

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.

least six of the most public places in town at least ten days next prior to the holding of such town meeting.

Vote,  
whom  
taken.

§ 2. The vote upon raising such amount shall be taken between the hours of two and three o'clock in the afternoon, in the place where the town meeting is held, and any elector of said town may vote upon the question.

§ 3. In case the said meeting shall vote to raise an additional sum for the purposes specified in the first section of this act, the same shall be raised by tax in the manner now provided by law for raising money for the support of roads and bridges in towns.

Acts of  
town  
meeting  
confirm-  
ed.

§ 4. The action taken at the last annual town meeting in relation to raising money for the construction and repair of roads and bridges in said town, is hereby legalized and confirmed.

§ 5. This act shall take effect immediately.

## Chap. 246.

AN ACT to amend an act entitled "An act to supply the village of Middletown with water for public and private purposes," passed April three, eighteen hundred and sixty-six, and of the amendment thereto, passed May fourteenth, eighteen hundred and sixty-seven.

Passed April 16, 1872; three-fifths being present.

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

SECTION 1. Section three of chapter three hundred and forty-seven of the Laws of eighteen hundred and sixty-six, being an act entitled "An act to supply the village of Middletown with water for public and private purposes," and of the amendment thereto, passed May fourteenth, eighteen hundred and sixty-seven, is hereby amended by substituting the word "commissioners" for the word "directors" in said section.

§ 2. Section six of said act is hereby amended so as to read as follows:

Water  
commiss-  
sioners.

§ 6. Jonathan M. Matthews, Uzal T. Hays, Joshua Draper, James B. Hulse and Edward M. Madden are

hereby appointed water commissioners of the village of Middletown. The term of office of said water commissioners shall be five years, except as hereinafter limited. Within thirty days after the passage of this act, the water commissioners above named shall meet at the rooms of the trustees of the village of Middletown, and shall then and there determine by lot the respective terms of office of the commissioners hereby appointed, and which of them shall hold said office, respectively, for one, two, three, four and five years from the first day of April, eighteen hundred and seventy-two, and such determination shall be entered by the clerk of the village, in the minutes of the board of trustees of the village of Middletown; and thereupon the commissioners herein appointed shall each hold his office for the term so determined by lot, and annually thereafter, at the first meeting of the board of trustees of said village, said board of trustees shall appoint one person, who shall be a resident and tax-payer of said village, a water commissioner, whose term of office shall be five years; and said commissioners shall, before entering upon the duties of their office, take the usual oath of office.

Terms of office.

When to be appointed.

§ 3. Section eight of said act is hereby amended so as to read as follows:

§ 8. A majority of said commissioners shall constitute a quorum for the transaction of any of the business of said board, and all vacancies which may occur in said board by death, resignation or otherwise, shall be filled by the trustees of said village for the unexpired term.

Quorum.

Vacancies, how filled.

§ 4. Section eleven of said act is hereby amended so as to read as follows:

§ 11. The avails of all water rents shall be first applied to defraying the ordinary and current expenses of said water-works, after which to the payment of the interest on said notes, scrip or certificates, and if there shall at any time still be an excess, the board of water commissioners shall report the same to the board of trustees of said village, who may direct whether the same shall be applied to the extinguishment of the principal of the debt incurred by the issuing of said notes, scrip or certificates, or to any other purpose in connection with said water-works, provided no extension of the water pipes

Water rents, how applied.

shall be made into any other streets of said village except in accordance with the terms and conditions of section eight of this act.

§ 5. Section twelve of said act is hereby amended so as to read as follows:

Tax to  
pay defi-  
ciency.

§ 12. In case the avails of the water rents in any year shall be inadequate to meet the current expenses of said water-works, and the interest of said notes, scrip or certificates, the board of water commissioners shall report the same to the board of trustees, and said board of trustees shall direct that the deficiency be supplied by the laying of a tax on all persons liable to village taxation, which said tax may be directed at any village meeting legally called for that purpose; and the taxable inhabitants of said village may, at any meeting for that purpose specially called and held, levy taxes for the purpose of paying the principal of the debt aforesaid, or any part thereof, by the establishment of a sinking fund, or in any other manner.

§ 6. Section fourteen of said act is hereby amended so as to read as follows:

Orders,  
how  
drawn  
and paid.

§ 14. It shall be the duty of the clerk of said commissioners to designate, in all orders by them drawn upon the village treasurer, the class to which the same belongs, whether construction account or expense account; and the treasurer shall pay all such orders from the appropriate fund, as established in the foregoing sections of this act. And said commissioners shall not directly or indirectly receive any compensation for their services, nor be in any manner interested in any contract or the furnishing of any supplies, or doing any work connected with said water-works; and any such contract or the furnishing of any supplies, or doing any work in which any water commissioner shall be or become interested, shall thereby and thereupon be and become void; and every such commissioner who shall violate the provisions of this section in any manner shall be deemed to have been guilty of a misdemeanor, and upon conviction thereof shall be punished in the manner prescribed by law for the punishment of misdemeanors.

Commis-  
sioners  
not to re-  
ceive com-  
pensation,  
nor be in-  
terested in  
any con-  
tract.

§ 7. The board of water commissioners shall, at least two weeks before the charter election in each year, prepare a statement showing the financial and other condition of the water-works of the village of Middletown. Such statement shall show a full and complete report and exhibit of said water-works up to and including the first day of February preceding the next annual charter election; and shall also contain any and all such information as said board of trustees shall require.

Financial statement.

§ 8. The taxable inhabitants of said village may, at any meeting called for that purpose, in the usual manner, authorize an additional issue of bonds of the water fund of said village, not exceeding twenty thousand dollars, for the purpose of extending and improving the water-works of said village; the said bonds to be issued in accordance with the terms and conditions of section nine of said act, provided no part of the proceeds of the sale of said bonds shall be used to extend the water pipes into any street in said village, unless responsible persons give bonds to be approved of by said commissioners, conditioned that the water rents to accrue, and be received by reason of the extension of such water pipes in said street, will pay an annual income of not less than ten per cent. on the cost and outlay incurred by reason of said extension.

Tax-payers may vote to issue bonds.

§ 9. The clerk of the village of Middletown shall be clerk of the board of water commissioners, and shall, under the direction of said board, collect and receive all sums of money belonging to or in any way appertaining to said water-works, keep an accurate account thereof and pay the same to the treasurer of said village, and as clerk of the village shall pay over to the treasurer thereof all sums of money that by law are collected by or paid to said clerk.

Clerk.

§ 10. This act shall take effect immediately.