

L A W S
OF THE
STATE OF NEW YORK,

PASSED AT THE
EIGHTY-NINTH SESSION

OF THE
LEGISLATURE,

BEGUN JANUARY SECOND, AND ENDED APRIL TWENTIETH, 1866, IN THE
CITY OF ALBANY.

VOLUME



ALBANY:
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1866.

Chap. 380.

AN ACT to authorize the trustees of the village of Ellenville to borrow money for the purpose of introducing water into the village, and to control and regulate the use of the same.

Passed April 5, 1866; 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 be and by this act hereby is created in the corporation of the village of Ellenville, a distinct department, to be known as the "Water Department," to be under the jurisdiction and management of the trustees of the village, and to have a fund which shall be kept separate and distinct from all other moneys.

§ 2. The board of trustees of the said corporation are hereby authorized to borrow money from time to time on the faith and credit of the village, and to execute bonds therefor over their official signatures and seals, not to exceed the sum of thirty thousand dollars, at a rate of interest not exceeding seven per cent. per annum, payable half yearly, for the purpose of furnishing said village with a supply of good and wholesome water for extinguishing fires and other uses not inconsistent therewith; said bonds being in such sums and payable at such places and at such times, not exceeding twenty years from date, as the trustees shall deem expedient.

§ 3. The trustees may dispose of such bonds at not less than their par value, and the proceeds of such sale shall be part and parcel of the fund of the water department, and shall be deposited in bank, subject for the time being to the draft of the chairman and secretary of the board of water commissioners hereinafter created, indorsed by the president of the village.

§ 4. The trustees shall designate and appoint over their official signatures and seals, three freeholders, residents of the village, who shall be recognized and known as the "Board of Water Commissioners," who

shall qualify by making oath to faithfully perform the duties required of them as water commissioners, and shall receive such compensation for their services as shall be agreed upon with the trustees, or as said trustees shall deem reasonable and just.

§ 5. The said board of commissioners shall have power, and it shall be their duty to cause to be made, all necessary surveys, plans and estimates for procuring and introducing water as aforesaid, and submit them in writing to the trustees, who, if they approve of the same, shall direct the commissioners, in writing, to proceed with the work.

To secure
privileges.

§ 6. Upon receiving such authority the said commissioners shall have power, and it shall be their duty to secure, in the corporate name of the village, by deed or otherwise, all necessary privileges for the abundant supply of good and wholesome water; to contract, in behalf of the village, for the erection and construction of all necessary dams, aqueducts, reservoirs or other structures; for the laying of iron or other pipe or conduits, and for the procuring of hydrants, hose and other apparatus, and generally for all other fixtures and things necessary or proper to the complete finishing and furnishing the water department of the village.

Make con-
tracts, &c.

Employ
engineer.

§ 7. It shall be the further duty of the said commissioners, or as many of them as may be necessary, to personally superintend the design and execution of the work, and they may employ from time to time, such practical engineer or other competent person to assist them in the intelligent prosecution of the same as the circumstances of the case may require; and they shall report in writing, to the trustees, the progress and state of the work, at least quarterly.

Quarterly
reports.

Removal
of commis-
sioners.

§ 8. The board of trustees may remove, for cause, any or all of said board of water commissioners, and may fill all vacancies that occur therein, and shall, as soon as circumstances may warrant, declare by proclamation the completion and their acceptance of the work or any separate and distinct part thereof; when such whole or part, as the case may be, shall pass from the charge of said commissioners, and thenceforth be under the exclusive control and jurisdiction of the

Proclama-
tion of
acceptance
of work.

board of trustees of the village, and when by such proclamation it shall appear that the whole works are completed, the water commissioners shall vacate their office, and all funds in bank, hitherto subject to their official draft, shall pass into the custody of the village officers.

When commissioners vacate office.

§ 9. It shall then be the duty of the said trustees at once to assume and exercise such exclusive jurisdiction and control, and to see that the works are kept in good repair and furnished with the proper implements and appendages. They shall institute a code of by-laws and establish regulations for the selling, leasing or renting of water; and may so sell, lease or rent to private residences, public buildings, stores, hotels and for all other purposes not inconsistent with the public welfare; and the moneys so raised shall be applied first to the interest on the water debt, and next to the reduction of the principal of the same, and when the said water debt shall have been extinguished, said income shall go to the treasury of the village.

Duty of trustees.

Selling of water.

Application of proceeds.

§ 10. All dues for sales, leases or rents of water shall be paid to the treasurer, yearly, on or before the annual election day for the choice of village officers; but such amounts as are not paid then, shall be entered on the next tax-list, in a separate column, and be collected in the same manner and upon the same conditions as the village taxes.

Unpaid water rents.

§ 11. Within a reasonable time after this act shall have become a law, it shall be the duty of the trustees of the said village to call an election of persons who are entitled to vote therein for village taxes, by giving public notice of the call, either in the village paper or by posting notices in five different parts of the village or both. Said call shall convene the voters at the place where the last village election was held, and shall state the object to be to adopt or reject this act. They shall prepare ballots "For the act" and "Against the act," and shall see that the election is conducted in the same manner as those now authorized for the raising of taxes in said village. If a majority of the votes cast shall be in favor of the act, then it shall be in force; but if a majority shall be against the act, then it shall be void for the time being and until the

Election.

next annual village meeting, when and at any future annual meeting the question may be again submitted in like manner as before and upon the same terms.

§ 12. This act shall take effect immediately.

Chap. 381.

AN ACT to repeal an act entitled, "An act making the village of Crescent, in the county of Saratoga, a separate road district," and to establish a road district in the town of Halfmoon, Saratoga county.

Passed April 5, 1866; three-fifths being present.

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

SECTION 1. Chapter two hundred and fifty-four of the laws of eighteen hundred and fifty-five, passed April tenth, eighteen hundred and fifty-five, entitled, "An act making the village of Crescent, in the county of Saratoga, a separate road district," is hereby repealed.

§ 2. The territory embraced in this act hereby repealed shall constitute one highway or road district of the town of Halfmoon, in said county of Saratoga.

§ 3. This act shall take effect immediately.

Chap. 382.

AN ACT to incorporate the "Board of Trustees of the Firemen's Widow and Orphan Fund," of the village of Jamaica, Queens county.

Passed April 5, 1866; three-fifths being present.

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

SECTION 1. Such person as now holds or may hereafter hold the office of chief engineer of the fire department, and those persons who are, or may hereafter be, foremen of the regularly organized companies for the extinguishing of fires in the village of Jamaica, in Queens county, together with three directors, to be ap-

Who to
constitute
board of
trustees.