

L A W S

OF THE

STATE OF NEW-YORK,

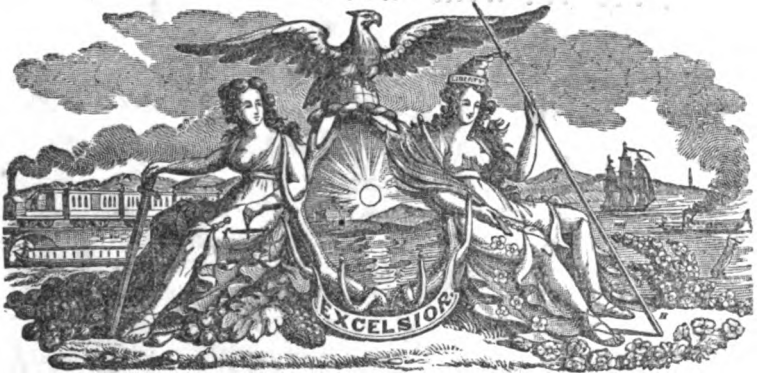
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PASSED AT THE

SIXTY-NINTH SESSION OF THE LEGISLATURE,

BEGUN AND HELD IN THE CITY OF ALBANY,

THE SIXTH DAY OF JANUARY, 1846.



ALBANY :
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1846.

CHAP. 211.

AN ACT to amend the act incorporating the village of
Saratoga Springs, passed April 17, 1826.

Passed May 12, 1846, by a two third vote.

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

§ 1. The trustees of the village of Saratoga Springs, are hereby empowered to borrow a sum of money, not exceeding ten thousand dollars, for the purpose of furnishing pure and wholesome water to the inhabitants of said village, and for the purpose of extinguishing fire therein ; and to enable them to pay the interest on the money thus borrowed, it shall be their duty, within thirty days after the annual election in the said village, in the year one thousand eight hundred and forty-seven, and within the same period during each year thereafter, to levy and collect a tax upon the real and personal property of said village, which, exclusive of collector's fees, shall not exceed seven hundred dollars in any one year, and which shall be in lieu of any other village tax to be collected, any law to the contrary notwithstanding.

Money may
be borrowed
by trustees.

§ 2. In making out the tax list upon said real and personal estate, the said trustees shall apportion the same on all the taxable property within the village, according to the valuation thereof on the last preceding assessment roll of the town of Saratoga Springs, including therein those who have become liable to taxation since said assessment roll was completed.

Taxes to be
apportioned.

§ 3. After completing said assessment, the trustees shall deposit the same with the clerk of the village for the inspection of all persons interested therein. They shall give ten days' previous notice, in the manner required to be given by assessors of towns, specifying the time and place they will meet to review the assessment on the application of any person conceiving himself aggrieved. They shall have the same power to correct and reduce such assessments as is vested in the assessors of towns.

Assessment
roll to be de-
posited with
clerk.

§ 4. For the purpose of collecting such assessments, the trustees shall immediately thereafter issue their warrants, under the hands and seals of a majority of them, to be directed to the collector of said village, who shall be elected by the electors of said village at the annual election held therein, commanding him to levy and collect the amount of such tax in the same manner as on warrants issued by the board of supervisors to the collectors of towns, and to make return thereof, and to pay over the money to the treasurer

Warrants for
collection to
be issued.

of the village, within sixty days after the time of issuing the same.

Collector to
give bond.

§ 5. Before the warrant shall be delivered to the collector as aforesaid, he shall execute and deliver to the trustees a bond in double the amount of the tax to be collected, with sureties to be approved by them, conditioned for the faithful discharge of his duties and the payment to the treasurer of the amount of the assessment to be collected by him as aforesaid. And before the treasurer shall receive any monies thus collected, or any other monies contemplated in this act, he shall, in like manner, execute to the said trustees a bond, in double the amount of the monies to be received by him, with two sufficient sureties to be approved by the trustees, conditioned for the faithful performance of his duties as such treasurer, and for the faithful appropriation of such monies, as contemplated in this act.

To collect
taxes.

§ 6. The collector shall proceed to collect the amount of such tax of the several persons therein named, in the same manner as collectors of towns are authorized by warrants issued by the boards of supervisors, and after retaining in his hands three per cent upon the amount collected, he shall pay the residue to the treasurer of the village within sixty days from the date of said warrant.

Amount of
loan where
to be deposit-
ed.

§ 7. Whenever the trustees shall be enabled to effect the loan contemplated in the first section of this act, or any portion thereof, it shall be deposited by the person or persons making the loan in one or more solvent bank or banks in the counties of Saratoga, Rensselaer, Albany or New-York, to the credit of the commissioners hereafter named; on the production of the certificate or certificates of which deposit or deposits, the trustees shall deliver to the person or persons making such loans, scrip, under the seal of the corporation of said village, and signed by the president, acknowledging the indebtedness of said corporation to the amount thus borrowed, with interest, and redeemable at such period as shall be agreed upon by the parties interested; which scrip shall be a lien upon the corporate property of said village, including the aqueduct hereafter mentioned. And the moneys to be raised by tax in the said village, as contemplated in this act, shall be appropriated by the trustees to the payment of the interest and principal of the said loan, and for no other purpose whatever; provided that whenever the said loan and the interest thereon shall be fully paid, the said tax shall wholly cease and be inoperative.

Commission-
ers to obtain
a supply of
water.

§ 8. Rockwell Putnam, Nicholas B. Doe and Gideon M. Davison shall be commissioners, whose duty, or the duty of any two of whom it shall be, to make examinations and determine on the best mode for obtaining a supply of water for

said village. They shall be empowered to cause the requisite surveys and levels to be taken for that purpose, to enter upon and take possession of lands and springs or streams of water for that purpose, first paying to the owners all reasonable damages; to contract for and superintend the laying of an aqueduct or water pipes; to erect a reservoir or reservoirs; to affix the requisite number of fire stocks, and generally, to do every thing which they may consider necessary to furnish a supply of water for the use of the inhabitants of the village, either for family purposes or for the extinguishment of fire.

§ 9. Before the said commissioners shall take possession of any lands or streams of water as mentioned in the preceding section, they shall obtain the consent of the owners thereof, and of such persons as would suffer damage thereby; and if any person shall not give such consent, the said commissioners shall be empowered to apply to the chancellor, giving reasonable notice thereof to such person, for the appointment of three appraisers, whose duty it shall be to examine the premises, and to make an award in writing of the amount of damage to be paid to such person. And on the payment thereof, or depositing the amount in the Ballston Spa bank to the credit of the persons entitled thereto, and giving him notice; and on recording in the clerk's office of the county of Saratoga the award, the title to the lands or water thus taken shall become vested in the trustees of the village for the purposes aforesaid.

Lands and streams how to be acquired.

§ 10. The said commissioners, before appropriating any of the moneys which shall be deposited to their credit as aforesaid, shall give a bond to the trustees in double the sum deposited, for the faithful appropriation of the moneys which shall come into their hands for the purposes aforesaid; and they shall not be entitled to any compensation for their services.

Commissioners to give bond.

§ 11. After the said aqueduct and reservoirs shall have been completed, and the necessary fire stocks affixed, the control thereof shall pass into the hands of the trustees, who shall have power to superintend the repairs and lease or sell water therefrom to the inhabitants, upon such conditions and regulations as they shall deem proper. The moneys received for such sales shall be paid to the village treasurer by the purchaser or purchasers, and the rents for leases shall be collected by the village collector, upon the warrant of the trustees, in the manner provided for the collection of taxes, and paid over to the treasurer, the said collector and treasurer first giving respectively to said trustees a bond, with two sufficient sureties, in the manner provided in this act for the

Trustees to have the control of the water works.

faithful execution of their respective trusts in the collection and safe keeping of other moneys.

Debts how to
be paid.

§ 12. With the moneys thus received for sales and leases of water as provided for in the next preceding section, the said trustees shall pay any debts which may have been contracted by them as such trustees prior to the passage of this act, and which shall remain unpaid after appropriating for that purpose the moneys which shall be received from the tax to be collected during the present year ; after the payment of which debts the proceeds of said sales and leases, not exceeding three hundred dollars per annum, shall be appropriated to the guarding said village more effectually against fire, and the residue of said proceeds to the extinguishment of the loan aforesaid.

Surplus moneys how disposed of.

§ 13. Whenever there shall be received by the treasurer from any of the foregoing sources a larger amount of money than shall be required for repairs, for paying the interest on the loan aforesaid, and for guarding the village against loss by fire, the trustees shall be empowered to loan or invest the same and receive interest thereon for the purpose of more easily extinguishing the said loan, whenever the same shall become due.

CHAP. 212.

AN ACT to incorporate the Buffalo and Lancaster Plank Road Company.

Passed May 12, 1846, by a two-third vote.

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

Corporation
created-

§ 1. All persons who shall become stockholders, pursuant to this act, of the corporation thereby created, shall be, and they are hereby constituted a body politic and corporate, by the name of "The Buffalo and Lancaster Plank Road Company," for the term of twenty-one years after the passage of this act.

Capital stock

§ 2. The capital stock of such corporation shall be twenty-five thousand dollars, with the privilege of increasing the same to thirty-six thousand dollars. It shall be divided into shares of twenty-five dollars each ; shall be deemed personal property, and be assignable as the by-laws of said corporation shall direct.

Subscriptions to stock

§ 3. Grosvenor Clark, John Cameron and Moses Baker of the city of Buffalo ; Robert Winspear, Elisha P. Adams and William Haskell of Chucktonaga ; John Moulton, William R. Conly and Peleg Stranahan of Lancaster, or a majority of them, shall be commissioners to open books and receive