police constables shall possess the exclusive power of serving all criminal or other process issued by the recorder or acting recorder, or mayor, and of performing all acts in relation to criminal offences which police officers or constables are authorised to perform, except that every constable of said city shall have power to arrest and bring before a proper officer for examination, any person who may, in the view or presence of such officer, be guilty of any offence against any of the laws or statutes of the state. It shall be the duty of said police constables to attend at the recorder's office at all reasonable hours of the day, to obey at all times all process or directions of the mayor or recorder, duly issued or given for the preservation of the public peace and order, and to arrest, whenever they shall be called upon or sent by the mayor, recorder or common council, to keep the public peace; or to arrest any person charged with any offence. In any case of the absence continued, continued detention or inability to act, of both said constables, the mayor, recorder or acting recorder, may designate any person by an appointment in writing, to serve any process issued by either of such officers. Every person so appointed shall possess all the powers of a police constable under this act in relation to the particular process or service for which he is appointed, and which must be specified in such written appointment.

§ 11. Section eight, of said chapter seven, of the said act, is hereby amended by striking out the words, "constables acting as police officers," whenever they occur in said section, and inserting in the place thereof the words, "police constable."

§ 12. The mayor of said city shall be authorised, whenever the public interest shall require, to appoint special constables, not exceeding fifteen in number, who shall hold their office by virtue of such appointment for such period as the mayor shall direct, not exceeding two weeks under any one appointment. Such special constables shall forthwith take the oath of office, and shall thereupon become vested with all the powers and shall discharge all the duties of police constables under this act, and in pursuance of the statutes of the state as they may be directed by the

Special  
constables.

mayor or other competent authority; and whenever any special constables shall be appointed by the common council of said city, they shall take an oath of office in like manner and shall possess the power and discharge the duties of police constables as aforesaid. The marshal of said city shall also possess all the powers and be bound to discharge the duties of a police constable under the act, and the act incorporating said city of Poughkeepsie.

Powers  
and duties  
of police  
constables.

§ 13. Sections six and seven, of title seven, of the act entitled an act to incorporate the city of Poughkeepsie, passed March twenty-eight, one thousand eight hundred and fifty-four, are hereby repealed. The constables now appointed pursuant to said act, and acting as police officers in said city, shall be the police constables of said city for the present civil year and until successors are appointed, pursuant to the provisions of this act, and shall possess all the powers and discharge all the duties of the office of police constable as are defined by this act, and by the act hereby amended.

Suits for  
violation of  
ordinances  
how com-  
menced.

§ 14. Whenever complaint shall be made before any justice of the peace of said city, in order to commence an action in behalf of said city against any person for the violation of any of the ordinances thereof, and such complaint shall be verified by the oath or affidavit of any person that the same is true, and that such offence has been committed, of his own knowledge, and stating the facts and circumstances, such justice may, if in his judgment the case require it, issue a warrant as the commencement of such suit, directed to one of the police constables of said city, commanding him to take the body of such person and bring him before such justice to answer the complaint of said city in a civil action for the violation of such ordinance. Upon the return of such warrant, the justice shall proceed with such action in the same manner as is prescribed by law and said act, to incorporate said city of Poughkeepsie, except that the defendant shall *not* execute an undertaking to said city with proper sureties to be approved by said justice that said defendant will pay and satisfy any judgment which may be obtained or rendered against him in said action. Said justice shall proceed forthwith to the trial of said action, and said defendant shall be detained in custody under said warrant by the officer to whom the same was issued until judgment be rendered in said action.

§ 15. Every person now or hereafter elected or appointed overseer of the poor in said city shall give security for the faithful performance of the duties of his office, and to account for all moneys which may pass through his hands in such manner and to such amount as the common council may direct, within ten days after he shall be notified of the order of the common council respecting the same, or his office shall be deemed vacant and may be filled by appointment by said council. The overseer of the poor of said city, shall at, or before the first meeting of the common council in the month of July in every year, present to said council an estimate of the amount which in his judgment will be required during the year as a poor fund. The said council shall present a statement of said sum or whatever other amount they shall judge proper, to the board of supervisors of Dutchess county, who shall cause the same to be levied, collected, and paid over as county and town allowances for poor funds now are by law, in the case of towns.

Overseer  
of poor

§ 16. Section three of title five of the said act entitled "An act to incorporate the city of Poughkeepsie," passed March twenty-four, one thousand eight hundred and fifty-four, is hereby amended by striking out the words "within the fifteen" after the words "shall not have been paid to said collector" and inserting in lieu thereof "any one of the."

§ 3, of title  
5, amend-  
ed.

§ 17. Section twelve of the said title five of the said act is hereby amended by striking out the words "in the second section of this title mentioned," and also the words "the said section," and inserting in place of said last mentioned words, "this act."

§ 12, of title  
5.

§ 18. Section six of title seven of said act is hereby amended by striking out the words "two of their number who shall act as" and inserting in place thereof the words "or from other proper persons two persons shall be" and by striking out the words "constables acting as," after the words "inability to act of both said."

§ 6 of title  
7.

§ 19. Sections seven and eight of said title seven of said act are hereby amended by striking out the words "constables acting as" and "constables acting as such" wherever they occur in either and both of said sections before the words "police officers."

§ 7 and 8.  
of title 7.

§ 20. The common council may in their discretion, allow to the assessors of said city, compensation in any year not exceeding twenty-five dollars to each of said assessors for

Pay of  
assessors

any service which they may be required to perform by any special statute, and other than the valuation and assessment of the real and personal estate of said city.

§ 21. This act shall be a public act and shall take effect immediately.

## Chap. 359.

AN ACT to amend an act entitled an "Act to provide for the incorporation of Villages," passed December seventh, eighteen hundred and forty-seven, so far as the same applies to the Village of Willink, in the county of Erie.

Passed April 12, 1855, three-fifths being present.

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

Road district.

§ 1. The village of Willink, in the county of Erie, shall be, and the same is hereby constituted a separate road district, and is hereby declared to be exempt from the superintendence of the commissioners of highways of the town of Aurora, except that the bridge across Buffalo creek, in said village, shall be built and rebuilt, and kept in repair in the same manner as heretofore by the commissioners of highways of the said town of Aurora.

Trustees to be commissioners.

§ 2. The trustees of said village shall have power, and it shall be their duty to prescribe the manner of repairing highways, streets and alleys, and of altering and laying out the same, and of erecting and repairing bridges in said village, with the exception of the bridge referred to in the first section of this act and laying out the moneys raised for highway and bridge purposes therein ; and shall exercise all the powers and perform all the duties of commissioners of highways within the limits of said village, in like manner and with like effect as commissioners of towns, and are hereby authorised to assess upon each male inhabitant of said village of the age of twenty-one years and upwards, not less than one nor more than two days' service and labor upon the highways, streets and alleys of said village, over and above the assessment upon the real and