

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.

volunteers by said Campbell, and by him presented, and being credited upon the then required quota of the State of New York.

§ 2. This act shall take effect immediately.

Chap. 594.

AN ACT to amend an act entitled "An act to provide for a supply of water in the city of Poughkeepsie, and for sewers therein," passed April twelve, eighteen hundred and sixty-seven.

Passed April 19, 1871; three-fifths being present.

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

SECTION 1. Section four of an act entitled "An act to provide for a supply of water in the city of Poughkeepsie, and for sewers therein," is hereby amended so as to read as follows:

§ 4. The common council of said city shall raise by loan from time to time, as required by said water commissioners, a sum not exceeding three hundred and fifty thousand dollars, by the creation of a public fund or stock, to be called "Water Stock of the City of Poughkeepsie," which shall bear interest not exceeding seven per cent per annum, and be payable within forty years from the time of the issue thereof, and shall be disposed of at not less than its par value, and the money realized therefrom shall be paid over to said water commissioners by the chamberlain of said city, as required by them, on their draft, and applied only to carry into effect the provisions of this act; said stock shall be a lien on the taxable property of said city, real or personal, and the money necessary to pay the principal and interest on said stock shall, as it matures, be levied and collected on the taxable property therein, as herein-after provided. All costs, damages and expenses of taking and improving said Fallkill creek for the purposes of sewerage in said city, and for extinguishing the rights of the mill owners, and of persons entitled to the use of said waters, and which are not extinguished

Loan by common council.

Creation of water stock.

Rate of interest, and when payable.

Avails, how paid out.

Stock to be a lien.

Tax to pay same.

Costs and damages to mill owners, &c., how assessed or raised.

by assessments upon any lands and premises bordering on said ponds or creek, as provided by section five of said act, shall be reported by said water commissioners to the common council of said city, who shall cause the same to be raised on the credit of said city, and paid over to said water commissioners, to be paid by them to the persons entitled to the same; and said common council are hereby authorized to issue bonds of said city, payable at such times within fifty years from the time of issuing the same, with lawful interest annually, as said common council may determine.

Issue of
city
bonds.

Commis-
sioners, to
assess
benefits
for re-
moval of
dams, &c.

§ 2. Stephen W. Fullerton and Enoch Carter, of Newburgh, Orange county, and George Hufcut, of Dover Plains, Dutchess county, are hereby appointed commissioners to determine and assess the benefits conferred upon the owner or owners of lands bordering upon the Fallkill creek, or the ponds formed by the same, in the city of Poughkeepsie, by reason of the taking down or removal of the dams upon said creek, in said city of Poughkeepsie, or any one of them, under and by virtue of the provisions of an act entitled "An act to provide for a supply of water in the city of Poughkeepsie, and for sewers therein," passed April twelfth, eighteen hundred and sixty-seven, and the acts amendatory thereof, or by reason of the improvement, alteration or walling in of said creek or ponds in said city, or for leaving the beds and sides of said creek or ponds, now overflowed, free and clear from the waters of said creek or ponds, as provided in said act.

Commis-
sioners to
give
notice of
meeting.

§ 3. Before proceeding to assess said benefits said commissioners shall cause to be published in a daily newspaper, printed and circulating in said city, a notice designating the time and place, when and at which they will meet, and proceed to consider the said assessment; such notice to be published daily for two successive weeks before such meeting; and before proceeding with such assessment said commissioners shall take the oath prescribed by the constitution of the State of New York.

Oath of
commis-
sioners.

To view
premises.

To make
assess-

§ 4. Said commissioners, after viewing the premises and hearing those interested who desire to be heard, shall make such assessment by a report in writing, which report, after confirmation thereof by the Supreme

Court at a special or general term thereof in the second judicial department, shall be filed in the office of the clerk of the county of Dutchess; and from the time of such filing all amounts for benefits thus assessed, as specified in said report, shall be a first lien upon the lands in respect to which said assessments are respectively made, and shall be collectable by the city of Poughkeepsie in the same manner as taxes for the construction of sewers may be collected under and by virtue of an act to provide for a supply of water in the city of Poughkeepsie, and for sewers therein, as amended by chapter one hundred and fifty-eight of the laws of eighteen hundred and seventy.

main report.
To be filed after confirmation.
Assessment to be a lien.
How collected.

§ 5. Before such report shall be confirmed a notice shall be published by the water commissioners of the city of Poughkeepsie, in a newspaper printed and circulating in said city, for ten successive days, stating the time and place, when and at which such confirmation will be moved.

Notice of application for confirmation of report.

§ 6. In case of the death, or inability to act, of any one or all of said commissioners, his or their successors may be appointed by the Supreme Court, at a general or special term thereof, held in the second judicial department of this State, upon the application of the water commissioners of the city of Poughkeepsie, upon proof of a publication for ten successive days in a newspaper printed and circulating in the city of Poughkeepsie, of a notice of the time and place of such application. When so appointed, such successor or successors shall have all the powers and discharge all the duties hereinbefore conferred and imposed upon the persons herein named as commissioners.

Vacancies in commission, how filled.

Powers of successors.

§ 7. All acts or portions of acts inconsistent with the foregoing provisions are hereby repealed; but this act shall not be construed as repealing or annulling any of the powers conferred on the commissioners appointed under and by virtue of an act passed April twelfth, eighteen hundred and sixty-seven, entitled "An act to provide for a supply of water in the city of Poughkeepsie, and for sewers therein," and the amendments thereto.

Repeal.

Notices,
how en-
titled.

§ 8. The notices hereinbefore required to be published shall be entitled as follows, viz.: "To all persons interested in the assessment for benefits conferred by reason of the taking down of the dams upon the Fallkill creek, or the improvement of said creek;" which notices, so entitled, and specifying the object of the same, and published as hereinbefore directed, shall be sufficient notices within the meaning of this act.

§ 9. This act shall take effect immediately.

Chap. 595.

AN ACT to authorize the city of Troy to fund its floating debt.

Passed April 19, 1871; three-fifths being present.

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

City may
borrow
money.

Rate of
interest.

Principal,
when
payable.

Issue of
city
bonds.

SECTION 1. It shall be lawful for the city of Troy to borrow any sum of money, not exceeding the ascertained floating debt of the city, incurred during the fiscal year last past, at a rate of interest not exceeding seven per cent, payable in two equal annual payments, together with the interest thereon, semi-annually; the first installment of principal to be paid on the fifteenth day of October, eighteen hundred and seventy-one, together with the whole amount of interest then due, and the second installment of principal to be paid on the fifteenth day of October, eighteen hundred and seventy-two, together with the whole amount of interest then due, and to execute bonds therefor under the seal of the said corporation and the signature of the mayor and chamberlain of said city, and to be countersigned by the comptroller thereof. The moneys to be raised as aforesaid shall be applied to the payment of the said ascertained floating debt, and for no other purpose whatever. Said bonds shall not be negotiated at less than par.

§ 2. This act shall take effect immediately.