

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:  
V. W. M. BROWN, PUBLISHER.  
1872.

### Chap. 40.

AN ACT to provide for supplying the village of Flushing, Queens county, with pure and wholesome water.

Passed February 15, 1872; three-fifths being present.

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

SECTION 1. For the purpose of supplying the village of Flushing, Queens county, with pure and wholesome water, the trustees of said village shall examine and consider all matters relative to such supply, and shall have power to employ engineers, surveyors, and such other persons as may be necessary for that purpose, and shall adopt such plans as in their opinion may be most feasible for procuring such supply of water, and which shall embrace proper distribution pipes and supplies for all streets and places which, in their opinion, shall be for the interest of said village, and shall ascertain the probable amount of money necessary to carry the same into effect. For said purpose, said trustees may purchase, take and hold any real estate in the town of Flushing, and by their agents or other persons employed, may enter upon the lands of any person or persons which may be necessary for said purpose, and take the water from any ponds, springs, rivers, streams or lakes in said town, and may divert and convey the same to the said village of Flushing, and may construct, lay and repair any buildings, reservoirs, aqueducts, pipes, conduits or other works or machinery necessary or proper, for said purpose, upon any lands so entered upon, purchased, taken or held, and may, as aforesaid, enter upon any lands, streets, highways, roads, lanes and squares in said town of Flushing, leaving said lands, streets, highways, roads, lanes and squares in the same condition, as nearly as may be, as they were in before such entry.

Trustees shall adopt plan for supplying water.

May take and hold real estate for that purpose.

§ 2. Before entering, taking or using any land for the purpose of this act, the said trustees shall cause a survey and map to be made of the lands intended to be

Survey and map to be made.

taken or entered upon for any of said purposes, by and on which the land of each owner or occupant shall be designated, which map shall be signed by the president of said trustees and their clerk, and be filed in the office of the clerk of Queens county. Said trustees, by any of their officers, agents or servants, may enter upon any lands for the purpose of making such survey and map, they doing no unnecessary damage.

Court to  
appoint  
commissioners to  
assess  
damages.

§ 3. In all cases where the said trustees shall be unable to agree with the persons owning or having an interest in any lands, tenements or hereditaments required for the purposes of this act, the Supreme Court at any special term thereof held in the second judicial district, shall, on the application of said trustees, after ten days' personal notice served on such persons, or where such notice cannot be personally served within the State, or such persons are infants or otherwise incapacitated from receiving personal notice, then by service in such manner as said court shall direct, appoint three disinterested citizens of the county of Queens, who shall be freeholders, as commissioners to determine the damage sustained by each of such persons by reason of the taking or use of his or her lands, tenements or hereditaments for the purpose of this act. Such commissioners shall take the oath required by the Constitution, and shall personally examine each parcel of land or other property proposed to be so taken or used, and shall estimate and report to said court, at any term thereof held within said district, the several sums which will be a just compensation to such owners or persons interested respectively for the appropriation to the purposes of this act of any property, rights or privileges that may be so required, or for the title or use of any such property. Such commissioners may examine witnesses upon hearings before them, and all evidence so taken shall accompany their report. Ten days' notice, in writing, of the time and place of the presentation of said report shall be given to the parties interested. On the presentation of said report, the said court may confirm, alter or amend the same, or appoint new commissioners who shall proceed in like manner with the first commissioners, and whose report shall be final, and shall be confirmed

Evidence  
taken  
must ac-  
company  
report.

Report to  
be con-  
firmed.

by said court. Said commissioners shall receive from said trustees the sum of three dollars per day each, for each day employed by them in performance of their duties as above stated, together with the amount which said commissioners shall certify as correct in their said report for incidental expenses connected with their work, including the preparation of their report.

Commissioners' fees, etc.

§ 4. When the report of the commissioners aforesaid shall have been confirmed by the said court, the said trustees may deposit as said court may direct, or pay to said owner or person interested, or to such person or persons as the said court may direct, the sum mentioned in said report, in full compensation for the property so required, and thereupon the said village of Flushing shall become seized in fee of the property, rights or privilege so acquired, and said trustees and said village shall be discharged from all claim by reason of any such appropriation or use.

Upon payment of damages, property to vest in village.

§ 5. The said trustees shall have power, and it shall be their duty, to borrow, from time to time, for the purpose of this act, upon the credit of said village of Flushing, a sum not exceeding in the whole one hundred and twenty-five thousand dollars, and upon such terms of credit, of not less than ten, nor more than thirty years, as shall seem for the best interest of said village, and at a rate of interest not exceeding seven per cent. per annum; and to secure said loan, said trustees are authorized to issue bonds of said village, signed by the president and clerk, and sealed with the seal thereof, which bonds shall be made of such amounts, respectively, as said trustees shall think expedient; and shall not be sold for less than par, and the money so borrowed on said bonds shall be appropriated by said trustees to the purpose expressed in this act, and to no other purpose whatever.

Trustees may borrow on credit of village, not exceeding \$125,000, and issue bonds therefor.

§ 6. The said trustees, and all persons acting under their authority, shall have the right to use the ground or soil, of or under any highway or road, in said town of Flushing, for the purpose of introducing water into and through all or any parts of said village of Flushing, on condition that they shall cause the surface of such highway or road to be relaid and restored to its

May use highway or ground under highway, in town of Flushing.

usual state, and all damages done thereto to be repaired; and such right shall be continued for the purpose of repairing or relaying water pipes upon like conditions.

Trustees shall establish rules for government of persons using water, etc., and may impose penalties.

Shall fix "water rents."

§ 7. The trustees of said village are hereby empowered, and it shall be their duty, to establish rules and regulations for and concerning the use, regulation and operation of said water-works, and may thereby impose penalties and forfeitures for any violation of such rules and regulations, but such penalties or forfeitures shall not in any case exceed twenty dollars. Said trustees shall establish a scale of rents to be charged and paid to said trustees, from time to time, by the owners or occupants of buildings in said village, for the supply of water, to be called "water rents," apportioned to the different classes of buildings in said village in reference to their dimensions, value, exposure to fires, ordinary or extraordinary uses for stores, dwelling-houses, shops, hotels, factories, stables, or other purposes, the number of occupants or consumption of water, and, from time to time, may either modify, amend, increase or diminish such rents; and said trustees and their agents shall be authorized at all times to enter into any building or place where water is used from supply pipes, to examine as to the amount of water used and the manner of using it.

Connecting or supply pipes to be kept in repair by owners or occupants of buildings.

§ 8. The connecting or supply pipes leading from buildings or other private property to the distribution pipes, shall be inserted and kept in repair at the expense of the owners or occupants of said buildings or other property, and shall not be inserted or connected with the said distribution pipes until a permit therefor shall have been obtained from said trustees or their agent duly authorized to grant the same, and all such connecting or supply pipes shall be constructed in the manner directed by said trustees or their said agent.

Water rents to be applied toward payment of bonds.

§ 9. The entire annual receipts for water rents, after deducting therefrom such sums as may be necessary to defray the expenses of repair of said water-works, and extending the same, and other necessary expenses connected therewith and the proper supply of water to said village, shall be applied toward the payment of the interest on the loans on bonds hereinbefore authorized,

and also toward the creation of a sinking fund for the payment of the principal of said loan as it shall become payable, which sinking fund shall be under the management of said trustees.

§ 10. In case the entire receipts for water rents, after making the deductions, as in the last above section provided, shall in any year not be sufficient to pay the interest for that year on the bonds hereinbefore authorized to be issued; or in case in any year when any of the principal of the loan secured by said bonds falls due, the amount of said receipts for water rents after making said deduction, together with the sum in the said sinking fund, shall not be sufficient to pay said principal and also the said interest falling due that year, then it shall be the duty of said trustees to cause an amount sufficient to pay such deficiency to be assessed, levied and collected, in addition to other taxes, on and from the taxable property of said village at the same time and in the same manner as the other taxes of said village are assessed, levied and collected, and the amount so raised shall be applied to the payment of said interest or principal, or both, or the deficiency thereof not otherwise provided for.

When receipts for water rents shall in any year be insufficient to pay interest on bonds and principal falling due, the deficiency shall be assessed, levied and collected in same manner as other taxes.

§ 11. The said trustees shall have power to negotiate and contract with the trustees of any village, or any individual outside of said village of Flushing and within said town of Flushing, for the supply of such village or individual with water, and to supply the same pursuant to such contract, provided that in the case of an individual, if the property to be supplied with water be within the limits of an incorporated village, no such contract shall be made or water supplied without the consent of the trustees of the village in which such property shall be situated.

May contract to supply water to parties outside of Flushing village.

§ 12. The trustees of said village shall take no steps to carry out the provisions of this act, and it shall not be lawful for them to do so, until the same shall be approved by a majority of the voters of said village, voting by ballot, at a special election to be called and held by said trustees, within two years after the passage of this act, by giving at least eight days' notice before such election, by posting such notice in at least six pub-

Provisions of this act to be in-operative until ratified by a majority of the voters of the village.

Ballots,  
how  
indorsed.

lic and conspicuous places in said village, and by publication in all the newspapers of said village, once a week for two weeks. The polls at said election shall be open during the same hours, and such election be in all things conducted as are the annual elections for trustees in said village. The ballots received at said election shall be indorsed "water-works," and in order to be canvassed shall contain the words "in favor of bonding for water-works," or the words "opposed to bonding for water-works." If a majority of the ballots so canvassed shall contain the words "in favor of bonding for water-works," then the approval above mentioned shall be considered as being obtained. A certificate of the result of said election shall be filed by the canvassers thereof, in the office of the county clerk of Queens county, within five days after said election. In case at the election so held, the approval aforesaid shall not be obtained, it shall be lawful for said trustees to call and hold subsequent elections, in all respects to be called and conducted as prescribed for said first election, but no such succeeding election shall be held within six months of the time of holding a preceding election under this act.

§ 13. This act shall take effect immediately.

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## Chap. 41.

AN ACT to authorize the trustees of the village of Clyde, Wayne county, New York, to raise by tax the sum of twelve hundred dollars, wherewith to pay the indebtedness existing against said village.

Passed February 15, 1872; three-fifths being present.

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

Trustees  
empower-  
ed to levy  
and col-  
lect addi-  
tional  
sum  
to pay in-

SECTION 1. The trustees of the village of Clyde, in the county of Wayne, are hereby authorized and empowered to levy and collect by tax, upon the real and personal property within said village of Clyde, the sum of twelve hundred dollars in addition to the amount