


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.

shall be in force, and apply so far as the same may be applicable, to all proceedings for the collection of unpaid assessments and the rights and duties of all parties concerned, shall be the same as provided in said sections.

§ 26. This act shall take effect immediately.

## Chap. 191.

AN ACT to amend an act entitled "An act to incorporate the village of Goshen," passed April eighteenth, eighteen hundred and forty-three, so as to enable the inhabitants of said village to obtain a supply of water for public and private uses.

Passed March 27, 1871; three-fifths being present.

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

Water  
commiss-  
ioners.

SECTION 1. Benjamin F. Edsall, Nathan C. Sandford, John J. Cooper, and their successors in office, are hereby constituted a body corporate by the name of "Water Commissioners of the village of Goshen," and in that name may sue and be sued, complain and defend in any court.

Classifica-  
tion of  
terms.

§ 2. Within twenty days after the passage of this act the persons named in the foregoing section shall meet at some convenient place and there determine by lot the order in which their term of office shall expire, and the determination so made shall be certified by them, and the certificate thereof be filed with the clerk of the village of Goshen. If said commissioners shall neglect or refuse to assemble and determine as aforesaid, the board of trustees of said village shall, within twenty days thereafter, make such determination. The term of office of the commissioner first going out of office shall expire on the first Tuesday of March, in the year eighteen hundred and seventy-three, and the terms of office of the other commissioners shall expire in the order determined as above provided, on the same day in the years eighteen hundred and seventy-four and eighteen hundred and seventy-five.

When to  
expire?

§ 3. At the annual election held in said village a commissioner or commissioners shall be elected to fill the place of the commissioner whose term of office will expire on that day, and to fill any vacancy that may have occurred, and the term of office of each commissioner so elected (except when chosen to fill vacancy) shall be the period of three 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; all commissioners shall continue in office until a successor shall be elected and qualify. In case of vacancy in office by death, removal or resignation, or any other inability to serve, the trustees of the said village 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 to fill his place.

Election of commissioners.

Qualifications requisite.

Vacancies, how filled.

§ 4. Every commissioner, whether elected or appointed, shall, before entering upon his duties of office, and within ten days after notice of election or appointment, take and file with said clerk of the 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 clerk of Orange 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 ten thousand dollars, and of each commissioner in office subsequent to the first Tuesday in March, eighteen hundred and seventy-three, in the penal sum of five thousand dollars.

Oaths of office and official bonds.

§ 5. The commissioners shall, and as often as a vacancy in the office occurs, appoint one of their number treasurer, who shall be subject to removal at the discretion of the commissioners, and who shall, before he enters upon his duties as treasurer, execute and deliver to said board of trustees a bond in the penalty of twenty thousand dollars, with sureties to be approved by said county clerk, and conditioned that he will faithfully perform his duties as such treasurer; and such commissioners shall appoint a clerk, at such compensation as they shall deem just, subject to removal at their discretion.

Treasurer of board.

His official bond.

**Business  
quorum.**

§ 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.

**Commis-  
sioners to  
adopt  
plans and  
employ  
engineers.**

§ 7. It shall be the duty of the commissioners to examine and consider all matters relative to supplying the village of Goshen 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 for the interest of said village, and shall ascertain the probable amount of money necessary to carry 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 Goshen, all lands, tenements, hereditaments, rights or privileges whatever, and situate at any place within the county of Orange, which may be required for the purpose; and to contract for the execution of the 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 property, real and personal, which may be required for the purpose of this act, as to the amount of compensation to be paid to such owner.

**Purchase  
of real  
estate.**

**Procure-  
ment of  
material.**

**Entry  
upon  
lands and  
waters.**

**Proced-  
ings to  
acquire  
property.**

§ 8. In case of disagreement between the commissioners and the owners of any property, rights or privileges which may be required for the purpose of establishing reservoirs, laying of supply pipes, mains, and all other uses and objects of this act 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 a general or special term within the second judicial district shall, upon the application of said commissioners, after ten days' personal

**Supreme  
Court to  
appoint  
referees.**

notice, or where such notice cannot be served within this State, after three weeks' notice of such application published in all the newspapers in said village, nominate and appoint three disinterested persons referees for the whole or for each case of disagreement, to examine such property, rights or privileges, 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 will be a just compensation to such owners respectively for the appropriation to the purposes of this act, of any property, rights or privileges 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 said 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 notice before provided, appoint other three 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. The commissioners shall pay to each referee the sum of three dollars per day for every day necessarily spent by him in the performance of his duties under this act, and to each witness sworn and testifying, or if not sworn and testifying, who the referees shall certify were properly and necessarily subpoenaed, the sum of fifty cents per day and four cents per mile travel, going and returning, if living more than three miles from the place of meeting.

Powers and duties of such referees.

New referees, when to be chosen.

Pay of referees and witnesses.

Payment for property on confirmation of report.

Village to acquire fee.

§ 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, rights or privileges so acquired, and said commissioners and village shall be discharged from all claim by reason of any such appropriation or use.

Commissioners may borrow money.

Rate of interest.

Village bonds to issue.

How executed, and when payable.

Avails, how applied.

Contracts for labor and materials, how executed.

Notice of receiving proposals.

§ 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 Goshen, a sum not exceeding in the whole forty thousand dollars, upon such terms of credit, of not less than five, nor more than twenty years, and at a rate of interest not exceeding seven per cent per annum, as shall seem for the best interest of said village; 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 as such commissioners; which said bonds, certificates or other obligations shall be made payable in such respective amounts 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. The said commissioners shall not dispose of any of said bonds, certificates or other obligations at less than par.

§ 11. Said commissioners shall have power to make all necessary contracts for labor and materials in the construction of the work, and all pertaining thereto, and whenever any contracts other than for labor by the day shall be made, said contracts shall be in writing, signed by a majority of the commissioners, and of which there shall be three originals executed by the parties, which shall be numbered by 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 two 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 materials or labor shall then remain uncontracted, the like notice for sealed proposals and like proceedings may be had as above provided, and so, from time to time, as said

commissioners may desire to contract for work or materials, and any 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 by a bond in the penal sum of double the amount of the consideration of said contract, conditioned for the faithful performance of his contract according to its terms, to be signed by the contractor and two sureties, and approved by the said county clerk of Orange county.

Contractors to enter into bonds for faithful performance.

§ 12. No commissioner shall be interested, directly or indirectly, in any contract relating to the work or materials therefor, nor in any work or material for the works, nor for any portion of the water-works. Each commissioner shall receive during the time of the construction of the water-works, not however for a longer time than two years from the passage of this act, the sum of three dollars per day for every day he shall be actually and necessarily employed in discharging his duties as such commissioner, not, however, to exceed in any year, three hundred dollars; and after the said works have been completed, or after the said term of two years, no commissioner shall receive any compensation for his services nor anything appertaining thereto, except all necessary expenses and disbursements paid by him. The compensation, above mentioned shall be paid out of the funds in the hands of their treasurer.

Commissioners not to be interested

Their compensation.

To receive no pay after completion of water-works.

§ 13. The said commissioners, and all persons acting under their authority, shall have the right to use the ground or soil under any street, highway or road, within the county of Orange, for the purpose of introducing water into and through any and all parts of the village of Goahen, on condition that they shall cause the surface of said 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 continuous for the purpose of repairing or relaying water pipes, upon like conditions.

Use of streets authorized.

Surface to be restored to usual state.

§ 14. The said commissioners, shall establish a scale of rents to be charged and paid to said commissioners, from time to time either in advance or at such

Scale of water rents.

How apportioned.

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, exposure to fires, ordinary or extraordinary uses for stores, dwellings, shops, hotels, factories, livery stables, barns and other building 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. The said commissioners shall, if practicable, determine the quantity of water used and regulate the "water-rents" by means of water-meters.

Right to enter and examine buildings, where water is used.

May require use of water meters.

Supply pipes, how inserted and repaired.

Permits to connect with main pipe.

Contracts with railroad and manufacturing companies.

Receipts for water rents, how applied.

Sinking fund.

Tax to pay deficiency in interest.

§ 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 pipes until a permit therefor shall be obtained from said commissioners, or other person having charge thereof, and all such connecting or supply pipes shall be constructed in the manner directed by said commissioners or persons in charge. The said commissioners are authorized to enter into contracts to furnish railroad and manufacturing companies with water by the year or term of years.

§ 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.

§ 17. In case the entire receipts for water rents, after deducting as in section sixteen provided, shall in any year, or 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 said 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.

How levied and collected.

§ 18. The said board of trustees of said village shall annually on and after the year eighteen hundred and seventy-three, at the same time with the annual assessment of contingent expenses of said village, and in the same manner as other 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 two thousand dollars, which amount when collected shall be paid to said commissioners for the purpose of increasing the sinking fund for the payment of such principal. The said commissioners are directed to invest and keep invested on bond and mortgage, United States government, State of New York, or the town or village of Goshen, securities, all that part of the sinking fund not required for immediate payment of said principal.

Tax to increase sinking fund.

Sinking fund, how invested

§ 19. The said commissioners shall annually, on the first day of February in each year, and at all such other 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 condition of their affairs and state of finances, including a full detail of the amount expended in the progress of the works, and a particular statement of any deficiency as to the water rents, as to meeting the interest upon the principal sum borrowed, as in the previous section hereinbefore referred to; and the said board of trustees shall, in their annual statement, which they are now by law required to publish, include and publish a statement of the receipts and expenditures, and other financial affairs of the said commissioners, as the same was reported to the said board by the said commissioners, and all books and papers of every kind and description kept by said commissioners, upon which are entries of

Annual report to village trustees.

Books to be open to

inspec-  
tion.

their transactions as such, shall at all times be subject to inspection by said board of trustees, and by every elector of said village.

Judg-  
ments  
against  
commis-  
sioners,  
how en-  
forced.

§ 20. All judgments against said commissioners in their name of office, and judgments against them where the transactions 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 be paid by said village, and shall not be enforced against the individual property of either of the said commissioners.

By-laws.

§ 21. The said commissioners shall have power from time to time to make and establish such by-laws, rules and regulations as they shall judge proper, for the election of their officers, and as to the duties of these officers and employees, and as to the means of enforcing said duties, and for regulations of the times 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; and for the protection of the works, materials, and all property erected or used by said commissioners; and for the prevention of any act tending to render the water to be used, taken or stored up for use by said commissioners for the purposes of this act, impure, unwholesome, or in any manner injuriously affect the same; and to prescribe penalties for the violation of such by-laws, rules and regulations, provided that such by-laws, rules and regulations are not repugnant to this act, and the constitution of this State, or of the United States; and all such by-laws, rules and regulations which prescribe penalties and relate to the public shall be published for one week in all the newspapers in said village before the same shall take effect.

Regula-  
tions for  
use of  
water, &c.

Protec-  
tion of  
works  
and purity  
of water.

Publi-  
cation of  
by-laws.

Viola-  
tions of  
act, how  
punished.

§ 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 such commissioner his term of office shall be deemed vacant.

§ 23. As soon after the passage of this act as possible 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 of said village upon a notice published two weeks in all the newspapers published in said village, at which the question shall be submitted whether the bonding and 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 bonding and taxes. Such vote shall be by ballot, and there shall be written or printed on the ballots of those in favor of such bonding and taxes, "In favor of bonding and taxes for water-works;" and on the ballots of those opposed, "Against bonding and taxes for water-works."

Village trustees to call tax meeting.

Notice thereof.

Village tax payers to vote upon question of tax for water-works.

Form of ballots.

§ 24. If at any time hereafter the inhabitants of the said village of Goshen shall, in the manner provided in said act, adopt the general act for the incorporation of villages, passed April twentieth, eighteen hundred and seventy, as the charter of said village, this act shall remain operative and be construed as amendatory of said general act. And should the limits or boundaries of the said village be at any time hereafter extended and enlarged, the provisions of this act shall relate to and as fully apply to the addition thereby made as though forming a part of the said village at the time of the passage of this act.

This act to remain in-operative, on adoption of general village incorporation act.

Proviso as to additions to area of village.

§ 25. The said commissioners, on or before the first Tuesday of each year after the said works shall be in operation, shall make an assessment roll of all unpaid water rents then due, in which they shall set down in three separate columns according to the best information in their power; in the first column, the name of the owner or occupant of any building or lot chargeable with water rent; in the second column, the location of the building or lot so chargeable, or some proper description thereof; in the third column, the amount of the water rent assessed on such building or lot remaining unpaid and due, and deliver the same to the col-

Water commissioners to make annual roll of unpaid water rents.

What to contain.

Village collector to collect same.

lector of taxes in said village, with their warrant under the hands and seals of a majority of them annexed thereto, commanding him to collect from the owners or occupants named in said assessment rolls the several sums mentioned in the last column of such rolls, opposite their respective names, and pay over the sums so collected to the treasurer of said commissioners. The warrant to be issued with such assessment rolls shall be in form and substantially like warrants issued for the collection of taxes assessed by the trustees of said village for other purposes.

Warrant to collector, how executed.

Duties of such collector.

To make return of unpaid water rents.

Commissioners to enforce payment thereof.

§ 26. The collector shall immediately after the delivery to him of said assessment roll and warrant, proceed to collect the said water rents, with five per cent in addition for his fees, in the same manner that taxes assessed and levied by the trustees are collected, and shall make return of said roll and warrant, and pay over the water rents collected by him to the treasurer of said commissioners within ten days after the return day of such warrant, and shall make at the same time a return under oath, in writing, of all water-rents that he has not been able to collect in such form as the commissioner shall prescribe. The commissioners shall thereupon proceed in like manner as the trustees of the village are required to do in case of non-collection of taxes.

§ 27. This act shall take effect immediately.

## Chap. 192.

AN ACT to extend the time for the collection of taxes in the towns of Hempstead, North Hempstead and Oyster Bay, county of Queens.

Passed March 27, 1871; three-fifths being present.

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

SECTION 1. The time for the collection of taxes in the towns of Hempstead, North Hempstead and Oyster Bay, in Queens county, is extended to June first, eighteen hundred and seventy-one; provided, however, that the collectors of taxes in said towns shall pay over all