

L A W S  
OF THE  
STATE OF NEW YORK,

PASSED AT THE  
NINETIETH SESSION

OF THE  
LEGISLATURE;

BEGUN JANUARY FIRST, AND ENDED APRIL TWENTIETH, 1867,  
IN THE CITY OF ALBANY.

VOL. I.



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**Chap. 332.**

AN ACT to amend section three of chapter eight hundred and seventeen, of the Laws of eighteen hundred and sixty-six, entitled "An act to lay out and construct a road from the River road, in township number fourteen, in the town of Johnsburgh, to the Carthage road near the head of Long Lake, in the county of Hamilton."

Passed April 12, 1867; 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 eight hundred and seventeen, of the laws of eighteen hundred and sixty-six, is hereby amended so as to read as follows:

§ 3. The non-resident highway tax, of township number sixteen, fourteen, and forty-six is hereby appropriated for the purposes of this act; and the Comptroller shall retain in his hands and pay over to the commissioners appointed by this act, all such non-resident highway taxes, as may now have been assessed upon the townships above herein named, which may not have been paid over to the treasurers of the counties wherein the said lands are situated. And the said Comptroller shall pay over to the commissioners herein named or to their order annually, for the term of five years, all such non-resident highway taxes as may be assessed upon said lands.

§ 2. This act shall take effect immediately.

**Chap. 333.**

AN ACT to provide for a supply of water in the City of Poughkeepsie, and for sewers therein.

Passed April 12, 1867; three-fifths being present.

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

SECTION 1. The common council of the city of Poughkeepsie, are hereby authorized and directed to

appoint an early day for taking a vote of the taxable voters of said city, by ballot, "for water," or "against water," which vote may be taken at any general or special election; and all laws as to taking, inspecting or canvassing votes, and certifying the same, now in force in said city, in respect to elections therein, shall be applicable thereto.

Appointed  
water com-  
missioners.

Terms of  
office.

When com-  
missioners  
to be  
elected.

Ballot, etc.

Terms of  
Office.

§ 2. In case a majority of the taxable voters of said city shall vote "for water," then Cornelius Dubois, Luther Elting, Edgar M. Van Kleeck, Stephen M. Buckingham, William A. Fanning and William Adriance, are hereby appointed water commissioners in and for said city, of whom Cornelius Dubois and Luther Elting shall be the first class, to hold their office until the second Tuesday of March, eighteen hundred and sixty-eight; and Edgar M. Van Kleeck, and Stephen M. Buckingham shall be the second class, to hold their office until the second Tuesday of March, eighteen hundred and sixty-nine; and William A. Fanning and William Adriance shall be the third class, to hold their office until the second Tuesday in March, eighteen hundred and seventy. And upon the expiration of their several terms of office, their places shall be filled by persons duly elected at the annual city election for city officers, held in the city of Poughkeepsie, for the year in which such terms of office shall expire; which election shall be conducted in the following manner, that is to say: Each elector may place upon a separate ballot, the name of one suitable person, who shall be a citizen of the United States, of full age, and a resident of said city of Poughkeepsie, and a freeholder, under the words, "for water commissioner," and deposit the same in a separate box, to be provided for that purpose, by the officers who shall preside at such city elections, and a separate poll list shall be kept of the persons voting for such commissioners; and the two persons having the greatest number of votes at such elections, shall be declared and deemed to be duly elected; and at every annual city election thereafter, there shall be elected in the same manner, two persons as such commissioners. The persons elected shall hold their office for the term of three years, and until

others are duly elected in their places. Such commissioners, before entering upon the discharge of the duties of their office, shall take and subscribe the oath of office prescribed by the constitution, and file the same in the office of the chamberlain of said city.

§ 3. The said water commissioners may sue and be sued, under the name of "The Water Commissioners of the city of Poughkeepsie," in any of the courts of this State; and they shall have the exclusive power, management and control of getting the title to the waters of said Fallkill creek and its tributaries, or other sources, if deemed necessary by them, and the control of the bed of the stream of said creek, and of the ponds thereon, if deemed necessary by them, of locating and maintaining the reservoir or reservoirs to hold said waters, of laying and maintaining all the through said city, of building and maintaining all the sewers, and of all other acts necessary to the introduction of water into said city for the use of the inhabitants thereof, or otherwise.

Commissioners to get title to waters of Fallkill creek.

§ 4. The common council of said city shall raise by loan from time to time, as required by said water commissioners, a sum not exceeding two hundred thousand dollars, by the erection of a public fund or stock, to be called "water stock of the city of Poughkeepsie," which shall bear an interest not exceeding seven per cent per annum, and be payable some time within fifty years from the time of issuing any such stock; and the money so raised shall be paid over to said water commissioners by the chamberlain of said city, as required by them, on their draft, and applied only to carry into effect the provisions of this act; said water, so raised, to be a lien on said city, and be levied and collected on the taxable property therein, as hereinafter provided.

Loan by common council.

Water stock.

§ 5. The said water commissioners are hereby authorized to enter in and upon any land or water, for the purpose of making surveys, and to acquire for said city, as hereinafter provided, any lands or waters, easements, privileges, rights and estates, necessary to hold, appropriate and secure the waters of said Fallkill creek, and all streams emptying into the same, or from other sources, and all lands necessary

Commissioners authorized to enter on land, etc.

To secure waters of creek; to pond the waters.

May appeal  
to court for  
commissioners to  
appraise  
damages.

for ponding the same in reservoirs for the use of said city; for extinguishing fires and for supplying the inhabitants with pure and wholesome waters, and for other purposes;—and to acquire the right also to control, regulate or improve the bed of the said Fallkill creek, and the ponds thereon, and also to build and maintain sewers within the limits of said city wherever they may deem it necessary, and to take lands for the same, and to this end they shall, if necessary, apply to the supreme court at a general or special term thereof to be held in the second judicial district for the appointment of three commissioners to appraise the damages to the owners of said lands, waters, easements and privileges, which proceedings shall be taken and conducted in the manner provided under the act entitled, “An act to authorize the formation of railroad companies, and to regulate the same,” passed April second, eighteen hundred and fifty, and acts amendatory thereof, so far as the same are applicable and not inconsistent with the provisions of this act, and the said commissioners shall have the same power and pay as under the said railroad act, and on the payment of the damages so assessed as provided by said railroad act, the city of Poughkeepsie shall thereupon become seized in fee of the property, rights, easements and privileges so acquired. And said commissioners shall also have power, and they are hereby authorized to assess and charge upon any lands and premises bordering on said ponds or creeks, the value or amount of any benefit accruing thereto from such walling in of said ponds or waters, and also for leaving the beds and sides of said ponds, now overflowed, clear and free from said waters. All benefits thus assessed shall be a lien from the time of such assessments on the lands in respect to which they are assessed, and shall be collectible by said city in the same manner as taxes for the construction of sewers under this act.

Commissioners to  
appoint  
superintendent of water-  
works.

§ 6. Said water commissioners shall have and possess the powers following:

1. To appoint, by a resolution entered upon their minutes, an officer to be denominated “The superintendent of the water-works of the city of Poughkeepsie”

sie," together with all such other agents as may be necessary in order to carry into effect the purposes of this act; which said superintendent and other agents shall hold their offices during the pleasure of the said water commissioners, and receive such fixed annual salary as a compensation for their services, as the said commissioners may direct.

2. To contract for, purchase and provide materials, engines, machinery, and erect works, build reservoirs, canals, conduits and sewers, employ engineers, laborers, and all other help, and do all acts that may be needed to take said waters and introduce the same into said city for the use of the inhabitants thereof, or otherwise; and to construct sewers therein, or they may put the whole or any part of the same out on one or more contracts, first giving at least two weeks' notice of proposals in all the city newspapers, and such contract or contracts shall be given to the lowest bidder; who shall give due security for the performance of the same.

To erect works, reservoirs, etc.

3. Appoint one of their body president, to fill all vacancies which may occur among their number by death, resignation or otherwise, by appointing some suitable person or persons to fill such vacancy or vacancies, who shall hold their offices for the unexpired term of the persons whose places have thus become vacant. They may establish rules and regulations for their own government and the government of their superintendent, agents and servants, and shall prescribe the duties of such superintendent, agents and servants.

To appoint president, etc.

Make rules for agents, etc.

4. To make proper rules and regulations for the use of the said water and sewers, and to provide for the protection and preservation of said works, and all property connected therewith, and to enact proper penalties, not exceeding fifty dollars for each offense, for the violation of any such rules and regulations therein contained. Such rules and regulations shall be printed on each permit, and distributed to each house or building supplied with water, and shall be notice to the owners or occupants thereof. Such rules may be enforced, and the penalties enacted thereby collected in the same manner, by said water

To make rules for use of water, etc.

Penalties for violation of rules.

commissioners, as in the case of ordinances made by the common council of said city, and the observance of such rules and regulations may also be enforced by cutting off the use and supply of water. The penalties so collected shall be paid to the chamberlain of said city, to the credit of the "water stock of the city of Poughkeepsie," including the amount paid for damages; for taking the waters of the Fallkill creek, and the control of the bed of said creek, and the walling the same.

To make  
scale of  
rents.

Aggregate  
annual  
amount of  
rents, what  
to equal.

To what  
credit rents  
to be paid.

Record of  
commis-  
sioners.

5. To establish a scale of annual rents, to be charged and paid annually for the supply of water, to be called "water rents," and apportioned to the different classes of buildings in said city, in reference to their dimensions, values, exposure to fires, ordinary uses for dwellings, stores, shops, private stables and other common purposes, number of families or occupants, and consumption of water, as near as may be practicable; but the rents shall be so fixed and kept, that the aggregate annual amount collected therefrom, shall be at all times equal to at least five per cent on the loan or loans authorized by this act, over and above all expenses of repairs, salaries, extension of water pipes and appropriations to the sinking fund hereinafter provided for, excluding the amount paid for damages for the taking of the waters of said Fallkill creek, for the control of the bed of said creek, and the walling of the same. Hotels, factories, stables, livery-stables and other buildings, establishments and trades which consume extra quantities of water, shall pay in addition to the rents established by the scale aforesaid, such sums as the water commissioners shall direct, which shall be paid in advance to the said water commissioners, before any permit to use such water shall be given; which sum so collected shall be paid to the chamberlain of said city, to the credit of the "water stock of the city of Poughkeepsie," excluding the amount paid for damages, for the taking of the waters of the said Fallkill creek, and for the control of the bed of said stream, and walling the same as above set forth.

§ 7. It shall be the duty of said water commissioners to superintend the construction of the work,

keep a record of their proceedings in a suitable book, keep a register containing the names of all persons furnished with water, and they shall have and exercise a general supervisory and controlling power in all matters relating to the preservation and continuance of the works authorized by this act, and shall make an annual report of their proceedings, and of the state of the matters in their charge to the common council of said city, on or before the first Monday of February in each and every year, and also whenever required by said common council so to do. The said water commissioners shall also report at their earliest moment to the said common council the amount of damages assessed for the taking of the waters of said Fallkill creek or from other sources, for the control of the bed of said stream and walling the same within the territorial limits of the said city, and for the right to control, regulate or improve the ponds thereon. This amount, with the interest thereon, the said common council shall cause to be levied and collected from the taxable property within said city, the interest annually, and the principal at such times and in such annual installments as said common council may determine; and to be within the time provided in section four of this act.

Annual report to council.

Report of amount of damages.

Tax for payment thereof.

§ 8. It shall be the duty of said water commissioners to complete the extension of the distribution pipes and cause the necessary sewers to be made through the fire limits of said city in their discretion, without unnecessary delay, and after this is done, then to extend such pipes through any of the public streets, avenues, lanes or alleys, in said city, at least one hundred and sixty rods yearly, and every year until said waters are introduced in such part or parts of said city as the public interest may require, and to superintend the laying down of the same, and to keep a correct account of the expenses therefor and return the same to the common council of said city as soon as the extended work shall have been completed, the expense of all of which shall be paid by the chamberlain of said city on the order of said commissioners out of the money collected from said water rents. The said water commissioners shall from time

Duty of commissioners as to laying of pipes.

Report of

cost of  
sewers.

Tax for  
sewers; on  
whom to be  
laid.

How  
collected.

Right of  
commissioners to  
streets.

Removal of  
dams on  
creek.

to time report to the said common council the cost and expense of constructing said sewers or any of them, and said common council are hereby authorized and empowered to assess, levy and collect a tax sufficient to defray the cost and expense of such sewer or sewers as thus reported, of, from and against all the houses and lots adjoining and fronting on the street or streets or section of street in or through which any such sewer may run, and of, from and against the owners or occupants thereof, in proportion to the number of feet in the front of such lots on said street or streets, and of, from and against the owners or occupants of corner lots and the houses and lots thereon, in addition to the above rates, in proportion to one-half of the number of feet in width of the street intersecting at the corner of said street in or through which such sewer may run, and such tax shall be a lien on said houses and lots from the time it shall have been thus assessed and a charge against the owners thereof, which may be collected by a proper action in any court of law against such owner, or by a warrant to be issued to the city marshal and executed by him in the manner now provided by the charter of said city as amended, in respect to making, altering or repairing a sidewalk.

§ 9. The said water commissioners, and all persons acting under their authority, shall have the right to use the ground or soil in any street, highway, or road within any towns in the county of Dutchess, and within the city of Poughkeepsie, for the purpose of introducing water into and through any portion of the city of Poughkeepsie, on condition that they shall cause the surface of said street, highway or road to be relaid and restored to its former state, and all damages done thereto to be repaired, and also shall have the right to use the present water pipes laid in said city, and the reservoir for the purpose of introducing water into said city, as provided by this act.

§ 10. The said water commissioners are hereby directed and required after payment of all damages as herein provided, to take down and remove all the dams on the said Fallkill creek, from and including the dam known as Lent's dam, to the mouth of said

creek, or so many of them as they may deem it necessary to remove, and to wall up so far as they may deem it necessary the banks of said creek and of said ponds within the limits of said city; and hereafter no dam or other obstruction to the natural flow of the water of said creek, shall be made within the territorial limits of said city, except if necessary for the public reservoir or reservoirs herein provided for and the one now built.

§ 11. The regular water rents shall be collected from the owners or occupants of all such buildings respectively which shall be situated upon lots adjoining any street, avenue, lane or alley in said city in which the distributing pipes are or may be laid, and from which they can be supplied with water, and said regular rents shall be like State and county taxes, a lien and charge upon such houses, buildings and lots, as is herein provided.

Rents, from whom to be collected, and on what to be a lien.

§ 12. The said water commissioners shall annually report and certify to the common council of said city, on or before the first Monday of November in each year, the amount of water rent charged during such year, against any building or lot, with the name of the owner or occupant thereof, and the said common council shall set down in a column to be prepared for that purpose in the assessment rolls, opposite the name of such owner or occupant, the respective sums, in dollars and cents, to be paid as the water rents for the year, on account of such building or lot, and in their warrant they shall direct the collection of said water rents, in the manner provided by law, and that the sums so collected be paid to the chamberlain of said city. The said water rents so charged shall be collected in the same manner as is or may be prescribed by law for the collection of taxes for the purposes of said city.

Annual report to common council.

§ 13. The connecting or supply pipes leading from the dwellings or other places to the distribution pipes, and the pipes leading to the sewers shall be inserted and kept in repair at the expense of the owner or occupant of the buildings, and shall not be inserted or connected with the main pipe and sewer, until a permit therefor shall be obtained, and all such

Pipes leading from dwellings to distribution pipes; at whose expense to be inserted, etc.

connecting or supply pipes and fixtures, shall be constructed under and according to the direction of the superintendent or authorized agent.

To what purposes "rents" to be devoted, etc.

§ 14. The entire annual receipts for water rates or rents, after deducting therefrom such sums as may be necessary to defray the ordinary expenses of repairs of said water-works, and of extending the pipes, and salaries of officers and agents, shall be applied toward the payment of the interest on the loan or loans made under this act (excluding the amount paid for damages for the taking of the waters of said Fallkill creek, etc., as in the seventh section of this act is specified); and also to the appropriation of such sums as the common council, at their option shall determine from time to time, to a sinking fund, for the payment of the principal of the said loan or loans, (excluding the amount specified in the seventh section of this act), as it shall from time to time become due and payable, which sinking fund shall be controlled and managed by the said common council, and the entire rents over and above defraying the expenses, repairs, extending of pipes, and interest, shall be appropriated to said sinking fund.

Tax, in case of deficiency of receipts.

§ 15. In case the entire annual receipts for water rents, after deducting therefrom such sum or sums as may be necessary to defray the ordinary expenses and repairs of the said works, and of extending the same, shall not be sufficient in any one or more years, to pay the interest on the said loan or loans, excluding the amount specified in the seventh section herein, and also the annual appropriation for the sinking fund as above provided for, it shall be, and is hereby made the duty of the board of common council of the said city, and they are hereby authorized to cause to be levied and collected from and against all the taxable property within said city, at the same time and in the same manner as other contingent expenses of said city are assessed, levied and collected, such sum or sums of money as may be certified by the said water commissioners, to be necessary to make good such deficiency, and the same shall be applied to the payment of such interest and appropriation to the sinking fund.

§ 16. If any person or persons shall willfully do or cause to be done any act, whereby any work, materials or property whatsoever, erected or used within the city of Poughkeepsie, or elsewhere, by the said water commissioners, or by any person acting under their authority, for the purpose of procuring and keeping a supply of water, shall in any manner be injured, such person or persons, on conviction thereof, shall be deemed guilty of a misdemeanor, and punished accordingly.

Penalty for willful injury to works, etc.

§ 17. It shall not be lawful for any person to throw or deposit, or cause to be thrown or deposited, into any stream of water taken by said commissioners in whole or in part, for the purpose provided by this act, above the place at which the water shall be drawn, or into any aqueduct, reservoir or reservoirs constructed by them, any dead animal or other offensive matter or anything whatever; and any person offending against the provision of this section, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine or imprisonment, or both, in the discretion of the court; such fine not to exceed one hundred dollars, and such imprisonment not to exceed the period of three months.

Penalty for defiling streams, aqueducts, etc.

§ 18. The said water commissioners shall receive no compensation for their services whatever, for any services to be rendered by them under the provisions of this act, but all reasonable and proper expenses incurred by them in executing their trusts as such commissioners, together with the salaries of the superintendent and agent, shall be paid by the chamberlain of said city, upon the certificate of said board of water commissioners, out of the said water rents.

Commissioners to receive no compensation; expenses how paid.

§ 19. It shall not be lawful for the said water commissioners, or either of them, or the said superintendents or agents, to be concerned or interested directly or indirectly, in the sale of any materials, or in any contract or contracts for constructing said works; nor shall such commissioners, superintendent and agent, or either of them, take or receive any benefit, reward or emolument, for or on account of any mate-

Commissioners not to be interested in contracts.

rials furnished, or in any contract for constructing said works. Every violation of the provisions of this section shall be deemed a misdemeanor; punishable by fine or imprisonment, or both.

§ 20. This act shall take effect immediately.

## Chap. 334.

AN ACT in relation to the collection of arrears of personal taxes in the city of New York.

Passed April 12, 1867; three-fifths being present.

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

Attorney for the collection of arrears of personal taxes.

SECTION 1. That there shall be a bureau in the finance department of the city of New York, the chief officer of which shall be appointed by and shall hold office during the pleasure of the comptroller of said city, to be called the "attorney for the collection of arrears of personal taxes."

His bond.

§ 2. The attorney for the collection of arrears of personal taxes shall, before entering upon the duties of his office execute a bond to the mayor, aldermen and commonalty of said city, with one or more sureties, to be approved by the mayor, comptroller or counsel to the corporation, in the penal sum of ten thousand dollars, conditioned for the faithful performance of the duties of his office, and the payment over of all taxes collected by him, which bond shall be filed in the comptroller's office of said city.

Receiver of taxes; duty of under act.

§ 3. It shall be the duty of the receiver of taxes in the city of New York to send or cause to be sent to the "attorney for the collection of arrears of personal taxes," monthly, all cases of personal taxes embraced in the assessment rolls in the city and county of New York, when the assessment is one thousand dollars or more and upon which a warrant to any of the marshals, of said city and county has been issued and unsatisfied for a period of sixty days, or returned unsatisfied in whole or in part, and of all other cases of personal taxes, except in those cases where the comptroller may extend the warrant,