

L A W S

OF THE

STATE OF NEW YORK,

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PASSED AT THE

NINETY-FIFTH SESSION

OF THE

LEGISLATURE,

BEGUN JANUARY SECOND, AND ENDED MAY FOURTEENTH, 1872,  
IN THE CITY OF ALBANY.

VOL. II.



ALBANY:  
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1872.

shall be president, the Rev. Frederick Schelle, D. D., secretary, and August Jarecki treasurer of said corporation.

§ 3. The said corporation shall have power to hold in trust deeds of church property and other beneficent institutions, and of taking, holding and receiving any property, real, personal or mixed, by virtue of any devise, bequest, subject to all provisions of law relating to devises and bequest by last will and testament, grant or purchase, provided the yearly value of such property shall not exceed the sum of one hundred thousand dollars, and that the same shall be appropriated to religious, charitable or missionary purposes. Corporate powers.

§ 4. The said corporation shall possess the general powers, rights and privileges, and be subject to the liabilities and provisions contained in the eighteenth chapter of the first part of the Revised Statutes, so far as the same are applicable. General powers.

§ 5. This act shall take effect immediately.

## Chap. 763.

AN ACT to amend an act entitled "An act to amend the charter of the village of Saratoga Springs," passed March twenty-sixth, eighteen hundred and sixty-six, and the acts amendatory thereof.

Passed May 17, 1872; three-fifths being present.

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

SECTION 1. James M. Marvin, William Bennett, Henry B. Hanson, John W. Crane and James H. Wright are hereby appointed water commissioners for the village of Saratoga Springs. Water commissioners.

§ 2. The management and control of the water-works of said village, and the water, buildings, erections, machinery, lands, ponds, dams, races, pipes, hydrants, cisterns, reservoirs and other property thereof, or connected therewith, now held or that may be acquired therefor, together with all receipts, water rents, taxes Management and control of water-works, etc., to vest in commissioners.

and income therefrom, and the avails thereof, are hereby vested in said commissioners and their successors, and shall be subject to their management and control.

Terms of office.

§ 3. Said commissioners shall continue in office as follows: One of them for one year, one for two years, one for three years, one for four years, and one for five years, from the first day of May, eighteen hundred and seventy-two; and they shall, on or before the fifteenth day of May in that year, meet and determine by lot the term of each commissioner, which determination shall be entered in a book of their proceedings to be kept by them.

Trustees to appoint one commissioner annually.

§ 4. The trustees of said village shall, at a meeting in April in each year hereafter, appoint one water commissioner, who shall hold his office for five years from the first of May next ensuing, and until a successor is appointed, who shall have the same powers and duties, and be subject to the same liabilities as any of the commissioners hereby appointed.

Commissioners to take control of water-works and property.

§ 5. It shall be the duty of the commissioners hereby appointed, and their successors, to take upon themselves the duties of their office, to take into their control and management the water-works of said village, including the property taxes, rents and income thereof; to manage and control the repairs, alterations and use thereof, and to use all reasonable precaution for the preservation and security thereof, and to make and publish rules and regulations for the control and management thereof. The said commissioners shall have the same powers in relation to and control of said water-works and property, and the rents, taxes, receipts and income thereof, as is now possessed by the board of trustees of said village and by the present water commissioners, and the power to fix, regulate and establish the rents, taxes and assessments to be paid by the inhabitants of said village, and others holding, owning or occupying lots or land therein with buildings thereon, or owning real estate in said village, or lots without buildings thereon, for and on account of said water-works, water or the use of water, and to determine who shall pay and be liable to pay the same, and to levy and collect the same as herein provided. Provided, said rents, taxes

To have same powers as to works as is now possessed by trustees.

May fix and regulate rents, etc.

and assessments shall be apportioned as near as may be to the different classes of buildings, lots and lands, with reference to the character, dimensions, use, value, occupancy and location thereof; and provided, further, that said buildings, lots and lands shall be situated upon streets along which water pipes are laid or accessible thereto. And it shall be the duty of said commissioners to make a list of all persons, firms and corporations, with the taxes, rates and charges each is assessed or required to pay, stating the times and when payable, and to give notice by publication in one or more of the village newspapers of the completion of said list, and that they will meet annually on the third Wednesday of June to hear grievances. At which time, or as soon thereafter as they shall be able to do so, they may increase or reduce such of said rates and assessments as they shall think best, and they may add the names of any person, firm or corporation that may have been omitted. After such list, in any year, shall have been completed, a certified copy of the same shall be left for thirty days with the receiver of taxes and assessments of said village, who shall receive the amounts paid thereon in the said thirty days, and deliver the same to the said water commissioners as often as every five days during said time. After the expiration of the said thirty days the said receiver shall proceed to collect the amount unpaid upon said list, in the same manner as other taxes are collected, and five per cent. in addition thereto, and shall have the same power to enforce payment by sale or otherwise as for other taxes. And the same shall be a lien upon real estate the same as other taxes; and he shall pay the amount so collected to the said commissioners as often as once in ten days, except said five per cent., which shall be deposited and applied as payment upon the salary of the receiver of taxes and assessments.

Rents, etc., how apportioned.

To make list of persons and amount of taxes.

Meeting to hear grievances.

List to be left with receiver of taxes for payments.

After thirty days receiver to proceed and collect amounts unpaid.

Unpaid taxes to be liens on real estate.

§ 6. Until the receiver of taxes and assessments for the town and village of Saratoga Springs shall be elected and qualified, the rents assessments and taxes to be collected and received as herein provided, shall be collected and received by the superintendent, to be appointed by the commissioners, as authorized by this

How collected before receiver of taxes is elected and qualified.

act. And he shall have the same powers to collect and receive the same, and to enforce payments thereof as are hereby given to said receiver. And he shall pay over to said commissioners all moneys so received and collected as often as herein described in relation to such payments by said receiver. The commissioners shall deliver to him the list before mentioned of rates, rents and assessments as herein directed, as to the delivery thereof to said receiver.

Money received and collected, how applied.

§ 7. The said money received and collected, and all moneys received and collected, on account of said water-works, water and property and the income thereof, shall be applied by said commissioners in payment of the principal and interest of the debt incurred for or on account of said water-works, and to the necessary repairs, alterations and preservation of said works, as fast as said money can be used therefor. But in case any part thereof cannot be so used at the time it is received, then said commissioners shall apply the same to a sinking fund for the redemption of said debt, but nevertheless to be used in payment as aforesaid at the earliest practicable time out of said fund. And, except the payment of necessary expenses and the salary of the superintendent, no part of said money shall be used for any other purpose whatever.

Superintendent of water-works may be appointed by commissioners.

§ 8. The said commissioners shall have power to appoint, from time to time, a superintendent of said water-works and the property belonging thereto, at a salary not exceeding one thousand dollars per year, and to regulate and determine his powers and duties, and to remove him from office. The said commissioners shall be responsible for the faithful accounting, by said superintendent, for all moneys received by him, and he shall give security to them for the faithful performance of his duties in such sum and with sureties as they shall direct.

Commissioners not to receive compensation. To give bond.

§ 9. The said commissioners shall receive no compensation for their services, but shall be entitled to their necessary and reasonable expenses incurred in the discharge of their duties. They shall give bond for the faithful discharge of the duties of their office in the sum of ten thousand dollars each, with three or more sure-

ties, to be approved by the board of trustees of said village.

§ 10. In case of vacancy in the office of commissioner, the board of trustees of said village may fill such vacancy for the balance of the term vacated, and no longer. A majority of the commissioners shall constitute a quorum for the transaction of business; they shall keep a record of their proceedings; one of their number shall be designated as president, who shall preside at their meetings.

Vacancies, how filled.

§ 11. The said commissioners shall annually, in the first week in April, make and publish a statement of the amount of the principal and interest of said indebtedness, the amount of money in their hands applicable thereto, the items of their receipts and disbursements, and their estimates of the amount necessary to be raised by the board of trustees for the purpose of paying any portion of the interest and principal of said indebtedness; and it shall be the duty of said trustees to levy and collect the amount so estimated and certified to, and pay the same over to said commissioners, to be applied upon such indebtedness. The trustees of the village may at any time call upon said commissioners for a report in writing of their proceedings, and it shall be their duty to render the same; and, upon a resolution of two-thirds of the trustees, an action may be instituted in the name of the village against said commissioners or either of them for any misfeasance, malfeasance or default in the discharge of their duties.

Annual financial statement to be published

Commissioners to report to trustees when required.

§ 12. The present commissioners of construction shall surrender the water-works and property under their control to the commissioners appointed under section one of this act, as far as the same are now completed, within thirty days after the passage of this act, and shall make and render an account of their proceedings and the amount received and expended by them to the board of trustees of said village.

When works and property to be surrendered to commissioners named in this act.

§ 13. The trustees of the village of Saratoga Springs, or a majority of them, are hereby authorized and directed to issue the bonds of said village, executed by them, or a majority of them, and signed by the president of the village, and countersigned by the clerk of said

Trustees to issue bonds; and the avails to be used in extending such

water-works, etc.

village, to an amount not exceeding fifty thousand dollars, which shall bear interest not exceeding seven per cent. per annum, and payable at some time within thirty years from the date hereof, such interest being payable semi-annually; the avails of said bonds to be used for the purpose of extending and completing the new village water-works and paying the present indebtedness of constructing the same. The said bonds, or so many of them as shall be required for the purpose of this act, shall be delivered by the said trustees, or a majority of them, to the commissioners of construction hereinafter named, and receipts taken therefor in books prepared for that purpose.

Bonds to be negotiated.

§ 14. It shall be the duty of said commissioners of construction, or some of them, to negotiate and sell the said bonds in the same manner heretofore provided in chapter five hundred and fifty-seven of the Laws of the State of New York, passed in the year eighteen hundred and sixty-eight, and appropriate the proceeds thereof for the purposes hereinbefore provided.

Parties named continued as commissioners of construction.

§ 15. James M. Murvin, Henry H. Hathorn, Cornelius Sheehan, John W. Crane, William Bennett, Charles H. Holden, Charles H. Ballard, Walter J. Hendrick and Oliver L. Barbour, are hereby continued in office as commissioners of construction, until the first day of September, eighteen hundred and seventy-two, and are hereby declared the commissioners of construction under chapter five hundred and fifty-seven of the Laws of eighteen hundred and sixty-eight, and the various acts amending the same. The commissioners named in section fifteen of this act shall proceed with due diligence to complete said new water-works, and, when completed, surrender the same to the commissioners named in section one of this act, and shall make and render a report, under oath, of their proceedings and the amount received and expended by them, to said trustees.

To proceed and complete works.

Trustees to levy tax to pay expenses of special police in year 1871.

§ 16. The board of trustees of the village of Saratoga Springs are authorized to levy and collect upon the taxable property of the said village at the time of levying and collecting their annual tax for the year eighteen hundred and seventy-two, the sum of one

thousand four hundred and seventy-five dollars, to defray the expenses of the special police incurred in the year one thousand eight hundred and seventy-one.

§ 17. All acts and parts of acts inconsistent herewith are hereby repealed.

§ 18. This act shall take effect immediately.

## Chap. 764.

AN ACT to authorize the consolidation of the Rochester, Nunda and Pennsylvania Railroad with certain other railroads, and to ratify and confirm the action of said railroads heretofore had relating to the consolidation thereof.

Passed May 17, 1872.

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

SECTION 1. The provisions of the act entitled "An act authorizing the consolidation of certain railroad companies," passed May twenty, eighteen hundred and sixty-nine, are hereby extended to the Rochester, Nunda and Pennsylvania Railroad Company, and to the Rochester, Nunda and Pennsylvania Extension Railroad Company, and to the northern extension of the Rochester, Nunda and Pennsylvania Railroad Company, and the branch roads of said companies may avail themselves of the provisions of said act to the same effect as if said respective roads were in operation, and the action of said railroad companies, and the stockholders thereof, in reference to the consolidation of said companies, shall have the same force and effect as if done after the passage of this act, and the same is hereby ratified and confirmed.

Consolidation of railroad companies named ratified.

§ 2. This act shall take effect immediately.