

CHARTER

OF THE

VILLAGE OF PEEKSKILL, N. Y.

AND THE

ACT CREATING A BOARD OF WATER COMMISSIONERS
AND THE SEVERAL ACTS AMENDATORY THEREOF.

PEEKSKILL, N. Y.:
THE HIGHLAND DEMOCRAT STEAM PRINT.

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CHAPTER 117.

AN ACT to amend, consolidate and revise the charter of the village of Peekskill, and the several acts amendatory thereof.

Passed March 19th, 1883, three-fifths being present.

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

TITLE I.

BOUNDARIES, CORPORATE POWERS AND CIVIL DIVISIONS.

SECTION 1. All that part of the town of Cortlandt embraced within the following bounds, that is to say : Boundaries.
Beginning at the middle of the Hudson river at a point due west from the mouth of a small brook which crosses the post road at the foot of the hill south of the dwelling house of Frederick W. Requa ; thence due east to the mouth of said brook ; thence easterly, in a direct line, to the center of South Orchard street, in front of Mrs. Morris Dyckman's tenement house ; thence to the bend in the road near the

house of John Montross; thence north-easterly, in a direct line, to a point in the center of the Crompond road, opposite the house of William McCord; thence, due north, to a large rock on the north side of the turnpike, about one hundred and fifty feet west of Henry Ward Beecher's west line; thence north-westerly, to the north-east station, marked B. M. X. on map of reservoir property; thence westerly, in a direct line, to the first bridge on Hillside avenue, where the water main from the reservoir intersects Hillside avenue, as per water-works map; thence westerly, crossing Hillside avenue, to a point one hundred and forty-four feet south of the south abutment of the iron bridge, to the center of the channel of the Peekskill Hollow brook; thence along the channel of the said creek to the center of the channel of the Peekskill creek; thence in a direct line to the center of the drawbridge on the Hudson River railroad, at the mouth of said creek; thence in a line due west, to the middle of the Hudson river; thence southerly, along the middle of said river, until it comes to the place of beginning; and the inhabitants residing therein are hereby constituted and declared a municipal corporation by the name of "The Village of Peekskill," and by that name they and their successors shall have perpetual succession; and said corporation is hereby declared to be vested with and in possession of all the estate, real and personal, rights, privileges and immunities which, at the time of passing this act, appertain and belong to said village of Peekskill. Said village shall be capable of suing and being sued, complaining and defending in any court, make and use a common seal and alter the same at pleasure, and to purchase, rent, take, hold, lease and convey such real and personal estate as the purposes of said village may require.

Corporate
name.

Corporate
powers.

Districts.

§ 2. The said village shall be divided into two dis-

tricts, as follows: District number one shall consist of all that portion of said village lying north of a point in the center of the Hudson river, due west from the center of Centre street; thence from the said point due east, to the center of Centre street, taking the said center of Centre street as the line to the center of Division street; thence due north, to a point opposite the center of Park street; thence taking the center of Park street as the line to Grant avenue; thence taking the center of East Park street as the line to the east end of said street; thence easterly, to McGregor's brook, as it runs to the east corporation line. District number two shall consist of all that portion of said village lying south of the above described line.

TITLE II.

OFFICERS, THEIR ELECTION, APPOINTMENT AND QUALIFICATION.

§ 1. The elective officers of said village shall be a president, three assessors and a treasurer, who shall be elected by the electors of the village; and three trustees for each district, who shall be residents of and elected by the electors of their respective districts.

Elective officers.

§ 2. The board of trustees shall appoint a village clerk and two inspectors of election and a poll-clerk for each district, and may appoint a pound-master, street commissioner, surveyor and police constables who shall hold their respective offices during the pleasure of said board of trustees.

Appointive officers.

§ 3. No person shall be eligible to any office in said village unless a resident and elector thereof; and when any officer shall cease to be a resident, his office shall become vacant.

Eligibility.

§ 4. An election of the elective officers of said vil-

Notice of Elections.



lage shall be held annually, on the first Tuesday of March, at one o'clock in the afternoon and continue until sunset of that day, at such place, in each of said districts, as shall be designated by said board of trustees; notice of which election shall be published for two consecutive weeks immediately preceding said election in two or more of the village newspapers, except that in the year eighteen hundred and eighty-three the election shall be held on the second Tuesday of April.

Electors.

§ 5. Every person residing in said village, and in the district in which he offers his vote, for thirty days previous to any election under this act, and possessing the qualifications prescribed by the constitution to authorize him to vote for elective officers, may vote at any election held in pursuance of this act; but no person shall vote upon any resolution to raise a tax or appropriate the same, unless he shall at the time be a freeholder within said village or shall have been assessed a village tax on the last assessment-roll of said village.

Election, how conducted.

§ 6. The inspectors of election shall preside at the election in their respective districts and are authorized to preserve order, judge of the qualifications of electors, and canvass the ballots, and all the powers possessed by inspectors of election by the election laws of this state are hereby conferred upon them for the purpose of such charter election; and the said inspectors of election in the said districts shall, immediately after the closing of the polls of an election, proceed to canvass and count the ballots voted at said election, and shall make up and sign a certificate showing the whole number of votes cast, the number of votes cast for each officer who shall have been voted for at said election, and shall, immediately upon the completion of said canvass, file the said certificate in the office of the clerk of said village, who,

upon the filing of all of said certificates, shall give notice thereof to the president of said village, who shall immediately canvass said certificates and declare the result of said election.

§ 7. On the second Tuesday of April, eighteen hundred and eighty-three, one trustee shall be elected in each district to serve for three years, and one in district number two for two years; on the first Tuesday of March, eighteen hundred and eighty-four, one trustee shall be elected in each district to serve for three years, and one in district number one for one year. Term of office.

§ 8. The inspectors of election appointed in each district shall be of opposite politics. Inspectors.

TITLE III.

OATH OF OFFICE, VACANCIES, COMPENSATION, ETC.

§ 1. Every officer of said village shall, within five days after he shall be notified of his election or appointment, take and subscribe the oath of office prescribed by the constitution of this state, and file the same with the clerk of said village, and in case of his omission to do so, he shall be deemed to have refused to serve, and his office shall be vacant, and filled in the manner prescribed in this act. Oath of office.

§ 2. The term of office of the president shall be two years; of the treasurer, one year; and of the trustees and assessors, three years, except as stated in section nine of this act. Said officers shall hold their respective offices until their successors shall have been elected or appointed and shall have qualified. The present village officers shall hold their respective offices for the term for which they were elected or appointed, and until their successors shall have been elected or appointed, and shall have qualified. Term of office

Compensation.

§ 3. The president and trustees shall not receive any compensation for service, nor shall they, or either of them, be interested, directly or indirectly, in any contract, promise, engagement, wages, or in any other matter or thing in which the corporation shall be a party. The compensation of all other village officers shall be such reasonable sum as the board of trustees shall deem proper.

Vacancies.

§ 4. Any vacancy in any village office shall be filled by the board of trustees by appointment, and appointees to elective offices shall hold until the qualification of their successors, chosen at the next annual election, at which election vacancies shall be filled for the remainder of the unexpired terms.

Bonds.

§ 5. The treasurer and police constables, before entering upon their official duties, shall severally execute a bond to the corporation in such sums and with such sureties as shall be approved by the board of trustees, conditioned that they will faithfully perform the duties of their offices, respectively, and account for and pay over, according to law, all moneys belonging to said corporation that shall come to their hands, which bond shall be filed with the clerk of the village; and each of the said police constables shall also execute an instrument in writing by which such police constable and his sureties shall jointly and severally agree to pay each and every person who may be entitled thereto all such sums of money as the said constable may become liable to pay on account of any execution which shall be delivered to him for collection; which instruments shall be approved by the board of trustees and filed with the clerk of the village.

Resignations.

§ 6. The resignation of an officer must be made to the board of trustees, in writing, and no resignation shall take effect until the said board shall have accepted the same.

TITLE IV.

POWERS AND DUTIES OF OFFICERS.

*Of the President.*Duties of
President.

§ 1. The president of said village shall be the chief executive officer thereof, and it shall be his duty to preside at all meetings of the board of trustees when present; to call special meetings of said board of trustees when he shall think proper, or when requested so to do by any two of the trustees; to appoint all standing committees of said board of trustees; to see that the laws and all ordinances, by-laws, rules and regulations of said village are faithfully executed; to prosecute in the corporate name of said village all offenders against the laws, or of the ordinances, or of the by-laws of said village, and for all penalties, fines or forfeitures incurred under the provisions of this act, or any of the ordinances, by-laws, rules or regulations, made by virtue thereof; to commence, prosecute or defend all such actions in the name of the corporation as shall be ordered or directed by the board of trustees; to apprehend and arrest, with or without process, any person who shall be guilty of any crime, or of the violation of any law of this state, or ordinance of the village; to maintain peace and good order; to inspect the public property belonging to the village and see that the same is properly taken care of and kept in order; to execute, on behalf of the village, and under the corporate seal, all deeds, leases and contracts, when so authorized by the board of trustees; to pay all moneys which shall come into his hands for the use of said village to the treasurer thereof, and take his receipt therefor; and to do all such other acts and things as may appertain or belong to the duties of such executive or

presiding officer, or which the said board of trustees may legally require him to do.

Of the Clerk.

Duties of clerk.

§ 2. The village clerk shall be clerk of the board of trustees, and keep a record of their proceedings; he shall have the custody of the corporate seal, and of all papers required by any provision of law, or by the board of trustees, to be filed in his office or to be kept by him; he shall sign all licenses, and keep a record thereof; he shall notify officers of their election or appointment; he shall report at each stated meeting all moneys received by him; and he shall perform such other duties as the board of trustees may from time to time require of him.

Of the Treasurer.

Duties of treasurer.

§ 3. The treasurer shall receive all moneys belonging to said village, and safely keep and disburse the same, in pursuance of the direction of the board of trustees, by draft, payable to the order of the person to whom such money is due, signed by the president and clerk, and stating the fund out of which it is to be paid; he shall make and keep a correct record of such receipts, specifying from what source the same was derived, and of all disbursements, and for what purpose, and from what sums the same were made during the year; and at any time when required by the board of trustees, furnish them with such statement in relation to matters pertaining to his office as the said board of trustees may by resolution demand; and he shall duly perform such other duties as said board of trustees may ordain.

Of the Assessors.

Duties of assessors.

§ 4. The assessors shall perform all the duties in

relation to the assessment of property in said village for the purpose of village taxation, in the same manner as town assessors; they shall in all cases make themselves acquainted with the property assessed, and the assessment-roll shall be made by the assessors jointly, and all valuations of real property therein set down shall be made upon one common and general principle of valuation, which shall be applied to all real estate in said village. The assessment-roll shall be completed, and ten days' notice of the time and place of meeting, to review their assessment, given by pasting printed handbills in ten public places in said village, on or before the first Monday in May in each year; when such assessment-roll shall be completed and the assessors shall have annexed their certificate thereto, the same shall be filed with the clerk of the village, and shall then be denominated the assessment-roll of the village. Any property liable to taxation which may have been omitted from the assessment-roll may be inserted therein by the assessors, together with the assessment, at any time before said assessment-roll shall be filed with the village clerk, after first giving the owner thereof personal notice in writing of not less than three days, to attend, at a time and place to be therein stated, to show cause why such correction shall not be made.

Of the Police Constables.

§ 5. The police constables of said village shall, within the boundaries thereof, have the same powers and rights, and be charged with the duties and responsibilities, developed or imposed by law upon constables of towns; and they shall have power and it shall be their duty to do and perform all such police duties as shall be assigned to them by the board of trustees; and it shall be their especial duty to see that the police regulations, by-laws and ordinances of

Duties of
police.

said village are properly observed; to discover and report to the president or board of trustees all violations thereof; and they shall have power and it is their duty, without process, to arrest and take before any justice of the peace residing in said village, as soon after such arrest as practicable, and to confine, in the mean time, for safe keeping, any person or persons disturbing the public peace, or willfully violating any ordinance or by-law of said village.

Of the Street Commissioner.

Street commis-
sioners, duties
of.

§ 6. The street commissioner shall, under the direction of the board of trustees, exercise a general superintendence over the roads, avenues, crosswalks, sidewalks and public places of said village, and cause all obstructions, incumbrances and nuisances to be removed therefrom, and report to the president all infractions of by-laws and ordinances of the board of trustees relating to the same, and shall perform such other duties as the board of trustees may from time to time prescribe.

TITLE V.

THE BOARD OF TRUSTEES.

Board of
trustees.

§ 1. The president and trustees shall constitute the board of trustees of said village. They shall meet on the Tuesday next after each annual election, and shall hold such stated meetings at such times and places as they shall, by resolution, direct, and special meetings may be called by the president, or by the clerk upon the written request of any two trustees.

Meetings.

§ 2. The president, when present, shall preside at the meeting of the board of trustees, and shall give the casting vote in the case of a tie vote in said board. In his absence, any one of the trustees may be ap-

pointed president for the time. A majority of the board of trustees shall constitute a quorum for the transaction of business. Votes on any question shall be taken by ayes and nays, whenever required by any member of the board.

Quorum.

§ 3. The board of trustees shall have the management and control of the finances and all the property, real and personal, belonging to the said corporation, and shall have full power and authority within said village, and it shall be their duty :

Powers and duties of.

1. To protect the inhabitants in their persons and property, preserve peace and good order, to prevent and suppress vice and immorality, and promote the welfare and good government of the corporation.

To protect persons and property.

2. To establish and maintain a competent police, appoint and empower night watchmen, and to prescribe their powers and duties.

Police.

3. To erect and maintain a lock-up, or place of detention, for persons arrested under this act, or under any by-law or ordinance, and to confine and detain therein, and to appoint a jailer or keeper for the same.

Lockup and jailer.

4. To apprehend and punish idlers, vagrants, prostitutes and disorderly, or boisterous, or riotous, or unruly persons.

Disorderly persons.

5. To employ an attorney or counsel in the prosecution or defense of any action by or against the corporation, or for the transaction of any business of the corporation requiring professional legal skill.

Attorney.

6. To prohibit and suppress gaming, gambling houses, disorderly houses, houses of ill-fame and places of prostitution ; to punish the occupants thereof and to confiscate all instruments and devices used for gaming or fraudulent practices.

Gambling houses.

7. To provide for the care and custody and preservation of the public property, records, books, and papers belonging to said village ; to prevent or punish any injury to, or trespass upon the same ; to make

Village property.

any and all necessary repairs and improvements to the same; and to cause any part thereof to be insured when they shall deem it necessary.

Duties of
officers.

8. To prescribe and define the powers and duties of officers of said village, and in case any officers shall have duties specifically prescribed in this act, to prescribe such additional duties as they may deem the interest of the village to require, and as shall not be inconsistent with this act.

Compensation.

9. To fix and determine the compensation of the officers of the village who shall be entitled to the same under this act, and to see that they perform faithfully and correctly their several duties, and that proper measures are taken to punish neglect of duty in any of them.

Public pound.

10. To establish, maintain or regulate a public pound, and to regulate the impounding of animals therein; and to provide for punishing any person who shall injure or break into such pound, or who shall rescue any animals therefrom, or while being driven thereto.

Gunpowder,
Kerosene.

11. To prohibit, license or regulate the keeping, storing, use or sale of gunpowder, kerosene, petroleum, or any other combustible or explosive substance or compound within said village, and the conveyance and transportation of the same in or through any part of said village.

Dangerous
games, etc.

12. To prevent or regulate ball playing, flying of kites, rolling of hoops, coasting or any other game, practice or amusement, which the board of trustees may deem dangerous; to prevent or regulate the blowing of horns, ringing of bells, the making or kindling of any fires in the streets or highways, or in any other place where the same may be considered dangerous, and to prevent or regulate the firing of guns and fire-works, or the making of any noise tending to disturb the peace and quiet of said village.

13. To make regulations for taxing, licensing, muzzling and confining dogs, and for destroying or impounding such as may be found running at large, contrary to any ordinance. Dogs.
14. To regulate or prohibit swimming and bathing in the waters within or bounding said village. Swimming.
15. To provide and contract for the lighting of the streets and public buildings and offices of said village, or of such as the board of trustees deem necessary; and to protect and preserve the public lamps, gas pipes, posts, and fixtures, and to punish those injuring the same. Lighting streets.
16. To restrain the running at large of cattle, horses, goats, swine, ducks, geese, or any other animal or fowl, and to authorize the distraining, impounding and sale of the same, for the penalty and costs of keeping and proceedings. Cattle.
17. To prohibit or regulate all slaughter-houses, or the slaughtering of all animals within said village. Slaughter houses.
18. To protect and preserve shade-trees in the streets of said village, and to cause such trees to be pruned and trimmed. Shade trees.
19. To prevent racing or immoderate driving within said village, and to authorize the immediate apprehension of any person so offending without process; and to prevent persons leaving horses or teams in the streets without being tied or fastened; and to regulate the use of bicycles in the public streets. Racing, driving, etc.
20. To give names to streets, and numbers to lots and buildings, to change the same, and to compel the owners or occupants of any lot or building to place such number in a prominent place thereon. Name of streets, etc.
21. To audit all accounts and claims against the village, and order the payment of such as shall be allowed. Audit claims.
22. To compel or cause the making and repairing of fences and railings at exposed places in said village. Fences, etc.

Removal of
snow, ice, etc.

23. To compel every person to clean the ice and snow from the sidewalks and gutters in front of any lot owned or occupied in whole or in part by him; and in case of neglect or refusal, upon notice so to do, to clean or cause to be cleaned such sidewalk or gutter, and the expense thereof, together with twenty-five per centum in addition thereto, shall be and become a lien upon said lot, and may be charged against said lot in the tax-roll of the ensuing year.

Obstructions.

24. To prevent incumbering or obstructing the streets, sidewalks and crosswalks in any manner whatever.

Projections.

25. To prevent and regulate the construction of any building, shed or other structure or thing which shall project into or over any street or walk in said village; and the hanging or suspending of any goods, signs, or sign-boards, or any other thing whatever, in or over any such street or walk, and in case of neglect or refusal, after notice to remove the same, to cause the same to be removed at the expense of the owner, occupant or person so erecting the same, and to issue their warrant against any such person to collect the necessary expense of such removal.

Vaults.

26. To prohibit and regulate the construction of vaults under sidewalks and streets.

Hackmen,
auctioneers,
junkmen, etc.

27. To license and regulate auctioneers, hackmen, cabmen, carriers, junkmen, porters, peddlers, teamsters, carmen, expressmen and drivers of vehicles for transporting passengers or merchandise, and to prohibit all persons from acting as such until licensed; to require stages, hacks, omnibuses, trucks, carts and vehicles for conveying passengers or merchandise to be licensed and numbered; to make such regulations concerning all persons or things so licensed as they shall deem proper; to fix the fee to be paid for such licenses, and the amount to be charged for the carry-

ing of passengers or merchandise, and to compel licensed persons to wear badges.

28. To restrain, prohibit or regulate hawking or peddling in the streets. Peddlers.

29. To prevent the sale of intoxicating liquors, goods, or merchandise, or the performance of work or labor for hire on Sundays. Sales and labor on Sunday.

30. To regulate the construction of stairs, stairways, halls, doors, means of egress and ingress, in every building now or hereafter erected in said village and used or intended to be used as a church, school, hotel, factory, hall, or place for public assemblages; to keep the aisles and passage-ways in every church, school-house, hall and other places for public assemblage free from obstruction; to secure the public safety in all buildings or structures used or intended to be used for public assemblages; and to compel the owners, trustees, or persons in possession of any such building or structure to comply with the requirements of the board of trustees for the promotion of public safety and security. Stairs, halls, etc.

31. To determine the existence of a public nuisance in any part of said village, and to compel its removal or abatement, and if not done within such time as the board of trustees may allow, to cause the same to be removed or abated at the expense of the village, and to declare such expense, together with a penalty of twenty-five per centum additional thereto, to be a lien upon the lot, and to enforce the collection thereof by leasing or selling the premises in the manner prescribed in this act, or by action against the owner of the lot, or any other person or persons who may have erected, created, suffered or maintained such nuisance. Nuisances.

32. To call public meetings of the inhabitants of said village whenever a petition for that purpose shall be presented to them, signed by at least fifty freeholders residing therein, and at their own instance, Public meetings.

whenever they may deem the public interest to require the same.

Exhibitions,
etc.

33. To prohibit, restrain and regulate within said village and within one-half mile of the north, east and south boundaries or limits thereof, all exhibitions of any natural or artificial curiosities, caravans of animals, theatricals, and other shows and exhibitions, circuses or other performances or exhibitions for money or hire; and to authorize the same within such limits, on such terms as the trustees shall deem expedient.

Sewers.

34. To cause in their discretion common sewers and drains to be made in any part of the village, upon the application, in writing, in each case, of a majority of the resident owners of the lots along which the proposed sewer or drain is to be built; and may determine what share or proportion, if any, of the expense of the same shall be paid by the village, and may require the assessors to apportion and assess the expense thereof, or the residue of such expense, upon the owner or owners of, or others interested in, the buildings, tenements, lots and real estate which they shall deem benefited thereby, in proportion, as near as may be, to the benefits and advantages which each shall acquire thereby; a certificate of such assessment and apportionment, signed by the assessors making the same, shall be filed in the office of the clerk, and shall be binding and conclusive upon the owner or owners, or others interested. And the amount assessed against the owners of, and persons interested in, each of such lots and real estate, respectively, shall be a lien upon such lots and real estate. And for all such liens and charges the board of trustees shall issue their warrant and cause the same to be collected, with interest from the date of the assessment, in the same manner as other village taxes and assessments are collected. Any person in possession

of any real estate under contract for the purchase thereof may, in the discretion of said board of trustees, be deemed the owner thereof for all the purposes of this act.

35. To make, establish, publish, modify, amend or repeal, from time to time, all such bylaws, ordinances, rules and regulations as may be necessary and proper for carrying into full effect the purposes of the said corporation, and the powers and privileges granted by this act, and not inconsistent therewith, and for the better enforcement of such by-laws, ordinances, rules and regulations, the said board of trustees are empowered to prescribe, fix, and enforce such penalties as they may deem proper for a violation thereof, not exceeding fifty dollars for each offense; but no ordinance, by-law, rule or regulation, for the non-observance of which a penalty is prescribed, shall take effect until three days after it shall have been published in a paper printed in said village; and every such ordinance, rule, regulation or by-law, together with a certificate by the village clerk of the time of the publication thereof, shall be pasted, entered or recorded in a book to be provided and kept for that purpose.

Ordinances.

36. To cause to be published in two or more newspapers in the said village, two weeks before the annual election, a detailed and specific statement of the expenditure of all moneys which shall have been received by tax the preceding year for any purpose, which statement shall show how much money has been received and collected and for what purpose, and to whom it has been paid out, and for what purpose; which statement shall be signed by the president and trustees and verified as to its fullness and accuracy by affidavits of the president and clerk. The said statement shall also be filed with the clerk of the village.

Annual report.

TITLE VI.

FIRE DEPARTMENT.

Fire depart-
ment.

§ 1. The board of trustees are authorized and empowered:

1. To establish, maintain and regulate a fire department, and to purchase lands, erect or hire buildings, buy engines or other necessary apparatus, and to take all measures and do all acts for the prevention or extinguishment of fires.

Firemen,
number of.

2. To determine the number of members of each company.

Removal of.

3. To remove any officer or member of the fire department, after giving to him at least three days' personal notice to show cause against such removal and an opportunity of being heard in his defense.

Regulations.

4. To prescribe the duties and make rules and regulations for the government of the fire department.

Vacancies.

5. To appoint firemen, and fill vacancies in the different companies of the fire department upon the nomination made at a meeting of a quorum of the members of the company, in which said appointment is to be made or vacancy filled; and to withhold and refuse such appointment, if in their judgment, for any cause, the person thus nominated ought not to be appointed.

Destruction of
buildings.

6. To provide for the removal and protection of property exposed to fires, and for pulling down or blowing up buildings for the purpose of arresting the progress of fires and extinguishing the same; but in every case when a building shall be so pulled down, blown up, or removed, under the authority of said corporation, with the view of arresting the progress of a fire, and said building shall be insured, the owner thereof shall be entitled to recover from the

said corporation, when the same shall not be paid by the insurance companies, damages to the same extent as he would have been entitled to recover against the insurers in case such buildings had been destroyed by fire.

7. To prevent or regulate the construction of any building, chimney, fire-place, hearth, stove, stove-pipe, oven, repository for ashes or charcoal, boiler, furnace, or any other apparatus or thing whatever, which may be considered dangerous with regard to fire, and to cause the owner or occupant of any premises upon which shall be found any thing dangerous with regard to fire, to remove the same, or to put the same in a safe and sure condition, and in case such owner or occupant shall neglect or refuse so to do, the said board of trustees shall have power to cause the same to be done at the cost and expense of such owner or occupant, and to collect such cost and expense as hereinafter provided; and for the purposes aforesaid, or in any or either thereof, the said board of trustees shall have power to enter into or upon, or authorize the entry into or upon, any building or premises in said village, and to regulate the use of lights or candles in stables or buildings in which combustible materials may be deposited, and prescribe the use of lanterns or safety lamps in such buildings.

Construction of
buildings, etc.

§ 2. The members of the fire department:

1. Shall elect a chief engineer and two assistant engineers; said election to be held at such time; place and in such manner, as the board of trustees shall prescribe by resolution or ordinance.

Engineers.

2. Shall, so long as they remain such members, be exempt from serving on juries in any court, and from serving in the militia, except in case of war, invasion or insurrection; and every person who shall serve in such fire department five years successively,

Exemptions.

including the time he shall have served continually as a fireman in said village before the passing of this act, shall thereafter be entitled to the like exemption from military duty and jury service, and a certificate of such service in the fire department shall be legal evidence before all courts and officers, civil and military, of such exemption.

3. Shall obey at all fires and parades the orders of the chief engineer, or in his absence, the orders of the senior assistant engineer present, and in case of refusal so to do, shall for each offense forfeit the sum of ten dollars.

Officers, by-law, expulsion, etc.

§ 3. The several companies shall each select their own officers and may adopt by-laws and regulations, impose fines and forfeitures, expel members for neglect or improper conduct; but no expulsion shall take effect until the same shall be ratified or confirmed by the board of trustees.

Insubordination.

§ 4. Every person who shall, at the time of any fire, be guilty of any mutinous conduct, or shall attempt to excite mutiny and insubordination in others or attempt to obstruct the operation of the fire department, or the execution of the orders of the proper officers, shall for each offense forfeit such penalty as shall be prescribed by the by-laws, not exceeding fifty dollars.

Fire wardens.

§ 5. The president and trustees shall, by virtue of their office be fire wardens of said village, and they and each of them as such fire wardens shall, when present at the occurrence of any fire, have general supervisory power over, and authority to direct the officers and members of the fire department, and other persons present at any such fire, in such manner as shall be prescribed by the by-laws.

TITLE VII.

HIGHWAYS, STREETS AND BRIDGES.

§ 1. Said village is hereby declared a separate road district and shall be exempt from the superintendence of commissioners of highways of the town of Cortlandt, and all property in the corporate limits shall be hereafter exempt from any tax or assessment for the services of commissioners of highways in said town, or for the opening, laying out, maintenance, erection, or repair of any highway, road or bridge in said town, situate without the limits of said village.

Separate road district.

§ 2. The board of trustees shall be commissioners of highways in and for said village, and shall have all the powers conferred upon commissioners of highways of towns, except as otherwise provided in this act, and they shall have power, and it shall be their duty:

Powers of board.

1. To lay out, open, make, repair, alter, widen, straighten, extend, discontinue, grade, level, pave and cleanse streets, lanes and highways in said village; provided, however, that they shall have no power to lay out any new streets, lanes or highways, or open or widen any streets, lanes and highways already laid out, except as provided in section six, title seven of this act.

Streets.

2. To cause sidewalks and gutters to be laid, re-laid, raised, lowered, leveled, graded, curbed; flagged, paved and repaired in such manner, at such times and of such materials as they may prescribe or direct, and to assess its expense thereof against the owner of the property along or adjoining which such work shall be done, and which shall, upon the auditing of such cost and expense, together with a penalty of twenty-five per centum added, if the board shall see

Sidewalks and gutters.

Notice.

fit to add the same, be a lien upon such property and a charge against the owners respectively thereof, and collected, by warrant or by sale, as taxes and assessments of said village are authorized and collected with interest and costs. Before doing such work it shall be the duty of the board of trustees to cause a notice to be served on each of the owners or occupants of said property, resident in said village, personally, or by leaving the same at their residence, or in case of non-residence, with the agent or occupant of such premises, specifying the improvement to be made, of what material, and the time and manner in which they require the same to be done.

Grade when changed.

§ 3. No grade of any street or sidewalk shall be changed when once adopted, and a profile thereof made and filed with the village clerk, except upon the written consent of at least a majority of the taxable inhabitants owning property on the block or blocks where such change is proposed.

Discontinuance of streets.

§ 4. No street, lane or highway shall be discontinued without the written consent of all parties owning land thereon.

Proceedings to lay out streets.

§ 5. The board of trustees, upon the petition of twenty-five free-holders residing in said village, shall have power to lay out, make, open and widen any street, lane, alley or highway, of such width as they shall deem proper, and to cause any street, lane, alley or highway already laid out or opened to be altered, extended, straightened or widened, whenever they shall deem the public good to require it.

Notice to persons interested.

§ 6. Whenever the board of trustees shall have determined to lay out, alter, widen, straighten or extend any street, alley, lane or highway, and to take and appropriate the land necessary for the same, and shall have determined to assess the expenses of such improvement, or any part thereof as hereinafter provided, they shall give notice of such determination to

the owner or owners of the lands, by publishing the same once in each week, for two successive weeks, in one or more of the newspapers printed in said village; such notice shall specify in general terms the improvements to be made, and shall state that such owner or owners, on or before a day to be specified, may file their claim for damages, if any they have, on account of such taking or appropriation with the clerk of said village; and in case any claim for damages shall be filed as aforesaid, that the said trustees will apply, at a time and place to be specified in said notice, to some court of record, for the appointment of three commissioners to ascertain and assess the damages so claimed. In case no claim for damages shall be filed as above provided, such owner or owners shall be deemed to have waived all claims to damages and to have consented and agreed to such improvement. If any such claim shall have been filed as aforesaid, the said board of trustees, at the time and place specified in said notice, shall make application to a court of record for the appointment of such commissioners, and any person who shall have filed such claims shall have a right to be heard on such application; but the board of trustees are hereby empowered to settle by agreement with the party or parties claiming such damages or compensation. The said commissioners, having been duly appointed, shall enter upon the performance of their duties without delay; they shall each take and subscribe an oath before some officer authorized to administer oaths, faithfully, honestly and impartially to perform their duty in making such assessment according to the best of their ability, and shall give notice of the time and place of their meeting to make such assessment, by publishing the same once in a newspaper printed in said village. At the time and place so appointed for their meeting they shall

Commissioners
to assess
damages.

Oath of office.

Notice of
meeting.

Meeting.

To assess
damages on
real estate
benefited.

view the premises, and in their discretion, receive any legal evidence, and may, if necessary, adjourn from day to day: they shall determine and award to the owner or owners so claiming damages as aforesaid, such damages as in their judgment such owner or owners will sustain by such improvement, after making due allowance for any benefit which such owner or owners may derive therefrom; they shall at the same time assess and apportion the said damages, if any, of such improvement on the real estate benefited thereby, as nearly as may be in proportion to the benefit resulting therefrom; but, if the whole of such damages cannot justly and equitably be assessed on real estate as above provided, then the said commissioners shall only assess such portion thereon as, in their opinion, will be equitable and just; and the balance thereof they shall assess to be paid by a general tax upon the village, and such balance shall thereupon become a charge upon said village, and shall be added to and raised with the next general assessment or tax levy for village purposes, and the same shall be payable to the persons entitled thereto, as soon as the same shall be collected as above provided. The said commissioners shall briefly describe the real estate upon which any assessment is made by them, and shall designate the owners of the several parcels thereof; and what parcels, if any, are owned by non-residents, according to the best information they can obtain, which assessments shall be collected by the trustees from such owners under a warrant for that purpose to the receiver of taxes in said village in the same manner as taxes in said village are collected. If there be any building on any land taken for such improvement, the value thereof to remove the same shall be ascertained by the commissioners, and the owner thereof may remove the same within ten days, or such other time as the board of trustees may

allow, after the confirmation of the return of the commissioners, and if the same shall be removed, the value thereof, as ascertained, shall be deducted from any damages awarded to such owner. The determination and assessment of the commissioners shall be returned to the board of trustees within ten days after the matter has been finally submitted to them. If either of the commissioners shall be unable to serve, the trustees may, at any time, without further notice, make application to some court of record, to have some suitable person appointed in his stead, and such court shall thereupon make such appointment. After the determination and assessment of the commissioners shall be returned to said board of trustees they shall give notice by publishing the same once in a newspaper printed in said village, that at a time and place to be specified in said notice, the same will be confirmed, unless objection thereto be made by some person interested. All objections shall be made in writing, and filed with the village clerk. If no objection shall have been filed, such determination and assessment may, in their discretion, be confirmed by said trustees, and the same shall be final and conclusive, or the same may be annulled by said board of trustees. And if objection shall have been filed as aforesaid, the person so filling the same shall have a right to be heard in regard thereto, on the day specified in said notice, or on such other day or days as the trustees may appoint; and said board of trustees shall thereupon either confirm or annul the said determination and assessment. If they confirm the same, it shall be final and conclusive upon all parties; but whenever they annul the same, they may refer the matter back to the same commissioners or to three others to be appointed on their application, without further notice, by some court of record. The commissioners shall proceed in all things, in the making

Objections to
assessment.

Confirmation
of report.

and return of the second determination and assessment, as though it were the first; and the board of trustees shall proceed thereon as though it were the first determination and assessment. If the board of trustees shall confirm the second determination and assessment, the same shall be final and conclusive upon all parties interested; but if they annul the same, then all proceedings in relation to the matter shall be null and void. After the final confirmation of such determination and assessment, the same shall be filed in the office of the village clerk, and thereupon the said board of trustees are authorized to cause such improvement to be made and completed.

Compensation
of commis-
sioners.

§ 7. The commissioners appointed as aforesaid shall be allowed five dollars per day for each and every day actually and necessarily employed in and about their duties, and such compensation, and the fees and charges for surveying, and other necessary costs and expenses, all of which shall be audited and the amount thereof fixed and determined by the board of trustees, shall be considered a part of the expenses of such improvement and paid by said village.

TITLE VIII.

POLICE DEPARTMENT.

Actions by
corporation.

§ 1. In any action brought by or in the name of said corporation to recover any fine, penalty or forfeiture imposed by this act, or which may be imposed or given by any rule, regulation, ordinance or by-law, passed, ordained or enacted by the board of trustees, it shall in all cases be sufficient, without setting forth any special matter, to allege in the complaint that the defendant is indebted to the said corporation in the amount of such fine, penalty, or for-

feiture, whereby an action hath accrued, according to the provisions of this act, naming the subject thereof by reference to the section, or according to the rules, regulations, ordinances or by-laws of said village, naming the subject thereof and referring briefly to the section or other division of the rule, regulation, ordinance or by-law, for a violation of which the action is brought, and also to the date of its passage or enactment by the board of trustees, and process for the commencement of any such action shall have an indorsement thereon, to the effect that it is issued to enforce a penalty or forfeiture imposed in accordance with the provisions of this act, incorporating the village of Peekskill, and no other indorsement thereon shall be necessary.

Pleadings.

Endorsement
on summons.

§ 2. All persons who sell strong and spirituous liquors, ale, wine and beer within the limits of said village, without license, or in violation of any license granted, all habitual drunkards, all drunken persons or persons found intoxicated in the streets of said village, all riotous persons or persons engaged in quarreling or fighting, all persons who shall immoderately ride or drive or race horses in any of the streets of said village, and all persons who shall use indecent or profane language, or indulge in rude, disorderly or violent conduct in any street, public place, or exhibition hall in said village, and all persons who willfully violate an ordinance of said village, in addition to those persons enumerated in section eight hundred and ninety-nine of the Code of Criminal Procedure, shall be deemed disorderly persons, and may be proceeded against and punished according to the provisions of this act; and the president and trustees of said village, and each of them, and the police constables shall have power, and are hereby authorized, at any and all times, to arrest, or cause to be arrested, with or without process, any disorderly person or

Proceedings to
punish disorderly
persons.

Arrest.

persons mentioned in the preceding part of this section, and shall have power, with or without process, to enter, or cause to be entered, any building or place within the limits of said village, and arrest, or cause to be arrested, any such disorderly person or persons, and shall take them forthwith before any justice of the peace residing in said village, to be dealt with according to the provisions of this act; and the said president and trustees, and each of them, and the said police constables shall have power, at any and all times, to command assistance from any of the inhabitants of said village to make any such arrest. In case a justice of the peace cannot be found in said village, then the officer so arresting any such offender may detain him or her in custody, or committ him or her to the lock-up in said village, for safe-keeping, until an officer having jurisdiction can be found, but not to exceed forty-eight hours, when the officer making the arrest shall immediately bring such offender before the officer having jurisdiction, to be tried as hereinafter provided.

Arraignment.

Trial.

§ 3. When any person charged or complained against as a disorderly person, under the provisions of this act, shall be arrested and brought before any officer having jurisdiction in said village, the said officer having jurisdiction shall proceed forthwith to heaa, try and determine the complaint or charge on which such person is so arrested, or he may, in his discretion, adjourn the hearing or trial, on cause shown, not to exceed five days, and in the mean time shall commit the offender to the village lock-up until such day, or suffer him or her to go at large, on his or her executing a bond with surety, under the approval of said justice, conditioned that he or she will appear on said adjourned day; and the person so arrested may demand a trial by jury as prescribed in part five, title one, of the Code of Criminal Proced-

Ball.

ure, and upon the conviction of any such offender, either by confession or competent testimony the said officer having jurisdiction shall have power and is hereby authorized to punish by fine not exceeding fifty dollars, or by imprisonment in the village lock-up or county jail not to exceed four months, or by both such fine and imprisonment. Punishment.

TITLE IX.

ASSESSMENT AND COLLECTION OF TAXES.

§ 1. The expenses of working, paving, repairing, grading, leveling, improving and cleaning the streets, and surveying and mapping, and the erection and repair of bridges shall be denominated street expenses, and shall be provided for as follows: the said board of trustees shall assess, levy and collect by tax, upon the taxable inhabitants and property in said village annually, such an amount as they shall deem necessary, which tax shall be assessed in just proportion according to the last assessment-roll, among and upon all persons owning property and estate, real and personal, non-resident owners of property, incorporated companies, banks and banking associations in said village, not exceeding thirty cents for every one hundred dollars, which moneys shall be expended under the direction and control of the board of trustees, upon streets, highways and bridges in said village, and for no other purpose. Highway tax.

§ 2. The board of trustees are authorized and empowered to raise money by tax, in the manner as herein provided, to pay all contingent and actual expenses of the corporation, and also to carry into effect the several powers and privileges granted by this act; but no such tax except the tax for street ex- Annual tax.

Vote of
taxpayers.

How taken.

penses, and damages occasioned or assessed by or for laying out or opening streets, alleys or highways, or altering or widening the same, shall be levied or collected until the same shall have been authorized by a vote of the taxable inhabitants of the corporation, at their annual election of officers, or at a meeting called by the board of trustees, for the purpose of authorizing the assessment and collection of taxes. Before any tax for contingent or stated expense of the corporation can be voted for at any such meeting, a notice must be published, by order of the board of trustees, and signed by the president and clerk, for at least two weeks before such meeting, in all the newspapers published weekly in said village, stating that the meeting will be called upon to vote for a contingent, or stated tax, specifying the object or objects, stating the sum proposed to be raised for each object, and an estimate by items of the cost of each proposed object, and submitting one or more resolutions substantially in the following form: "Resolved, that the sum of——dollars be raised by tax for the purpose of" (stating concisely the purpose of raising the proposed tax); if more than one resolution be proposed, they shall be numbered. The vote thereon shall be taken by ballot, which shall have in the inside the words, "for the resolution," or "against the resolution," and be deposited in a separate box, to be labeled "village tax;" and when more than one resolution is submitted, the vote shall have the words, "for the first resolution," or "against the first resolution," and so as to each resolution submitted. No contingent or stated expense, except the expenses denominated street expenses, and the damages occasioned or assessed by or for laying out, opening or widening streets, alleys or highways, which is not thus presented and voted upon, shall be collected; and no item thus voted, or any part thereof, shall be used for any other purpose

than the specific purpose for which it was voted, and any surplus thereof unexpended for that specific purpose shall be and remain in treasury, and be accounted for and reported by the board of trustees; but its purpose and object may be changed to any other object by a subsequent resolution of another meeting, submitted by the board of trustees, and adopted, after due notice, in the same manner as herein provided for the resolution directing such tax, when such change can be made without violating a contract. The vote on such resolution shall be taken by ballot, having on the inside the words, "for the resolution," or "against the resolution;" but the amount of taxes to be raised by the board of trustees in any one year over and above what are herein denominated street expenses, and what are required for opening new streets or alleys, extending or widening streets, shall not exceed eight thousand dollars.

Amount of taxes.

Apportionment of taxes.

§ 3. Whenever any tax shall have been voted, or ordered to be raised, or whenever the board of trustees shall, in cases which they are authorized so to do, direct any sum of money to be raised by tax, they shall apportion the same, or cause the same to be apportioned among and upon the owners or occupants of real and personal property, incorporated companies and associations, lands of non-residents in said village, in just proportion according to the last assessment-roll.

§ 4. If, at the time of levying any annual tax, any tax or assessment levied upon any real estate in any previous year shall, by reason of a defective description of such real estate, or for any other cause, remain unpaid, the amount thereof, with ten per cent additional, may be added to such annual tax, and charged upon the real estate upon which it was originally assessed, and the same proceedings in all respects for the collection thereof may be had, and with the like

Assessment of unpaid taxes.

effect, as in case of the tax or assessment on the same real estate for the then current year; but in all cases of the charging of any tax or assessment of any previous year upon such real estate, the year or years in which the same was originally levied shall be specified on the roll, and the amount thereof shall be separately specified in the proper column, and the real estate upon which it is charged shall be properly and sufficiently described on the roll.

Correction of
assessment
roll

§ 5. The board of trustees shall have full power in all cases to correct the assessment or tax-rolls, whenever it shall be made to appear to them that any mistake has been made therein; and they shall also have full power and authority to correct the description of real estate thereon, when a proper description thereof has been omitted by the assessors, or when the description thereof by the assessors shall appear to the trustees to be in any way defective; and they are hereby authorized and empowered to insert in the assessment-roll any property liable to taxation which may have been omitted therefrom, together with the assessment, after first giving the owner thereof personal notice, in writing, of not less than three days, to attend, at a time and place to be therein stated, to show cause why such correction shall not be made.

Tax roll,
when a lien.

§ 6. When the board of trustees shall have reviewed and completed the assessment-roll, and the taxes, including the highway tax, and local assessments are thereon entered, the same shall be denominated the tax-roll of the village and shall be a lien on the real estate therein, and such lien shall have a priority over all other liens or incumbrances; a duplicate thereof shall be made, which, with their warrant, under the hands of a majority of said board of trustees, and the seal of the village, directed and delivered to the receiver of taxes, shall be the authority

Warrant to
receiver.

of the said receiver to collect said taxes, including said highway taxes and assessments.

§ 7. The receiver of taxes shall, upon the receipt of such warrant, proceed to collect such taxes in the manner provided by chapter three hundred and twenty-four of the laws of eighteen hundred and sixty-nine and the acts amendatory thereto.

Duty of receiver.

§ 8. Whenever any person or corporation upon whose estate or property any tax or assessment shall have been assessed shall neglect or refuse to pay the same, and whenever any tax or assessment shall remain unpaid upon the property owned by non-residents of the said village, and the receiver of taxes shall have made a return thereof, the board of trustees of the said village are authorized to cause the land or estate on which such tax or assessment is assessed to be sold at public auction for a term of time for the payment of such tax or assessment, and shall cause a list of all lots, pieces or parcels of land which have been returned for non-payment of taxes to be made; such list shall contain a description of such lands as contained in the assessment-roll, and a notice that if said taxes be not paid to the clerk of the village, with interest at seven per centum thereon, and the expenses of posting and publication, on or before the day fixed for such sale, that such lands will be sold at public auction, by the president and clerk of the said village, at a time and place to be specified in said notice, for the shortest period of time for which any person or persons may offer to take the same in consideration of advancing the said tax or assessment, and interest to the time of sale, together with all expenses that shall have accrued thereon; said notice shall be signed by the president and clerk, and shall be posted in six of the most public places of said village, at least three weeks before the day fixed for the sale of such lands; and shall be

Proceedings to collect unpaid taxes.

Sale of land.

Notice.

Sale of lands.

published in one of the newspapers published in said village, to be designated by the trustees, once in each week, for three weeks consecutively, next preceding the day fixed for the sale of such lands, and the president and clerk may adjourn said sale from time to time as they may deem necessary for the best interests of the village. If such tax or assessment be not paid according to the requirements of the said notice, the lands and tenements so advertised shall be sold by the president and clerk at public auction at the time and place specified in said notice; and upon such sale a certificate thereof shall be given to the purchaser, signed by the president and countersigned by the clerk, specifying the property sold, the time for which the same shall have been sold, the sum paid thereon, and the time when the purchaser will be entitled to a lease of such property. At any time within one year after the date of said sale, the owner, mortgagee, occupant, or other person interested in such land, and having a lien or claim thereon or thereto, may redeem the same by paying to the clerk of the village, for the use of the purchaser, the purchase-money paid by him, and any other tax or assessment on the same lands which the purchaser may have paid subsequent to such purchase, and of which notice shall have been given to the clerk, together with twelve per centum in addition thereto; and the receipt of such clerk for such payment, and showing what land is thus redeemed, shall be legal evidence of such redemption. The clerk shall, upon receiving such money, immediately notify the purchaser of its receipt by him, and shall refund the same to said purchaser or his legal representatives, on demand. At the expiration of one year from the time of such sale, the purchaser or his assigns shall be entitled to a lease of such premises, provided no redemption thereof has been made. The board of trustees shall

Redemption.

Lease, when to issue.

cause notice to be posted and published in the same manner as provided for the notice of sale, for three weeks previous to the expiration of such year, specifying that unless the lands so sold as aforesaid be redeemed within such year, they shall be conveyed to the purchaser; and if such land shall not be redeemed within such year, the president of the village shall execute to the purchaser, his executors, administrators, or assigns, a lease, under his hand and the seal of the said village, of the lands and tenements so sold; and such lease shall be presumptive evidence that such tax was legally imposed; and of the regularity of all the proceedings and of the sale. Any purchaser, his heirs, executors, administrators or assigns, receiving such lease may, by virtue thereof, obtain possession of said premises in the manner prescribed by law in relation to persons holding over when the premises have been sold under execution, and may lawfully hold and enjoy the premises mentioned in said lease for his, her or their use, against the owner or owners thereof, and all persons claiming through or under them, until such purchaser's term shall be fully ended; and the occupant and all others interested shall be barred of all right and title to the premises during the term for which the same shall have been conveyed. The clerk of the said village shall cause every certificate of sale countersigned by him under this act to be recorded in his office in a book to be provided for that purpose. For each certificate and the recording thereof the said clerk shall be entitled to the sum of one dollar, to be paid by the purchaser, and for drawing and executing every lease under this act the clerk shall receive from the purchaser two dollars. It shall be the duty of the president or clerk at any sale of lands for taxes or assessments to bid in for the village every lot or parcel of land offered for sale for which no person

Notice of
redemption.

Certificate of
sale to be
recorded.

Lands to be
bid in.

shall offer to bid, and certificates of such sale shall be made as in other cases, which shall specify the time when the village will be entitled to a lease; such purchasers shall be subject to the same right and redemption as purchases by individuals; and if the lands thus sold shall not be redeemed as herein provided, a lease therefor shall be executed in the same manner to the said village and with the same effect as in cases of sales to individuals; and the said village, by its president and clerk, may sell and assign all the interests of the said village in any and all certificates of sale to any person who shall pay to the clerk the amount of the purchase-money mentioned in such certificate, with the accrued interest at twelve per centum, and the assignee of such certificate shall be entitled to the same rights and privileges as if such assignee had been the original purchaser at the sale. The president and board of trustees of said village shall, at their next meeting after the tax sale, in each year, fix and levy upon the said village the amount necessary to be raised in said village for the payment of purchase-money for the several lots and parcels bid in for said village at such tax sale, and the amounts so levied to pay for the several lots and parcels bid in at tax sales by the village shall be collected annually with other taxes. The title to the lands leased to the village shall vest in the said village, and the said village may convey the same to any person for a sum not less than the amount due upon said lands at the time of sale, together with the interest and expenses thereon, such conveyance to be executed by the president and clerk, with the seal of the said village affixed thereto. The board of trustees of the said village may require the clerk of the village to give such bonds, with sureties, as they may deem necessary, conditioned that he will account for and pay over all moneys received by him in the perform-

ance of the duties required by this act, which bond, after being approved by the board of trustees, shall be deposited with the treasurer of the village.

TITLE X.

MISCELLANEOUS PROVISIONS.

§ 1. The trustees shall have no power to borrow money on the credit of the corporation, nor shall they have any power or authority to incur any debt against the corporation, beyond the amount of the taxes for the current year, without being thereto specially authorized by a vote of the taxable inhabitants of said village qualified to vote upon a resolution for raising money by tax, except that they shall have the power to borrow, upon the credit of said village, at any time after the annual election and before the issuing of the warrant for the collection of village taxes, a sum not exceeding two thousand dollars for the highway fund, which said sum so borrowed shall be paid out of the amount of the village tax as soon as collected.

Power to
borrow money
etc.

§ 2. Any officer or person who shall assume to create a debt, or incur a liability against the corporation, or shall assent thereto, shall be personally liable for such debt or liability, and to the village for such money; and all the trustees present at a meeting when such violation shall have been enacted shall be deemed to have assented, unless his dissent be expressed thereat and entered upon the journal. Any willful violation of the last section shall also be a misdemeanor.

§ 3. The term "person" in this act shall be deemed to include all corporations and associations as well as natural persons.

Term
"person"
defined.

§ 4. No person shall be deemed incompetent as judge, justice, juror, witness, sheriff or constable, in

Notice to
owners of
real estate.

any suit, cause or proceeding in which the corporation shall be a party, by reason of his being an inhabitant of the said viilage.

§ 5. Whenever any real estate in said village shall be owned by two or more persons jointly, or as tenants in common, a notice served on one of such persons shall be sufficient notice to all, for any purposes requiring a notice under this act.

§ 6. All former acts incorporating the village of Peekskill and the several acts amendatory thereof, inconsistent with this act, are hereby repealed; but such repeal shall not effect any act, claim or right, secured or established, or any suit, proceeding or prosecution, had or commenced, but every such suit, proceeding or prosecution, act, claim or right, shall remain as valid and effectual as though said acts had remained in force.

Existing
ordinances.

§ 7. The existing ordinances, by-laws, resolutions and regulations of the trustees of the village of Peekskill, and not inconsistent with this act, shall be and continue in force, and have the same force and effect, as if duly adopted and published by the board of trustees of said village, until the same shall be repealed by said board of trustees.

§ 8. This act shall take effect immediately.

TRUSTEES

OF THE VILLAGE OF PEEKSKILL.



Peekskill was incorporated by an act of Legislature passed April 17th, 1816. There is no record of any election or village organization or meetings under above act. An act was passed in 1826 in substantially the same words as the act of 1816, incorporating the Village of Peekskill, and the following year the first recorded election was held.

1882-'3.

1883.

George D. Sanford, President.	Wm. D. Southard, President.
Henry H. Lane,	Matthew Clune,
Paul Wessells,	Ebenezer F. Bedell,
Matthew Clune,	George W. Smith,
George W. Smith,	Leonard J. Tompkins,
Leonard J. Tompkins,	John Halsted,
Ebenezer F. Bedell.	Warren Jordan,
Franklin Couch, Clerk.	Leverett F. Crumb, Clerk.
Dorlin F. Clapp, Treasurer.	Dorlin F. Clapp, Treasurer.

1827.

Samuel Strang, President.
 John Halsted,
 Philip Clapp,
 James Birdsall,
 Ezra Marshall, Secretary,
 Stephen Brown, Treasurer.

1828.

St. John Constant,
 Stephen Brown,
 Zopher Jones,
 Reuben R. Finch,
 James Hawes,
 Stephen Brown, Treasu

1829.

Samuel Marks, President.
 Stephen Brown,
 Niles Frost,
 James Hawes,
 Reuben R. Finch, Secretary.
 Stephen Brown, Treasurer.

1830.

Samuel Marks, President.
 Stephen Brown,
 Niles Frost,
 James Hawes,
 Reuben R. Finch, Secretary.
 Stephen Brown, Treasurer.

1831.

St. John Constant, President.
 James Brown,
 Nathaniel Bedle,
 John C. Roake,
 Seth Hoyt, Secretary.
 James Brown, Treasurer.

1832.

St. John Constant, President.
 Philetus Raymond,
 Nathaniel Brown,
 John C. Roake,
 James Brown, Secretary.
 Philetus Brown, Treasurer.

1833.

St. John Constant, President.
 Philetus Raymond,
 James Hawes,
 John C. Roake,
 James B. Brown, Secretary.
 Philetus Raymond, Treasurer.

1834.

Samuel Marks, President.
 Philetus Raymond,
 James Wright,
 William Denike,
 James Brown, Secretary.
 Philetus Raymond, Treasurer.

1835.

Samuel Marks, President.
 Philetus Raymond,
 James Wright,
 William Denike,
 James Brown, Secretary.
 Philetus Raymond, Treasurer.

1836.

Samuel Marks, President.
 James Taylor,
 Philip Clapp,
 William Denike,
 James Brown, Secretary.
 James Brown, Treasurer.

1837.

Samuel Marks, President.
 Philip Clapp,
 William Denike,
 James Taylor,
 James Brown, Secretary.
 James Brown, Treasurer.

1838.

Daniel D. Smith, President.
 William Denike,
 Ezra Hopkins,
 James Brown,
 James Brown, Secretary.
 James Brown, Treasurer.

1839.

Fred'ck W. Requa, President.
 James Taylor,
 William Denike,
 Morris Depew,
 Frost Horton,
 William Briggs, Clerk.
 Andrew Hanford, Treasurer.

1840.

Ezra Marshall, President.
 Frost Horton,
 Daniel D. Smith,
 William Denike,
 Benjamin Odell,
 W. H. Briggs, Clerk.
 Andrew Hanford, Treasurer.

1841.

Ezra Marshall, President.
 William Denike,
 Frost Horton,
 Jacob Oakley,
 Benjamin Odell,
 William H. Briggs, Clerk.
 Andrew Hanford, Treasurer.

1842.

Ezra Marshall, President.
 Jacob Oakley,
 Frost Horton,
 George P. Halsted,
 William Denike,
 Wm. H. Briggs, Clerk.
 Andrew Hanford, Treasurer.

1843.

Ezra Marshall, President.
 Frost Horton,
 Jacob Oakley,
 William Denike,
 George P. Halsted,
 Henry W. Depew, Clerk.
 Andrew Hanford, Treasurer.

1844.

Ezra Marshall, President.
 Samuel S. Wood,
 George P. Halsted,
 Gilbert B. Hart,
 John H. Hyatt,
 Henry W. Depew, Clerk.
 John Mead, Treasurer.

1845.

Ezra Marshall, President.
 William B. Ferris,
 George P. Halsted,
 Gilbert B. Hart,
 William Durrin,
 Henry W. Depew, Clerk.
 John Mead, Treasurer.

1846.

Ezra Marshall, President.
 Ward B. Howard,
 George P. Halsted,
 Samuel S. Wood,
 Samuel W. Hurd,
 Henry W. Depew, Clerk.
 John Mead, Treasurer.

1847.

Ward B. Howard, President.
 Ezra Marshall,
 George P. Halsted,
 Samuel W. Hurd,
 Samuel S. Wood,
 Henry W. Depew, Clerk,
 John Mead, Treasurer.

1848.

Judson H. Gilbert, President.
 Jarvis Washburn,
 E. D. Fuller,
 D. F. Clapp,
 Ezra Marshall,
 Wm. H. Briggs, Clerk.
 Isaac Seymour, Treasurer.

1849.

Ward B. Howard, President.
 Jacob L. Post,
 Tillinghast Bennett,
 Ezra Marshall,
 Jarvis Washburn,
 Thomas A. Whitney, Clerk.
 Henry W. Depew, Treasurer.

1850.

Ezra Marshall, President.
 James L. Smith,
 Jarvis Washburn,
 Ward B. Howard,
 Jacob L. Post,
 Thomas A. Whitney, Clerk.
 Henry W. Depew, Treasurer.

1851.

Tillinghast Bennett, President.
 Cortlandt Baxter,
 Lewis Jessup,
 James Hawes,
 John H. Hyatt,
 Wm. H. Briggs, Clerk.
 D. F. Clapp, Treasurer.

1852.

Ward B. Howard, President.
 Cortlandt Baxter,
 Haines Charlock,
 Samuel H. Mabie,
 Andreas Elmers,
 Wm. H. Briggs, Clerk,
 D. F. Clapp, Treasurer.

1853.

Frost Horton, President.
 Lewis Jessup,
 Haines Charlock,
 Nehemiah S. Jacobs,
 Ward B. Howard,
 Thomas A. Whitney, Clerk.
 D. F. Clapp, Treasurer.

1854.

Frost Horton, President.
 Haines Charlock,
 Samuel H. Mabie,
 Lorenzo D. Curry,
 Daniel M. Hyatt,
 Francis P. Clark, Clerk.
 D. F. Clapp, Treasurer.

1855.

Haines Charlock, President.
 Henry W. Hunt,
 Samuel H. Mabie,
 David Mandeville,
 Lorenzo D. Curry,
 Francis P. Clark, Clerk.
 D. F. Clapp, Treasurer.

1856.

Thomas Southard, President.
 Gilbert B. Hart,
 Isaac S. Mandeville,
 Robert A. Depew,
 Abram N. Griffin,
 Wm. H. Briggs, Clerk.
 D. F. Clapp, Treasurer.

1857.

Geo. W. Depew, President.
 Isaac S. Mandeville,
 Lewis Jessup,
 John Halsted,
 Hiram Mabie,
 Francis P. Clark, Clerk.
 D. F. Clapp, Treasurer.

1858.

C. A. G. Depew, President.
 Hiram Mabie,
 Uriah Hill, Jr.,
 James L. Gregory,
 I. S. Mandeville,
 Francis P. Clark, Clerk.
 D. F. Clapp, Treasurer.

1859.

Cyrus Townsend, President,
Cortlandt Baxter,
Hiram Mabie,
P. D. Smith,
L. D. Curry,
Francis P. Clark, Clerk,
D. F. Clapp, Treasurer.

1860.

Cyrus Townsend, President,
Cortlandt Baxter,
P. D. Smith,
James L. Gregory,
L. D. Curry,
Francis P. Clark, Clerk,
D. F. Clapp, Treasurer.

1861.

John Ombony, President.
James L. Gregory,
Daniel J. Haight,
Uriah Hill, Jr.,
Lorenzo D. Curry,
Hackaliah B. Strang, Clerk.
D. F. Clapp, Treasurer.

1862.

Uriah Hill, Jr., President.
John Ombony,
James L. Gregory,
I. S. Mandeville,
Lorenzo D. Curry,
Hackaliah B. Strang, Clerk.
D. F. Clapp, Treasurer.

1863.

Thos. A. Whitney, President.
John Ombony,
Samuel J. Jacobus,
I. S. Mandeville,
James L. Smith,
Edgar D. Bassett, Clerk.
D. F. Clapp, Treasurer.

1864.

Samuel J. Jacobus, President.
George P. Marshall,
Isaac S. Mandeville,
P. D. Smith,
James L. Smith,
Edgar D. Bassett, Clerk.
D. F. Clapp, Treasurer.

1865.

Samuel J. Jacobus, President,
Geo. P. Marshall,
John Halsted,
Jacob R. Decatur,
Jas. L. Smith,
Stephen Lent, Clerk,
D. F. Clapp, Treasurer.

1866.

Geo. P. Marshall, President,
Robt. S. Armstrong,
John Halsted,
J. R. Decatur,
James L. Paulding,
Stephen Lent, Clerk,
D. F. Clapp, Treasurer.

1867.

Geo. P. Marshall, President.
 Robert S. Armstrong,
 John Halsted,
 Ebenezer F. Bedell,
 James L. Paulding,
 Stephen Lent, Clerk.
 D. F. Clapp, Treasurer.

1868.

Geo. P. Marshall, President.
 John Halsted,
 St. John Croft,
 R. S. Armstrong,
 J. L. Paulding,
 Thos. A. Whitney, Clerk.
 D. F. Clapp, Treasurer.

1869.

Geo. P. Marshall, President.
 Ebenezer F. Bedell,
 Robert D. Nelson,
 St. John Croft,
 John Halsted,
 Samuel J. Jacobus, Clerk.
 D. F. Clapp, Treasurer.

1870.

John Halsted, President.
 James D. Sherwood,
 St. John Croft,
 Robert D. Nelson,
 Ebenezer F. Bedell,
 William E. Borden, Clerk.
 D. F. Clapp, Treasurer.

1871.

Robert D. Nelson, President.
 John W. Hait.
 St. John Croft,
 E. F. Bedell,
 Wm. S. Tompkins,
 Samuel J. Jacobus, Clerk.
 D. F. Clapp, Treasurer.

1872.

Wm. S. Tompkins, President.
 Andrew Ukers,
 David Mandeville,
 St. John Croft,
 John W. Hait,
 Samuel J. Jacobus, Clerk.
 D. F. Clapp, Treasurer.

1873.

Joseph H. Mason, President.
 David Mandeville,
 Wm. S. Tompkins,
 Fred Sherwood,
 Stephen D. Horton,
 Andrew Ukers,
 Wm. D. Southard,
 Stephen Lent, Clerk.
 D. F. Clapp, Treasurer.

1874.

Joseph H. Mason, President.
 David Mandeville,
 Fred Sherwood,
 Stephen D. Horton,
 John Tompkins,
 Andrew Ukers,
 Wm. D. Southard,
 Stephen Lent, Clerk.
 D. F. Clapp, Treasurer.

1875.

Stephen D. Horton, President.
 Andrew Ukers,
 Wm. D. Southard,
 John Tompkins,
 Fred Sherwood,
 Ebenezer F. Bedell,
 Warren Jordan,
 Stephen Lent, Clerk.
 Franklin Couch, Clerk.
to June 17th,
balance of year.
 D. F. Clapp, Treasurer.

1876.

Stephen D. Horton, President.
 Andrew Ukers,
 Wm. D. Southard.
 Warren Jordan,
 Frederick Sherwood,
 Ebenezer F. Bedell,
 James H. Robertson,
 Franklin Couch, Clerk.
 D. F. Clapp, Treasurer.

1877.

Stephen D. Horton, President.
 Andrew Ukers,
 Wm. D. Southard,
 Wm. H. Hunter,
 James H. Robertson,
 John Kingsbury,
 E. F. Bedell,
 Stephen Lent, Clerk.
 D. F. Clapp, Treasurer.

1878.

W. D. Southard, President.
 George D. Sanford,
 Benj. McCabe,
 Wm. H. Hunter,
 James F. Martin,
 John W. Mabie, (died),
 Wm. Mabie, (to fill vacancy).
 Ebenezer F. Bedell,
 Stephen Lent, Clerk.
 D. F. Clapp, Treasurer.

1879.

Stephen D. Horton, President.
 George D. Sanford,
 Benjamin McCabe,
 James F. Martin,
 David S. Mandeville,
 Henry H. Lane,
 W. S. Tompkins,
 Franklin Couch, Clerk.
 D. F. Clapp, Treasurer.

1880.

Cornelius C. Lent, President.
 George D. Sanford,
 Wm. S. Tompkins,
 David Mandeville,
 Henry H. Lane,
 James H. Phyfe,
 Benjamin McCabe,
 Franklin Couch, Clerk.
 D. F. Clapp, Treasurer.

1881.

Jas. H. Robertson, President.
 James H. Phyfe,
 Paul Wessells,
 Benjamin McCabe,
 D. F. Clapp, Treasurer.

Henry H. Lane,
 George D. Sanford,
 Matthew Clune,
 Franklin Couch, Clerk.

WATER ACTS

OF THE

VILLAGE OF PEEKSKILL, N. Y.

CHAPTER 231.

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 April 16th, 1872, three-fifths being present.

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

SECTION 1. The following named five persons, to wit: Coffin S. Brown, Wm. S. Tompkins, D. W. Travis, Charles F. Southard and Gilbert T. Sutton, are hereby designated and entitled the board of water commissioners of the village of Peekskill. Said commissioners and their successors are hereby declared a body corporate by that name. Three of said commissioners shall hold their offices for three years, and two of them for two years, respectively, from the next annual election of village officers for said village, after the passage of this act, and until others shall be chosen to fill their places. The term of office of each of said commissioners shall be determined between them by casting lots as hereinafter provided. At the expiration of the terms so drawn, respectively, and at each annual election in said vil-

Water commis-
sioners.

Terms of office.

Commissioners
to be elected.

lage thereafter, when the time of any commissioner or commissioners shall expire, commissioners shall be elected to fill the vacancies then existing, who shall hold their office for two years, and shall be residents and tax-payers of the village of Peekskill. If any vacancy shall occur in the office of commissioner, by death, resignation, removal from said village or other cause (except expiration of term of office), the same shall be filled by appointment by the trustees of said village, and the person or persons so appointed shall hold said office until the annual village election succeeding such appointment.

Vacancies,
how filled.

§ 2. Within thirty days after the passage of this act, the board of water commissioners hereby designated shall organize by the election of a president, secretary and treasurer from among their number, who shall hold their offices for one year, and until their successors shall be duly elected, and shall at such meeting to organize, determine by ballots, marked "two" and "three," to be drawn by them, their respective terms of service. The annual meeting of said board shall be held on the Tuesday preceding the annual election in said village for village officers. No member of said board, unless he be secretary thereof, shall have any compensation, neither shall any member of said board be interested directly or indirectly in any contract made by said board. A majority of said board shall constitute a quorum.

To organize
and elect
officers.

§ 3. Said board of water commissioners shall have the exclusive right and power to make all necessary arrangements, regulations and contracts for supplying said village with water, and to construct all works needful for that purpose, and to that end they are hereby empowered to purchase, take and hold in the corporate name of said board, any real estate required for such purpose, and by themselves, their servants and agents may, after agreement with such owner or

Powers and
duties of water
commissioners.

owners, or just compensation ascertained and provided for, enter upon the lands of any person or persons, and may lay and construct any pipes, conduits, aqueducts, wells, dams, reservoirs, and all other works or machinery necessary or proper for the purposes aforesaid, upon any lands so entered upon, purchased, taken or held. Said commissioners may enter upon any lands, streets, highways, alleys or public squares, excavate for, lay, construct, alter, repair and replace any pipes, conduits, aqueducts or other works necessary to furnish an ample supply of water whenever the same may be required within the limits of said village; and may put in so many hydrants and in such places as they may deem proper.

§ 4. For the purpose of purchasing the necessary lands, paying damages to land owners for land or water rights taken or used by said commissioners under the provisions of this act, and for the erecting of buildings, for purchasing and putting up the required machinery, buying and laying the pipes, putting in hydrants, and for the materials, labor and all things necessary and proper to fully complete said waterworks, said commissioners are hereby authorized to issue bonds in the name of the village of Peekskill for an amount not to exceed one hundred and fifty thousand dollars, and payable in not to exceed thirty years from the date thereof, and which bonds shall bear interest not exceeding seven per cent. per annum, payable semi-annually at such place as said board shall determine, which said bonds shall not be negotiated by said commissioners for less than the par value thereof, and shall not be paid to any contractor or contractors for services, nor negotiated except for cash. Said bonds shall be signed by the president and secretary of said board of commissioners, in pursuance of a resolution of said board and shall bear the corporate seal of the said village, and be denomi-

May issue
bonds for pur-
poses of this
act.

nated "water bonds of the village of Peekskill, New York," and are hereby made a charge upon the real and personal property of said village.

Rules in relation to use of water.

§ 5. The said board of water commissioners are 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 therewith, and shall have the power to establish the rates and charges for the use of the water, and to assess an amount which they shall deem proper to be paid by the owner of any building for the use of said water, or for the protection of such building from fire, or both, such use and protection upon such building and the lot upon which it stands; but in making such assessment for 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, and in case any such assessment shall not be paid within three months after the time designated by the rules and regulations established by the board of water commissioners, interest shall be chargeable upon the amount of said assessment at the rate of twelve per cent. per annum; and in case any person or persons shall feel aggrieved by any such assessment made by the said board of water commissioners, he, she or they may appeal therefrom to the board of trustees of the village of Peekskill, by serving upon the president of said board of water commissioners, within ten days after the publication of notice of the completion of such assessment; notice of which completion shall be published in one or more of the public newspapers published in said village, a written notice of such appeal, specifying the objections to said assessment, which appeal shall be determined by

To establish water rates.

Appeal may be taken to board of trustees.

said board of trustees within thirty days from such appeal, and said commissioners shall have the right to be heard upon such appeal, and shall have at least five days' notice in writing, to be given by said trustees of the time and place for the hearing of such appeal, and said board of trustees shall have the power to affirm or modify such assessment, the decision of which board of trustees shall be final.

§ 6. It shall be the duty of said board of water commissioners to appropriate all money received for the use of the water furnished by said commissioners :

Moneys, how appropriated.

1. To pay all necessary expenses connected with the running and repair of said works, machinery, pipes or other things connected therewith, and the actual expenses of the board of commissioners.

2. To pay the interest on the bonds issued under the provisions of this act, and apply the balance of such money then remaining toward the payment of the principal of said bonds when due ; or to extending the necessary pipe throughout said village, or both, as said board may determine.

3. To meet any deficiency in the payment of the semi-annual interest on the bonds issued under the provisions of this act, said board are hereby authorized, after first applying all the money in its treasury, applicable to that purpose, to borrow, in the name of the village of Peekskill, an amount sufficient to meet such deficiency, and to pay such interest. At each annual meeting of said board, a detailed statement of all moneys received and expended by it during the preceding year, for what purpose expended and of all amounts due for unpaid assessments or otherwise to said board, with a description of the property against which said assessments stand, and the name of the owner or owners thereof, and the name of any others, debtors to said board of commissioners, shall be prepared, and a copy thereof, within ten days

Statement of moneys received, to be made.

after such meeting, delivered to the trustees of the village of Peekskill, who shall cause such an amount, as may appear from said statement to have been borrowed by said commissioners for the payment of interest, as heretofore provided, to be added to the other next general tax of said village, and collected therewith, and shall cause the amounts of such unpaid assessment, with the interest thereon as furnished, to be levied and collected, of the property of the persons against whom or whose property such unpaid assessments shall have been made by said commissioners, in like manner as is provided in the charter of said village for the collection of other taxes, and when collected shall be paid over to the board of commissioners.

Amount to be
included in tax

§ 7. The trustees of the village of Peekskill are hereby required and empowered to include in the amount of taxes to be raised annually in said village, a sum not exceeding in any one year two thousand dollars, and cause the same to be collected, which, when so collected, shall be paid over by the treasurer of said village to said board of water commissioners, and applied by them to the payment of the principal of said bonds, as the same may become due,

Title to lands,
how acquired.

§ 8. Should the said commissioners be unable, for any reason, to agree with the owner or owners of any land or water rights, which it may be necessary for them to take or use, in order to carry out the objects of this act, the title to the same may be acquired in the same manner and by the like special proceedings, as are authorized and provided for obtaining title to real estate required for the purpose of a railroad corporation under and in pursuance of the provisions of the act, entitled "An act to authorize the formation of railroad corporations, and to regulate the same," passed April twentieth, eighteen hundred and fifty, and any act or acts amendatory thereof or supplementary thereto.

§ 9. Any person who shall maliciously or willfully destroy or injure any of the buildings, pipe, machinery or other property or thing belonging to said water-works, or who shall maliciously or willfully commit any act which shall injuriously affect or tend thus to affect the water, or the streams or fountains, from which said water shall be supplied to said village, shall be guilty of a misdemeanor, and may be punished by a fine not exceeding fifty dollars, or imprisonment, or both, in the discretion of the court, and shall also forfeit and pay to said water commissioners treble the damages sustained thereby, to be recovered in the corporate name of said commissioners, in any court having cognizance thereof, with costs. And if any of the commissioners appointed by this act, or any who may be elected to fill their places, shall willfully violate any of the provisions of this act, he or they shall be deemed guilty of a misdemeanor, and may be punished by fine or imprisonment, or both, in the discretion of the court.

Penalty for injury to water works.

§ 10. Before any of the commissioners appointed or elected under or in pursuance of this act, shall qualify or enter upon his duties as such commissioner, he shall execute to the trustees of the village of Peekskill, a bond, in the penalty of twenty-five thousand dollars, conditioned for the faithful performance of his duty as such commissioner, with sufficient sureties to be approved by said trustees, which sureties shall together justify in double the penalty of said bond, which bond shall be filed with the clerk of said village.

Commissioners to give bonds.

§ 11. This act shall take effect immediately.

CHAPTER 101.

AN ACT to amend an act 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 April sixteenth, eighteen hundred and seventy-two.

Passed April 12th, 1875, 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 two hundred and thirty-one of the laws of eighteen hundred and seventy-two, is hereby amended so as to read as follows:

Water supply,
power of trustees respecting.

§ 3. Said board of water commissioners shall have the exclusive right and power to make all necessary arrangements, regulations and contracts for supplying said village with water, and to construct all works needful for that purpose; and to that end they are hereby empowered to purchase, take and hold, in the corporate name of said board, any real estate, easements or other interests in real estate required for such purpose, and by themselves, their servants and agents, may, after agreement with such owner or owners, or just compensation ascertained and provided for, enter upon the lands of any person or persons, and may lay and construct any pipes, conduits, aqueducts, wells, dams, reservoirs, and all other works or machinery necessary or proper for the purposes aforesaid, upon any lands so entered upon, purchased, taken or held, or in or upon which such easements or interests shall be purchased or acquired. Said commissioners may enter upon any lands, streets, highways, alleys or public squares, excavate for, lay,

Entry upon lands.

construct, alter, repair and replace any pipes, conduits, aqueducts or other works necessary to furnish an ample supply of water whenever the same shall be required, and may put in as many hydrants and in such places as they may deem proper. Hydrants.

§ 2. Section four of said chapter is hereby amended so as to read as follows :

§ 4. For the purpose of purchasing or otherwise acquiring the necessary lands, easements and other interests in real estate, paying damages to land-owners for lands, water rights, easements or other interests in real estate taken or used by said commissioners, under the provisions of this act, and for the erecting of buildings, for purchasing and putting up the required machinery, buying and laying the pipes, putting in hydrants, and for the materials, labor and all things necessary and proper to fully complete said water-works, said commissioners are hereby authorized to issue bonds in the name of the village of Peekskill for an amount not to exceed one hundred and fifty thousand dollars, and payable in not to exceed thirty years from the date thereof, and which bonds shall bear interest not exceeding seven per cent. per annum, payable semi-annually at such place as said board shall determine, which said bonds shall not be negotiated by said commissioners for less than the par value thereof, and shall not be paid to any contractor or contractors for services, nor negotiated except for cash. Said bonds shall be signed by the president and secretary of said board of commissioners, in pursuance of a resolution of said board, and shall bear the corporate seal of said village, and be denominated "water bonds of the village of Peekskill, New York," and are hereby made a charge upon the real and personal property of said village. Bonds. Amount of. Not to be sold below par. How executed.

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

Deficiency in
interest, how
provided for.

Annual
statement.

Interest.

Assessments,
to be levied
and collected.

3. To meet any deficiency in the payment of the semi-annual interest on the bonds issued under the provisions of this act, said board are hereby authorized, after first applying all the money in its treasury applicable to that purpose, to borrow, in the name of the village of Peekskill, an amount sufficient to meet such deficiency and to pay such interest. At each annual meeting of said board a detailed statement of all moneys received and expended by it during the preceding year, for what purpose expended, and of all amounts due for unpaid assessments or otherwise to said board, with a description of the property against which said assessments stand, and the name of the owner or owners thereof, and the names of any others, debtors to said board of commissioners, shall be prepared, and a copy thereof, within ten days after such meeting, delivered to the trustees of the village of Peekskill, who shall cause such an amount as may appear from said statement to have been borrowed by said commissioners for the payment of interest as heretofore provided, and interest on the amount so borrowed (except the interest on said bonds which shall accrue on the first day of July next, which interest said board is hereby authorized to pay out of the moneys realized from the sale of said bonds), to be added to the other next general tax of said village and collected therewith; and shall cause the amounts of such unpaid assessments, with the interest thereon as furnished, to be levied and collected of the property of the persons against whom or whose property such unpaid assessments shall have been made by said commissioners, in like manner as is provided in the charter of said village for the collection of other taxes, and, when collected, shall be paid over to the board of commissioners.

§ 4. Section eight of said chapter is hereby amended so as to read as follows:

§ 8. Should the commissioners be unable, for any reason, to agree with the owner or owners of any land or water rights which, or the easements or other interests in which, it may be necessary for them to take or use, in order to carry out the objects of this act, the title to the same may be acquired in the same manner, and by the like special proceedings, as are authorized and provided for obtaining title to real estate required for the purpose of a railroad corporation, under and in pursuance of the provisions of the act entitled "An act to authorize the formation of railroad corporations and to regulate the same," passed April twentieth, eighteen hundred and fifty, and any acts or acts amendatory thereof or supplementary thereto.

Title to land,
how acquired.

CHAPTER 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 26th, 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

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

board of water commissioners," is hereby amended so as to read as follows :

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

§ 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 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

Assessment for fire protection.

How to be made.

Notice of completion of to be published.

Appeals from assessment.

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

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 for
collection.

To whom to
be delivered
and how
executed.

Proceedings in
case not col-
lected out of
personal
property.

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 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 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

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.

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 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.

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.

Organization.

§ 3. This act shall take effect immediately.

WATER COMMISSIONERS

OF THE VILLAGE OF PEEKSKILL, N. Y.



1872.

Coffin S. Brown, President,
David W. Travis, Secretary,
Chas. F. Southard, Treasurer,
William S. Tompkins,
Gilbert T. Sutton,
Chas. E. Fowler, Engineer,
Calvin Frost, Counsel.

1873.

Wm. S. Tompkins, President,
David W. Travis, Secretary,
Chas. F. Southard, Treasurer,
Gilbert T. Sutton,
*Coffin S. Brown,
Calvin Frost, Counsel.

*Coffin S. Brown became a non resident by reason of changes of corporate limits.

1874.

Reuben R. Finch, President,
Geo. W. Robertson, Secretary,
Chas F. Southard, Treasurer,
William S. Tompkins,
Gilbert T. Sutton,
Stephen Lent, Clerk,
Calvin Frost, Counsel.

1875.

Reuben R. Finch, President,
Geo. W. Robertson, Secretary,
Chas. F. Southard, Treasurer,
William S. Tompkins,
Gilbert T. Sutton,
Stephen Lent, Clerk,
Calvin Frost, Counsel.

1876.

Reuben R. Finch, President,
Geo. W. Robertson, Secretary,
Chas. F. Southard, Treasurer,
*Gilbert T. Sutton,
William S. Tompkins,
Franklin Couch, Clerk,
Calvin Frost, Counsel.

1877.

William S. Tompkins,
Chas. F. Southard, Treasurer,
Geo. W. Robertson, President,
Ardenus R. Free, Secretary,
John Halsted,
Chas. R. Swain, Supt.
Calvin Frost, Counsel.

*By death of Mr. G. T. Sutton, Mr. A. R. Free was appointed, to fill vacancy. April 24th, 1876.

1878.

Geo. W. Robertson, President,
 Ardenus R. Free, Secretary,
 Chas. F. Southard, Treasurer,
 Robt. MacKellar,
 John Halsted,
 Chas. R. Swain, Supt.,
 Calvin Frost, Counsel.

1879.

Ardenus R. Free, President,
 Robt. MacKellar, Secretary,
 Chas. F. Southard, Treasurer,
 Samuel G. Frost,
 William Mabie,
 Chas. R. Swain, Supt.

1880.

Ardenus R. Free, President,
 Robt. MacKellar, Secretary,
 Chas. F. Southard, Treasurer,
 Samuel G. Frost,
 William Mabie,
 Chas. R. Swain, Supt.

1881.

Robt. H. MacKellar, President,
 Reuben R. Finch, Secretary,
 Chas. F. Southard, Treasurer,
 Ardenus R. Free,
 James T. Sutton,
 Chas. R. Swain, Supt.

1882.

Reuben R. Finch, President,
 Andrew Ukers, President,
 Ardenus R. Free, Secretary,
 James T. Sutton, Treasurer,
 Samuel J. Jacobus,
 *Nelson G. Foshay,
 Chas. R. Swain, Supt.

1883.

James T. Sutton, President,
 Robt. MacKellar, Secretary,
 Ardenus R. Free, Treasurer,
 Andrew Ukers,
 Samuel J. Jacobus,
 Chas. R. Swain, Supt.

*Appointed to fill vacancy owing to resignation of Reuben R. Finch.