

L A W S
OF THE
STATE OF NEW YORK,

PASSED AT THE

NINETY-FIFTH SESSION

OF THE

LEGISLATURE,

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

VOL. I.



ALBANY:
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1872.

Chap. 69.

AN ACT to amend an act entitled "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 fifth, eighteen hundred and sixty-six, and supplemental thereto.

Passed February 29, 1872; three-fifths being present.

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

SECTION 1. The act entitled "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 five, eighteen hundred and sixty-six, is hereby amended to read as follows:

Water department created.

§ 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 a board of water commissioners, and to have a fund which shall be kept separate and distinct from all other moneys.

Trustees authorized to borrow money and issue bonds.

§ 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 under the corporate seal of the said village, not to exceed the sum of thirty-five thousand dollars, including the bonds heretofore issued, 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, and for completing, extending and repairing the works for supplying such water; said bonds to be 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 ninety cents on the dollar, and the proceeds of such sale shall be part and parcel of the fund of the water department, and shall be paid over to the board of water commissioners, or the trustees may deliver such bonds to the board of water commissioners, who may sell and dispose of the same at not less than ninety cents on the dollar, and apply the proceeds of such sale as above provided.

Proceeds of bonds shall be paid to water commissioners.

§ 4. The trustees of the said village of Ellenville shall appoint three freeholders, residents of said village, who shall be known as the board of water commissioners, and shall hold their offices, one for one year, one for two years, and one for three years; and in such appointment shall designate which of the said persons shall hold the office for one, two and three years respectively, and as the term of such water commissioner shall expire, shall fill the same by appointment. The person appointed at the expiration of the terms aforesaid shall hold their offices for three years or until others are appointed in their stead. Such commissioners shall, before entering upon the duties of their office, take and file with the clerk of the said village the usual oath of office, and shall severally execute a bond, with sufficient sureties to be approved by the trustees, in such sum as the trustees shall direct, conditioned for the faithful discharge of their duties, and for the faithful accounting and paying over of all moneys which shall come into their hands.

Water commissioners to be appointed by trustees. Term of office.

Official oath and bonds.

§ 5. The water-works of such village shall be under the management and control of the said board of water commissioners, and the said board of water commissioners are hereby authorized and empowered to purchase and take conveyances for and in the name of the village, of all lands or other estates or privileges necessary or convenient for accomplishing the purposes of this act, and of the water-works; to make contracts for labor and materials for the general purposes of the water department; to make and establish public reservoirs and hydrants; to regulate the distribution and use of the said water, and establish, from time to time, the prices to be paid therefor; to see that the water-works

General powers and duties of water commissioners.

are kept in good repair and furnished with proper implements and appendages; to make a code of by-laws and establish regulations for the use of the water; to take charge of the funds of the water department; to collect and receive all dues for sales, leases, rent or use of the said water; to audit and pay all amounts and bills which may accrue or arise on account of the said water department, and generally to attend to the construction, supervision, care and management of the water-works of said village, and they shall keep a record of their official proceedings and render a report of their doings to said village trustees, including a general exhibit of the state of the works, an account of the moneys received and disbursed by them during the year preceding, an account of the sums to be expended therefor, and such other matters of information as may be called for by the trustees at each annual meeting of said village, and to the trustees whenever by them required. Said commissioners shall keep regular books of account, and no commissioner shall receive any pay for his services, nor shall any commissioner, trustee or other officer of such village be interested, directly or indirectly, in any contract or work made or done under any of the provisions of this act. Said board of water commissioners may employ a superintendent and clerk, and pay them a reasonable sum for their services.

To keep record of official proceedings and make report.

Books of account.

May employ clerk.

Quorum.

Vacancies, how filled.

Dues for sales, leases or rents, when to be paid.

Moneys received

§ 6. A majority of said commissioners shall constitute a quorum for the transaction of any of the business of said board, and all vacancies which shall occur in said board, by death, resignation or otherwise, shall be filled, as soon as may be, by the trustees; and the person appointed to fill a vacancy, shall hold his office for the remainder of the unexpired term.

§ 7. All dues for sales, leases, or rents of water shall be paid to the said board of water commissioners on or before the annual election day for the choice of village officers, but such amounts as are not then paid 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.

§ 8. All moneys received by the said board of water commissioners for the sale, leasing, rent, or use of water,

shall be applied, 1st to the payment of the expenses of the water department; 2nd, to the payment of the interest on the bonds issued for the water-works; and the surplus shall be paid into a sinking fund for the redemption of the principal of such bonds. And after the year eighteen hundred and seventy-five, the trustees shall provide a sinking fund for the redemption of the principal of such bonds, by raising the sum of thirteen hundred dollars, in each and every year of which the amount of the water rents for the preceding year, applicable to the same, shall be a part, and the residue by tax upon the real and personal property of said village liable to taxation, to be levied as other taxes in the said village are levied, which money so raised shall be paid to the board of water commissioners, and be by them securely invested, together with the accumulations of interest, to pay the principal of the said bonds when they shall come due.

how expended.

Sinking fund.

§ 9. Should the water rents applicable thereto in any year be insufficient to pay the interest on the bonds issued for the purposes hereinbefore authorized, the trustees of said village are required to levy such deficiency by tax upon the taxable property of said village, in the same manner as other taxes are levied, and the said trustees are required, in the same manner, to raise any sum which shall be necessary, over and above the amount of the sinking fund, to pay the principal of the said bonds.

Deficiencies to be made up by general tax.

§ 10. The bonds heretofore issued by the trustees of the said village, for the purpose of the water department, are hereby declared to be a part of the thirty-five thousand dollars authorized to be issued by this act, and the said bonds are hereby legalized and confirmed.

Bonds heretofore issued.

§ 11. If any person shall willfully and maliciously corrupt the water in any reservoir, hydrant, aqueduct, pipe, or other portion of said water-works, or any materials or property designed to be used in connection therewith, he shall forfeit and pay said village treble damages in an action of trespass brought by said village, and such person, on conviction therefor, shall be punished by fine not exceeding three hundred dollars,

Penalty for willful injuries to water-works.

or by imprisonment not exceeding one year, or by both such fine and imprisonment.

Certain sections repealed.

§ 12. Sections eight, nine, ten and eleven of the said act, entitled "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 fifth, eighteen hundred and sixty-six, are hereby repealed.

§ 13. This act shall take effect immediately.

Chap. 70.

AN ACT for the erection of an iron bridge over the Champlain canal at Comstock's Landing, in the county of Washington.

Passed February 29, 1872; three-fifths being present.

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

Commissioners to cause to be rebuilt of iron the bridge at Comstock's Landing.

SECTION 1. The Canal Commissioners are hereby authorized and directed to cause to be rebuilt of iron the bridge now standing across the Champlain canal at Comstock's Landing, in the county of Washington, whenever in their judgment it shall be necessary to rebuild the same. The cost of said iron bridge not to exceed three thousand dollars.

§ 2. The expense of such new bridge shall be paid out of any moneys appropriated, or to be appropriated, for the extraordinary repairs of the eastern division of the canals.

§ 3. This act shall take effect immediately.