

L A W S
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. I.



ALBANY:
THE ARGUS COMPANY, PRINTERS.
1871.

the Boston road, as laid down on the map of the town of Morrisania, made under the direction of Gouverneur Morris, Samuel E. Lyon, and others, commissioners, appointed by an act of the Legislature of the State of New York, entitled "An act for the laying out, opening and closing streets, roads and avenues, in the town of Morrisania, in the county of Westchester," passed May nineteenth, eighteen hundred and sixty-eight, on file in the offices of the register of the county of Westchester and of the town clerk of the town of Morrisania.

Provisions applicable to laying out street.

§ 2. The provisions of the act entitled "An act to create a board of trustees of the town of Morrisania, in the county of Westchester, and to define their powers," passed April twenty-second, eighteen hundred and sixty-four, and the acts amendatory thereof, shall apply to and govern the proceedings to be taken by the said board of trustees in the laying out and opening of said street, except that no petition asking for the laying out and opening of said street shall be necessary to confer jurisdiction upon such trustees for entertaining and taking proceedings to lay out and open said street.

§ 3. This act shall take effect immediately.

Chap. 485.

AN ACT to authorize the village of Dunkirk to issue bonds for the purpose of supplying said village with water, and to create a board of water commissioners.

Passed April 13, 1871; three-fifths being present.

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

Board of water commissioners.

SECTION 1. John S. Beggs, Truman B. Colman, Stephen M. Newton, Horatio G. Brooks, Julien T. Williams, John Madigan, Henry M. T. Smith and Charles D. Murray are hereby designated and entitled the board of water commissioners of the village of Dunkirk. Said board are hereby declared a body corporate, and shall have the exclusive right to make all necessary arrangements, regulations and contracts for supplying said vil-

Board may contract for supplying water, &c.

lage with water, and establishing the rates and charges for water, and for this purpose are authorized to enter, either by themselves or their appointees, all streets, alleys, highways or public grounds belonging to said village, to excavate for and keep in repair the necessary pipe through and across said streets, alleys, highways or public grounds, to put in such hydrants as they shall deem necessary, and to make such rules, regulations and contracts for furnishing an ample supply of water to all the streets, alleys, highways, or public grounds, lots, dwellings, shops, stores, public houses, and places where water may be required within the limits of said village.

May enter upon streets and public grounds. May lay pipes, &c.

Regulations for furnishing water.

§ 2. Said board of water commissioners shall, within thirty days after the passage of this act, organize, by election of one of their number as president and the appointment of a secretary and treasurer, who shall hold their offices until the annual meeting of said board, and until their successors are duly elected. The annual meeting of said board shall be held on the first Monday of May in each year, at such regular hour of meeting as shall from time to time be fixed upon by said board. The members of said board shall be residents and taxable inhabitants of the village of Dunkirk, and in case of a vacancy of their office by death, resignation, removal from said village, or otherwise, said vacancy shall be filled by appointment by the common council of said village. The regular meeting of said board shall be held monthly, at such hour and place as said board shall determine; and the office of any member absenting himself from three regular meetings without cause may be declared vacant by said board of commissioners. No member of said board, unless he be secretary thereof, shall receive any compensation for his services, neither shall he be interested, directly or indirectly, in any contract made by said board. A majority of the members of said board shall constitute a quorum for the transaction of business. Special meetings may be called by the president by giving individual notice to each member, or by leaving a written notice thereof at his residence, at least twenty-four hours previous to said meeting.

Organization, and officers of board.

Annual meetings.

Vacancies, how filled.

Monthly meetings.

Business quorum.

Special meetings.

Issue of village bonds authorized.

§ 3. Said board of water commissioners are hereby authorized, for the purpose of purchasing the necessary grounds, erecting the buildings, purchasing and putting up the necessary machinery, buying and laying the pipes, hydrants, and for all the material and labor needed to put said water-works in a finished condition, to issue bonds in the name of the village of Dunkirk for an amount not to exceed one hundred thousand dollars.

Rate of interest, and when payable.

Said bonds shall run for a period of not less than five nor more than twenty-five years, and shall bear interest not exceeding seven per cent per annum, payable semi-annually at such place as such board shall determine.

How executed.

Said bonds shall be denominated "Water Bonds of the Village of Dunkirk, New York," and shall be signed by the president and secretary of said board of water commissioners, in pursuance of a resolution of said board directing the same, and are hereby made a charge upon the real and personal property of said village.

To be a charge upon property of village.

Application of water rents.

§ 4. It shall be the duty of said board of water commissioners to appropriate all money received for the use of the water furnished by said commissioners:

For repairs and expenses of board.

1. To pay all necessary expenses connected with the running and repair of said works and pipe, and the expenses of the board of commissioners.

To pay interest.

2. To pay the interest on the bonds issued under the authority of this act; any additional sum received to be used as a sinking fund for the purpose of paying the principal of said bonds when due, or extending the necessary pipe required throughout said village, or both, as said board may determine.

Sinking fund.

Board may borrow money, to pay deficiency of interest.

3. To meet any deficiency in the payment of the semi-annual interest on the bonds issued under the provisions of this act, said board are hereby authorized, after first applying all the money in their treasury which can be used for this purpose, to borrow, in the name of the village of Dunkirk, an amount sufficient to meet such deficiency and to pay such interest. Said board shall make an annual statement of the money so borrowed and the expenses attending the same, and deliver a copy thereof to the board of trustees of said village, who shall cause such amount to be added to the next succeeding general tax of said village, and collected there-

Amount borrowed, how collected.

with. And it shall be the duty of the collector of said village, from the money first collected by him after receiving said tax roll, to pay into the treasury of said board of water commissioners the amount so added to said roll.

§ 5. The bonds authorized by this act shall not be issued until after a majority of the resident assessed taxpayers of the village of Dunkirk, appearing upon the assessment roll of the year previous to the issuing of said bonds, shall have given their consent in writing thereto; which consent shall be proved or acknowledged in the same manner as conveyances of real estate are proved or acknowledged. The fact that a majority of the tax-payers have given their consent shall be proved by the affidavit in writing of one of the assessors of the village of Dunkirk, or by the affidavit of the village clerk, and shall be indorsed upon or annexed to said written consent; and the said consent and affidavit shall be filed in the clerk's office of the village of Dunkirk, and a copy thereof in the county clerk's office of Chautauqua county; and the same, or a certified copy thereof, shall be admitted in evidence in all courts of this State, and before any judge or justice of any court of this State, and shall be presumptive of the facts herein contained in such courts and before such judge or justice.

§ 6. This act shall take effect immediately.

Consent of village tax payers to be filed, before issue of bonds.

Proof thereof.

How admitted in evidence.

Chap. 486.

AN ACT in relation to the qualifications of persons to be admitted to practice in the courts of this State as attorneys, solicitors and counselors.

Passed April 13, 1871.

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

SECTION 1. It shall be the duty of the judges of the Court of Appeals, or a majority of them, within twenty days after the passage of this act, to establish such rules and regulations as they may deem proper, in relation to the admission of persons hereafter applying to be

Rules, when to be adopted.