

L A W S

OF THE

STATE OF NEW YORK,

PASSED AT THE

NINETY-SEVENTH SESSION

OF THE

LEGISLATURE.

BEGUN JANUARY SIXTH AND ENDED APRIL THIRTIETH, 1874,  
IN THE CITY OF ALBANY.



ALBANY:  
HUGH J. HASTINGS, PUBLISHER.  
1874.

liable as stockholders of said company, but the person pledging such stock shall be considered as holding the same and shall be liable as stockholder accordingly; and the estate and funds in the hands of such administrator, guardian or trustee shall be liable in like manner and to the same extent as the testator or intestate or the ward or person interested in such fund would have been if he had been living and competent to act and held the same in his own name, in case the investment in said stock was not made by the said representatives or trustees.

Liability of estate.

§ 14. If the directors shall, at any time after the organization of said company, determine to increase the capital stock as herein provided, the said new stock shall be divided among the stockholders in proportion to the amount held by them respectively at the time of such increase as they shall severally elect, and in case the same shall not be so distributed, then books of subscription for the balance of said additional stock shall be opened in the same manner as provided in section six of this act.

New stock, how to be divided.

§ 15. This act shall take effect immediately.

## Chap. 616.

AN ACT to supply the village of Gloversville with pure and wholesome water.

Passed June 8, 1874; three-fifths being present.

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

SECTION 1. Uriah M. Place, Levi T. Marshall, Dennis S. Frank, John L. Getman, Albert W. Locklin, Charles W. Rose and Charles J. Mills, and their successors in office, are hereby constituted a body corporate by the name of "Water Commissioners of the village of Gloversville," and in that name may sue and be sued, complain and defend in any court.

Corporators.

Corporate name.

§ 2. Within twenty days after the passage of this act the persons named in the foregoing section shall meet at the office of the board of trustees, in Gloversville, and shall then and there determine by lot the order in which their term of office shall expire, and the determination so made shall be certified by the clerk of said board of trustees and filed in his office. If said commissioners shall neglect or refuse to assemble and determine as aforesaid, the said board of trustees shall, within twenty days thereafter, make such determination which shall be certified and filed by the clerk of said board. The term of office of the commissioner first going out of office, shall expire on the first Monday of June, eighteen hundred and seventy-seven; that of the second on the first Monday of June, eighteen hundred and seventy-eight; that of the third on the first Monday of June, eighteen hundred and seventy-nine; that of the fourth on the first Monday of June, eighteen hundred and eighty; that of the fifth on the first Monday of June, eighteen hundred and eighty-one; that of the sixth on the first Monday of June, eighteen hundred and eighty-two; and that of the seventh on the first Monday of June, eighteen hundred and eighty-three.

Term of office of commissioners.

§ 3. On the first Monday of June, eighteen hundred and seventy-seven, and on the same day in each year thereafter, an election shall be held in said village for the purpose of electing a suitable person to fill the place of the commissioner whose term of office shall expire on that day, and

Election of commissioners.

to fill any vacancy that may have occurred, and public notice of such election shall be given by said board of trustees, by publishing notice of such election in at least two, if so many there be, of the newspapers published in said village, once a week for two weeks previous to such time of election, and such election shall be conducted in all respects as elections for trustees of said village are directed to be conducted, and the term of office of each commissioner (except when chosen to fill vacancy) shall be the period of seven years, and the term of one elected to fill a vacancy shall be the unexpired term of the person whose place he was elected to fill. All commissioners shall be electors and tax payers of said village, and shall continue in office until a successor shall be elected and qualify. In case of failure to hold the election at the time aforesaid, or in case of failure, for any cause, to elect a commissioner or commissioners at the time aforesaid, said board of trustees shall immediately thereafter name a day for the holding of an election, giving the like notice of such time as above provided; and such election shall be conducted in all respects as provided for the election on the first Monday of June. In case of vacancy in office by reason of death, removal, resignation or any other inability to serve, the commissioners then duly in office shall fill such vacancy by appointment, and the person appointed shall hold his office until the next annual election, and until another shall be qualified and fill his place.

§ 4. Every commissioner, whether elected or appointed shall, before entering upon the duties of office, and within ten days after notice of election or appointment, take and file with the clerk of said board of trustees the constitutional oath of this State, and shall also enter into a bond to said board of trustees, with sureties to be approved by the county judge of Fulton county, conditioned for the faithful performance of his duties as such commissioner, the penalty of the bond of each commissioner in office to be in the sum of fifteen thousand dollars.

§ 5. The commissioners shall, immediately upon entering upon the discharge of their duties, appoint one of their number treasurer, who shall be subject to removal at the discretion of the commissioners, and who shall perform his duties without fee or reward. In case of vacancy in the office of treasurer the commissioners shall fill such vacancy by appointment, as above provided. Every person appointed to the office of treasurer shall, before he enters upon the duties of such office, execute and deliver to said board of trustees a bond in the penalty of fifty thousand dollars, with such sureties as shall be approved by the county judge of Fulton county, conditioned that he will faithfully perform his duties as such treasurer. The commissioners shall appoint a clerk, at such compensation as they shall deem just, subject to removal at their discretion.

§ 6. A meeting of a majority of the board of commissioners shall be necessary for the transaction of business, though a meeting of less than a majority shall have authority to create a legal adjournment.

§ 7. It shall be the duty of the commissioners to examine and consider all matters relative to supplying the village of Gloversville with pure and wholesome water, and for that purpose they shall have power to employ engineers, surveyors and such other persons as may be necessary for that purpose, and they 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 where, in their opinion, it shall be to the interest of said village, and shall ascertain the probable amount of money necessary to carry

Notice thereof.

How conducted.

Term of office.

Qualifications of commissioners.

Failure to elect, trustees to name day for election, &c.

Vacancy, how filled.

Official oath and bond.

Treasurer, commissioners to appoint.

Vacancy.

Bond.

Clerk to be appointed.

Quorum.

Commissioners, their powers and duties.

the same into effect, and for that purpose they shall have power to contract for, and purchase and take by deed or other instrument, under seal, in the name of said village of Gloversville, all lands, tenements, hereditaments, rights or privileges whatever, and situate at any place within the county of Fulton, which may be required for the purpose, and to contract for the execution of this work, or any part thereof, or the supply of any necessary material; and the commissioners and their agents and employees are authorized to enter upon any land or water, for the purpose of making surveys, and to agree with the owner of the property, real or personal, which may be required for the purposes of this act, as to the amount of such compensation to be paid to such owner.

Title to land to be taken to the village.

§ 8. In case of disagreements between the commissioners and the owners of any property which may be required for the purposes aforesaid, or affected by any operation connected therewith, as to the amount to be paid to such owner, or in case such owner shall be an infant or married woman, or insane or absent from this State, or unknown, or the owner of a contingent or uncertain interest, the Supreme Court at any general or special term within the fourth judicial district, shall upon the application of either party, after ten days' personal notice, or where such notice cannot be served within this State, after three weeks' notice of such application published in at least two of the weekly newspapers published in said county, nominate and appoint three disinterested persons referees for the whole or for each case of disagreement to examine such property, who upon being duly sworn faithfully and impartially to discharge their duties, shall estimate and report to said court, at a general or special term in said district, for confirmation, the several sums which shall be a just compensation to such owners respectively, for the appropriation to the purposes of this act of any property which may be so required, or for the title or use of any such property. Such referees may examine witnesses upon hearings before them, and all evidence taken before them shall accompany such report. In case said report shall not be confirmed by said court as to one or more of such respective owners, the said court shall, upon the same notices before provided, appoint other disinterested persons as referees who shall proceed in all respects as above specified as to referees. And the report of such new referees shall be treated as final and shall be confirmed by the court.

Title to land, how obtained, in case of disagreement.

Referees.

Their report.

Proceedings before referees.

If report be not confirmed other referees to be appointed.

§ 9. Whenever any report of referees shall have been confirmed by said Supreme Court, the said commissioners may deposit, as said court may direct, or pay to said owner, or to such person or persons as the court may direct, the sum mentioned in said report, in full compensation for the property so required. And thereupon the said village shall become seized in fee of the property so required, and said commissioners and village shall be discharged from all claim by reason of any such appropriation or use.

Payment of awards.

When village becomes seized.

§ 10. The said commissioners shall have power, and it shall be their duty to borrow from time to time, upon the credit of the village of Gloversville, a sum not exceeding one hundred and fifty thousand dollars upon such terms of credit, not exceeding forty years, and at a rate of interest not exceeding seven per cent. per annum, as shall seem for the best interest of said village, not over six thousand dollars, with interest, to be payable in any one year; and to secure said loan said commissioners are authorized to make, execute and deliver bonds, certificates or other obligations, which shall be signed by them, or any five of them as such commissioners, which said bonds, certificates or

Commissioners to borrow money.

Bonds.

How pay- other obligations shall be made payable in such respective amounts  
able. and at such respective times as such commissioners shall deem best,  
and the same and the interest thereon shall be a valid liability against  
said village, and the credit of said village is pledged for the payment  
of the same; and the said money so borrowed shall be appropriated  
by said commissioners to supplying said village with water agreeably  
with the provisions of this act.

Commis- § 11. Said commissioners shall have power to make all necessary  
sioners contracts for labor and materials in the construction of the work and all  
have pow- pertaining thereto; and whenever any contracts other than for labor by  
er to con- the day shall be made, said contract shall be in writing, signed by a  
tract. majority of the commissioners, and of which there shall be three  
originals executed by the parties, which shall be numbered with the  
same numbers, one of which shall be given to the contractor, one to the  
said board of trustees and one retained by the commissioners, and three  
weeks' public notice shall be given in one or more newspapers published  
in said village, as the commissioners shall direct, of the times and  
places at which sealed proposals will be received for entering into such  
contracts; and the commissioners shall have full discretion as to the  
acceptance or rejection of any and all sealed proposals. And in case  
any material or labor shall then remain uncontracted for, the like  
notice for sealed proposals and like proceedings as above provided  
may be had, and so from time to time as said commissioners may desire  
to contract for work or materials. And every person who shall enter  
into any contract for the supply of materials or the performance of any  
work, except for labor by the day, shall give satisfactory security to  
said commissioners for the faithful performance of his contract accord-  
ing to its terms.

Certain contracts to be in writing.

Sealed proposals notice for.

courty.

Commis- § 12. No commissioner shall be interested, directly or indirectly, in  
sioners any contract relating to the work or materials therefor, nor in any work  
not to be interested in con- or materials for the work, nor for any portion of the water-works, nor  
tract, &c., nor to receive pay.

Right to use ground under street or highway.

Water rents, commis- § 13. The said commissioners, and all persons acting under their  
sioners to establish scale of. authority, shall have the right to use the ground or soil under any street,  
highway or road within the county of Fulton, for the purpose of intro-  
ducing water into and through any or all portions of the village of  
Gloversville, on condition that they shall cause the surface of such  
street, highway or road to be relaid and restored to its usual state, and  
all damages done thereto to be repaired, and such right shall be con-  
tinuous for the purpose of repairing or relaying water-pipes upon like  
conditions.

§ 14. The said commissioners shall establish a scale of rents to be  
charged and paid to the commissioners from time to time, either in  
advance or at such time or times as said commissioners shall prescribe,  
for the supply of water, to be called "water rents," and apportioned to  
the different classes of buildings in said village, in reference to their  
dimensions, values, exposures to fires, ordinary or extraordinary uses  
for dwellings, stores, shops, hotels, factories, livery stables, barns and  
all other buildings, establishments and trades, yards, number of families  
or occupants, or consumption of water as near as may be practicable,  
and from time to time either modify, amend, increase or diminish such  
rents. And said commissioners and their respective employees 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 water, quantity of water used, and manner of using it.

§ 15. The connecting or supply pipes leading from buildings or yards to the distribution pipes shall be inserted and kept in repair at the expense of the owners or occupants of the building or yard, and shall not be inserted or connected with the main pipe until a permit therefor shall be obtained from said commissioners or other persons having charge thereof, and all such connecting or supply pipes shall be constructed in the manner directed by said commissioners or persons in charge.

Supply pipes.

Permit therefor.

§ 16. 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, shall be applied toward the payment of the interest on the loans, and also toward the creation of a sinking fund for the payment of the principal of the loan, as it shall from time to time become due and payable, which sinking fund shall be managed by said commissioners.

Receipts for water rents, how applied.

§ 17. In case the entire annual receipts for water rents after deducting, as in said section sixteen provided, shall in any year, or in any respective years, not be sufficient to pay the interest for that respective year on said loan, it shall be the duty of the board of trustees of said village, and they are hereby directed to cause such deficiency to be assessed, levied and collected from the taxable property of said village, at the same time and in the same manner as other contingent expenses of said village are assessed, levied and collected, and with such other contingent expenses, and the same shall be applied to the payment of such interest.

Deficiency to be supplied by tax.

§ 18. The said board of trustees of said village shall annually, on and after the year eighteen hundred and seventy-four, at the same time when the annual assessment of contingent expenses of said village are assessed, levied and collected, cause to be assessed, levied and collected, from the taxable property of said village, the sum of one thousand dollars, which amount when collected shall be paid to said commissioners for the purpose of increasing the sinking fund for the payment of said principal.

Annual tax of \$1,000 to be levied.

§ 19. The said commissioners shall annually, on the first day of March in each year, and at all other such times as required by said board of trustees, deliver to said board of trustees a detailed statement of all their accounts, a general statement of all their work, and the condition of their affairs and state of finances, including a full detail of the amount expended in the progress of the work, and a particular statement of any deficiency as to water rents, as to meeting the interest upon the principal sum borrowed, as in the previous section hereinbefore referred to, and all books and papers of every kind and description kept by said commissioners, upon which are entries of their transactions as such, shall at all times be subject to inspection by said board of trustees, and by every elector of said village.

Annual account, commissioners to render.

§ 20. All judgments against said commissioners in their name of office, and judgments against them, when the transaction upon which the action was brought shall have been in the performance of their duties as commissioners, shall be deemed judgments against said village, and shall not be enforced against the individual property of either of the said commissioners.

Judgments against commissioners.

§ 21. The said commissioners shall have power from time to time to make and establish such by-laws, rules and regulations as they shall

By-laws, commissioners

- may make. deem proper for the election of their officers, and as to the duties of their officers and employees, and as to the means of enforcing said duties, and for regulation of the time and manner of holding meetings of said commissioners, and for enforcing the collection of water rents, and regulating the manner of using water, and generally for transacting, managing and directing the affairs of the commissioners, and may provide regulations as to water used, water and water rents, and enforce the observance thereof by cutting off the use and supply of water; provided that such by-laws, rules and regulations are not repugnant to this act, the Constitution of this state or of the United States.
- Observance, how enforced.
- Misdemeanor. § 22. A violation of any of the provisions of this act by any of such commissioners shall be deemed a misdemeanor, and, upon conviction thereof of any such commissioner, his term of office shall be deemed vacant.
- Meeting of resident tax payers. Notice of Questions to be submitted.
- § 23. As soon after the passage of this act as shall be deemed advisable by said board of trustees, a meeting of the resident tax-payers of said village, as shown by the last preceding assessment roll of said village, shall be called by the said board of trustees, upon a notice published for two weeks in all the newspapers published in said village, at which the question shall be submitted, whether the taxes in this act authorized for the purposes aforesaid shall be levied and collected from the village as in this act provided; and said commissioners shall not proceed with their duties under this act unless the majority of voters voting at such meeting shall vote in favor of such taxes. Such vote shall be by ballot, and there shall be written or printed on the ballot of those in favor of such taxes "In favor of taxes for water-works," and on the ballots of those opposed "Against taxes for water-works."
- Repeal. § 24. Chapter eight hundred and twenty-one of the laws of eighteen hundred and seventy-one is hereby repealed.
- § 25. This act shall take effect immediately.

## Chap. 617.

### AN ACT to incorporate the Lewiston Water-works Company.

Passed June 8, 1874; three-fifths being present.

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

- Corporators. SECTION 1. James Van Cleve, Joseph E. Ways, William Hotchkiss, Leander K. Scovell, Peter P. Barton, Arthur Gray, George H. Tryon, and all such persons as are or may be hereafter associated with them, are constituted a body corporate, by the name of the Lewiston Water-works Company.
- Corporate name.
- Capital stock. § 2. The capital stock of said company shall be fifty thousand dollars to be divided into shares of fifty dollars each, and the said company are hereby empowered to increase their capital stock at any time, not to exceed one hundred and twenty-five thousand dollars.
- Books of subscription. § 3. Books of subscription for the capital stock of said corporation shall be opened under the direction of the directors hereinafter named, subject to such rules and regulations as they shall prescribe, and the stock shall be considered personal property, and shall be assignable and transferable on the books of the company.
- Directors. § 4. The concerns of said company shall be managed by seven directors, who shall be stockholders, and a majority of whom shall be resi-