

L A W S

OF THE

S T A T E OF NEW YORK

PASSED AT THE

ONE HUNDRED AND THIRD SESSION

OF THE

LEGISLATURE.

BEGUN JANUARY SIXTH AND ENDED MAY TWENTY-SEVENTH, 1880,
IN THE CITY OF ALBANY.

Vol. I.



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1880.

of appeals" at the city of Rochester, one thousand five hundred dollars, to be paid on bills therefor certified by the chief judge of said court; for the law library formerly in the possession of the late Judge Allen, two thousand dollars, to be paid on bills therefor certified by the judge having such library in charge, and on checks or drafts of the chief judge of said court; and for the several district law libraries of the State, to be paid on bills therefor certified by the justices of the supreme court, or a majority of them, residing in the respective judicial districts, as follows: for the second judicial district library at Brooklyn, the sum of two thousand dollars; for the third judicial district library, at Kingston, fifteen hundred dollars; for the fourth judicial district library, at Saratoga Springs, one thousand dollars; for the fifth judicial district library, at Syracuse, one thousand dollars, and for the one at Utica, one thousand dollars; for the sixth judicial district library, at Binghamton, one thousand nine hundred and four dollars, and for the one at Delhi, one thousand and ninety-six dollars and thirty-two cents; and for the eighth judicial district library, at Buffalo, one thousand eight hundred and seventy-nine dollars and fifteen cents.

Library at Rochester, \$1,500.
For library of Judge Allen, \$2,000.

Other libraries.

§ 2. The said several sums above appropriated shall be paid in full to the parties above named, to be by them disbursed for the purchase only of law books for their said several libraries.

To whom to be paid.

§ 3. There is hereby appropriated and shall be paid annually by the State treasurer, upon the warrant of the comptroller, to each of said libraries, through their said trustees or designated representatives mentioned in section one, and their successors, the sum of six hundred dollars or so much thereof as shall be necessary, to be by them disbursed for the purchase of current law books and continuation of current law reports in the maintenance of their said libraries.

Annual appropriation.

§ 4. This act shall take effect immediately.

CHAP. 401.

AN ACT to amend chapter two hundred and thirty-one of the laws of eighteen hundred and seventy-two, entitled "An act to provide for supplying the village of Peekskill with water, and authorizing the issue of bonds therefor, and to create a board of water commissioners."

PASSED May 26, 1880; three-fifths being present.

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

SECTION 1. Section five of chapter two hundred and thirty-one of the laws of eighteen hundred and seventy-two, entitled "An act to provide for supplying the village of Peekskill with water, and authorizing the issue of bonds therefor, and to create a board of water commissioners," is hereby amended so as to read as follows:

Sec. 5, ch. 231, Laws of 1872, amended.

§ 5. The said board of water commissioners is hereby authorized and empowered to make such prudential rules, regulations and by-laws in relation to the use of said water as they may from time to time deem to be necessary, and shall have the full and exclusive control of said works under this act, and the management of the finances connected

Rules, regulations, etc., in relation to use of water.

therewith, and shall have the power to establish the rates and charges for the use of water. The said board shall have power to assess upon every building within the limits of the village of Peekskill, and the lot upon which the same shall stand, an amount which said board shall deem proper to be paid by the owner thereof for the protection from fire. And in making such assessment for such fire protection it shall be made pro rata, taking the valuation of the property from the last assessment roll of the town of Cortlandt as a basis. It shall be the duty of the board of water commissioners, after completing said assessment roll or charges made against the owners of buildings and the lots upon which the same shall stand for fire protection, to cause a notice that such roll has been completed, and that the rates of charges have been fixed, to be published in one or more of the newspapers published in said village, at least ten days before the first day of October of each year, which notice shall state a place within said village where said assessment roll and rates of charges for the use of water can be examined, and the same shall be left at said place during said ten days and be open to inspection to all persons during such time from ten o'clock in the forenoon until four o'clock in the afternoon of each day. In case any person shall feel aggrieved by any such assessment for fire protection, or charges for use of water, he may within ten days after said first day of October of each year appeal to said board by serving upon the president of said board of water commissioners a written statement as to his objections or grievances. It shall be the duty of the said board upon receiving any such statement within such time to appoint a time and place, which shall be within thirty days after the serving of such notice, for the hearing of such appeals as may have been made, and shall give five days' previous notice of the time and place of hearing such appeal, by causing a written or printed notice thereof to be served upon such person or persons as may have appealed, personally, or by leaving the same at the residence of each person so appealing, and if such person cannot be found, and has no residence in the village of Peekskill, then such notice may be served by leaving the same with some person of mature age residing or occupying the premises, and if there shall be no such person residing upon or occupying the premises, then by posting such notice in a conspicuous place on said premises at least five days before the time mentioned therein for the purpose of hearing such appeal. The said board shall at such time and place, and at such other times and places to which they may for that purpose adjourn, have power to alter the proportions of such assessment for fire protection and rates or charges for the use of water in such manner as it shall deem just. And from and after the tenth day of October in each year all assessments for fire protection and all charges for the use of water from which no appeal shall have been taken as aforesaid and from and after the final determination of said board on such appeals, all assessments for fire protection and charges for the use of water from which such appeal may have been taken shall be liens upon the real estate of the person against whom such assessments or charges may have been made. In case any such assessment for fire protection or the use of water shall not be paid within three months from the first day of October of each year, it shall be lawful for said board to add four per centum to the amount so assessed or charged on the first day of January following, and one per centum per month for each and every month thereafter, until the amount be paid. It shall be lawful for the said board to issue

Assessment for fire protection.

How to be made.

Notice of completion of to be published.

Appeals from assessment.

Hearing of.

Notice of.

Power of board on hearing of appeal.

Assessment to be a lien on lots.

Per centum to be added if not paid.

Warrant

warrants for the collection of all amounts due and unpaid as may appear upon the assessment roll for fire protection and the charges for use of water against the owner or owners of such property or real estate, so assessed for fire protection and against the persons against whom such charges for the use of water shall be made, on the first day of June in each year next after such assessment; said warrants to be issued under the hand of the president of said board, and delivered to a person to be appointed by said board for that purpose, and with power to collect the same; the said person, after receiving the said warrants, shall immediately levy and collect the amount, from any personal property of the persons against whose property or against whom said assessments for fire protection or charges for the use of water may be made, or from any personal property found upon the premises of said owner, and expose said personal property for sale at public auction, by giving the same notice of sale that is required by law on sales by constables on execution; and if no personal property be found to satisfy the claim, then it shall be lawful for the said board to bound or have bounded by one of the elected assessors of the village of Peekskill, or the town of Cortlandt, the said pieces of property or real estate upon which said assessment for fire protection, or on account of which charges for the use of water remain unpaid, and the same with a statement of the assessments and charges for the use of water so due and unpaid, shall be placed in the hands of the supervisor of the town of Cortlandt, and the said supervisor shall advertise and expose for sale the said bounded property of real estate aforesaid, together with and at the same time and place that bounded pieces of property are to be sold for unpaid taxes in the town of Cortlandt, and the same laws governing the sale of real property for unpaid taxes in the town of Cortlandt (except that no action of the board of town auditors shall be necessary or be had with reference to the collection of taxes under this act). And the time and mode of redemption thereof shall govern the sale of property for the payment of unpaid assessments for fire protection and the charges for use of water, and it shall also be the duty of the said supervisor to bid off said property in the name of said board of water commissioners at such sale of such property in the same manner as he is required by law to bid off property at such sales in behalf of said town, and all of the provisions of law with reference to purchasers at sales by such supervisor for unpaid taxes in said town of Cortlandt, shall apply to purchasers at sales made by said supervisor under the provisions of this act. The supervisor shall, on or before the fifteenth day of November following such sales, make a true and correct return to the said board of water commissioners, of all the bounded pieces of property placed in his hands for sale, and pay over to the treasurer of said board the amounts received from the sale of each piece or parcel of property or real estate so sold by him, after deducting the expenses of such sales, and shall, also, within the same time, make and deliver to the president of said board a certificate of such purchases as he may make, in the name of said board of water commissioners. The said board of water commissioners is hereby authorized to take leases of all such lots or parcels of land as may be so bid off by such supervisor in the name of said board, and which shall not be redeemed as provided by law with reference to sales by said supervisor for unpaid taxes in said town, and said supervisor shall execute to said board a lease or leases therefor in the same manner as provided by law with reference to leases to said town, and said board may sell, assign and dispose of any such leases in such

for collection.

To whom to be delivered and how executed.

Proceedings in case not collected out of personal property.

Redemption.

Supervisors to make return to water commissioners

Leases of lots bid off by supervisor.

Trustees to pay over to treasurer of water commissioners all moneys in their hands.

manner as the said board shall deem proper. It shall be the duty of the board of village trustees to pay over to the treasurer of the board of water commissioners all moneys now remaining and being in their hands as collected by them for the said board of water commissioners, for fire protection and use of water, and also to return to them a detailed statement of all amounts now remaining due for fire protection and use of water.

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

Commissioners may borrow money to meet deficiency in interest.

Annual report to be made and published.

Organization.

3. To meet any deficiency in the payment of the semi-annual interest on the bonds issued under the provisions of this act, the said board of water commissioners is hereby authorized, after first applying all the money in its treasury applicable to that purpose, to borrow an amount sufficient to meet such deficiency and to pay such interest. At each annual meeting of said board of water commissioners a detailed report shall be made by them of all moneys received and expended, and the same published in one issue of two or more of the village newspapers, published in said village, before the first day of May of each year. It shall be the duty of the water commissioners to meet on the second Thursday evening after each annual village election, and organize themselves into a board, by electing a president, secretary and treasurer, and to appoint a superintendent.

§ 3. This act shall take effect immediately.

CHAP. 402.

AN ACT to amend and consolidate an act entitled "An act to incorporate the village of Cambridge," passed April sixteenth, eighteen hundred and sixty-six, and the several acts amending and supplementing the same.

PASSED May 26, 1880; three-fifths being present.

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

Chap. 606 of the Laws of 1880, amended.

Boundaries of the village.

SECTION 1. The act entitled "An act to incorporate the village of Cambridge," passed April sixteenth, eighteen hundred and sixty-six, and the several acts amending and supplementing the same, are hereby consolidated and amended to read as follows:

§ 1. The territory within the following limits shall constitute the village of Cambridge: Beginning at a cedar stake in the northern line of the Woodland Cemetery, so called, and thence, according to the magnetic bearings of the year eighteen hundred and sixty-six, south seventy-two degrees east, ten chains, to a point south five degrees fifteen minutes westerly, and six links distant from a small apple tree; thence south forty-five degrees fifty-five minutes east, sixty-seven chains ninety-two links to the center of the intersection of the two roads; thence south seven degrees fifteen minutes west, thirty-five chains twenty-six links to Warner and Lovejoy's mill-dam; thence across and along the creek, and again across to the westerly side of the creek, south eighty-three degrees twenty-five minutes west, nineteen chains ninety-five links; thence south fifty-eight degrees forty-five minutes west, eight chains eighty-five links and offset of one chain sixty-five links to creek; thence south twenty-six degrees twenty-