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OF THE

STATE OF NEW YORK,

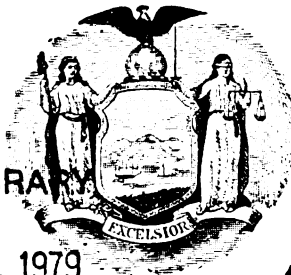
PASSED AT THE

ONE HUNDRED AND EIGHTH SESSION

OF THE

LEGISLATURE,

BEGUN JANUARY SIXTH, AND ENDED MAY FIFTEENTH, 1885,
AT THE CITY OF ALBANY.



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ALBANY:

BANKS & BROTHERS, PUBLISHERS.

1885.

Chap. 292.

AN ACT to authorize the board of water commissioners of the village of Richfield Springs, in the county of Otsego, to raise an additional sum of money to increase the supply of water for said village.

PASSED May 21, 1885; three-fifths being present.

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

Water commissioners may borrow not exceeding \$20,000 and issue bonds therefor.

SECTION 1. The board of water commissioners of the village of Richfield Springs, in the county of Otsego, for the purpose of furnishing the said village with an additional supply of water are hereby authorized and empowered to borrow, upon the credit of said village, a sum of money not exceeding twenty thousand dollars, at a rate of interest not exceeding five per cent per annum, and to secure the payment of said loan said commissioners are authorized to issue bonds which shall be signed by the commissioners, or any three of them; said bonds shall be made payable in such amounts and at such times, not exceeding twenty years from date, as such commissioners shall deem best; said bonds and 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 said moneys so borrowed shall be appropriated by said commissioners in furnishing said village with an additional supply of water; but no such bonds shall be disposed of by said commissioners at less than their par value. All sums of money required to pay the principal and interest on said bonds, in case the current receipts from said water-works shall be insufficient in whole or in part to pay the same, shall be provided for by tax to be levied on the taxable property of said village and collected in the same manner as other village taxes are levied and collected. Before any bonds provided for by this act shall be issued by said commissioners they shall file with the county clerk of Otsego county their joint and several bonds in the sum of forty thousand dollars with securities* who shall justify before any justice of the peace or notary public of said county, and to be approved by the county judge of said county, and conditioned for the faithful performance of the duties of said commissioners, and when the term of service of any of said commissioners shall expire he shall hold his office as said commissioner until new bonds shall be given by said board of which his successor is to be a member, which bond shall be in a similar form to those first issued, for a like amount, and to be justified, approved and filed in a similar manner.

Official bonds of commissioners.

Special meeting of electors to vote on question whether money shall be borrowed, and commissioners not to act unless majority

§ 2. At any time after the passage of this act a meeting of the electors of said village of Richfield Springs may be called by its board of trustees upon a notice published for two weeks, successively, in the Richfield Springs Mercury, a newspaper published in the village of Richfield Springs, at which the question shall be submitted whether the bonds for the purpose of raising money for the purpose aforesaid shall be issued by said commissioners as provided in this act. And no commissioners shall proceed with any duties under this act unless a majority of the voters residing within the corporate limits of the village

* So in original.

of Richfield Springs whose names appear on the last assessment-roll of the town of Richfield, voting at such meeting, shall vote in favor of such proposition. Said vote shall be by ballot. Said ballot shall be written or printed and shall be in the following forms: "For the proposition authorizing the board of water commissioners of Richfield Springs to issue the bonds of said village in a sum not exceeding twenty thousand dollars, for the purpose of furnishing said village with an additional supply of water."

vote in favor thereof. Form of ballots.

"Against the proposition authorizing the board of water commissioners of Richfield Springs to issue the bonds of said village in a sum not exceeding twenty thousand dollars, for the purpose of furnishing said village with an additional supply of water." The said board of trustees, or any of them, shall preside at such meeting and certify the result of the same. The clerk of said village shall, within three days thereafter, serve each of said commissioners with a certified copy of such certificate.

§ 3. It shall be the duty of the commissioners to examine and consider all matters relating to furnishing said village with an additional supply of water, and for that purpose they shall employ engineers, surveyors and such other persons as shall be necessary for that purpose, and adopt such plans as in their opinion may be most feasible for procuring such additional supply of water, and which shall embrace such additional supply of distribution pipes in such village as shall be for the best interest of the same, and ascertain the probable amount of money necessary to carry the same into effect, and for that purpose have power to contract for and purchase, and take by deed or other instrument under seal, in the name of said village, all lands, tenements, hereditaments, rights or privileges whatever and wherever the same may be situated, 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 or owners of the real or personal property which may be required for the purpose of this act, as to the amount of compensation to be paid such owner, subject to a revision by the court upon application by any three taxable inhabitants of the village.

Duty of commissioners.

§ 4. Before entering, taking or using any land for the purpose of this act, the said water commissioners shall cause a survey and map to be made of the lands intended to be taken or entered upon for any of said purposes, by and on which the land of each owner or occupant shall be designated, which map shall be signed by the president of said water commissioners and their secretary, and be filed in the office of the county clerk of the county in which the said lands are situated. Said water commissioners by any of their officers, agents or servants, may enter upon any lands for the purpose of making such survey or map.

Survey and map to be made.

§ 5. In all cases where the said water commissioners shall be unable to agree with the persons owning or having an interest in any lands, tenements or hereditaments required for the purposes of this act, the supreme court, at any special term thereof held in the judicial district in which said lands are situated, shall, on application of said water commissioners, after ten days' written notice, personally served on such persons, or where such notice cannot be personally served within the state, or such persons are infants or otherwise incapacitated from receiving personal notice, then by service in such manner as the said court shall direct, appoint three disinterested citizens of the county in which the said lands are situated, who shall be freeholders, as commis-

Proceedings to acquire title to lands necessary.

sioners of assessments to determine the damages sustained by each of such persons by reason of the taking or use of his or her lands, tenements or hereditaments for the purpose of this act. Such commissioners of assessments shall take the oath required by the constitution, and shall personally examine each parcel of land or other property proposed to be taken or used, and shall estimate and report to said court at any term thereof held in the said judicial district, the several sums which will be a just compensation to such owners or persons interested, respectively, for the appropriation to the purposes of this act of any property, rights or privileges that may be so required, or for the title or use of any such property. Such commissioners of assessment may examine witnesses upon hearings before them, and all evidence so taken shall accompany their report. Ten days' notice in writing of the time and place of the presentation of said report shall be given to the parties interested. On the presentation of said report the said court may confirm or amend the same, or appoint new commissioners, who shall proceed in like manner with the first commissioners, and whose report shall be final, and shall be confirmed by said court. Said commissioners of assessment shall receive from the said water commissioners the sum of three dollars per day each for each day employed by them in performance of their duties as above stated, together with the amount which said commissioners of assessment shall certify as correct in their said report, for incidental expenses connected with their work, including the preparation of their report.

Payment or deposit of sums awarded.

§ 6. Whenever any report of commissioners of assessment shall have been confirmed by said supreme court the said water 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 the said report in full compensation for the property so required; and thereupon the said village shall become seized in fee of the property so required, and said commissioners and said village shall be discharged from all claim by reason of any such appropriation or use.

Power to make contracts for labor and materials. Contracts to be in triplicate, etc.

§ 7. Said commissioners shall have power to make all necessary contracts for labor and materials in the construction of the work and all pertaining thereto, which 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 by the same number, one of which shall be given to the contractor, one to the village clerk, which shall be filed by said clerk with the records of said village, and one retained by the commissioners; and three weeks' public notice shall be given in one or more newspapers published in said village, or if no paper is published in said village, then in one or more of the nearest newspapers published in the county as the commissioners shall direct, of the times and places at which sealed proposals will be received for entering into contracts, and the commissioners shall have full discretion as to the acceptance or rejection of all sealed proposals, and in case any materials and 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 direct, for work or materials; and every person who shall enter into any contract for the supply of materials or the performance of any work shall give satisfactory security to such commissioners for the faithful performance of his contract according to its terms.

Commissioners

§ 8. No commissioner 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, nor for any portion of the water-works, nor shall he receive any compensation for his services, nor for anything pertaining thereto. not to be interested.

§ 9. The said commissioners and all acting under their authority shall have the right to use the ground or soil under any street, highway or roads within the county within which said village is situated, for the purpose of introducing water into and through any and all portions of said village, 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 and relaying water-pipes, upon like conditions. Use of ground or soil under streets.

§ 10. This act shall take effect immediately.

Chap. 293.

AN ACT to repeal chapter four hundred and twenty of the laws of eighteen hundred and sixty-two, entitled "An act to incorporate the Union Home and School for the Education and Maintenance of the Children of Volunteers," and to dissolve said corporation.

PASSED May 21, 1885; three-fifths being present.

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

SECTION 1. Chapter four hundred and twenty of the laws of eighteen hundred and sixty-two, entitled "An act to incorporate the Union Home and School for the Education and Maintenance of the Children of Volunteers," is hereby repealed, and the corporation known as "The Union Home and School for the Education and Maintenance of the Children of our Volunteers who are left unprovided for" is hereby dissolved and shall henceforth cease and determine; provided, however, that this act shall not affect any right or rights of action now existing. Act referred to repealed and corporation dissolved.

§ 2. This act shall take effect immediately.

Chap. 294.

AN ACT to provide for the election of one overseer of the poor in the town of Orangetown, Rockland county, and to fix his compensation.

PASSED May 21, 1885; three-fifths being present.

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

SECTION 1. There shall hereafter be chosen at the annual town meeting in the town of Orangetown, county of Rockland, one overseer of the poor for said town, said overseer to serve for the term of one year. Term of office of overseer.