

L A W S

OF THE

STATE OF NEW YORK,

PASSED AT THE

ONE HUNDRED AND SECOND SESSION

OF THE

LEGISLATURE.

BEGUN JANUARY SEVENTH, AND ENDED MAY TWENTY-SECOND, 1879,  
IN THE CITY OF ALBANY.



ALBANY :  
A. BLEECKER BANKS, PUBLISHER.  
1879.

§ 3. It shall be lawful for the said corporation to create, hold, manage and disburse a beneficiary fund sufficient to pay all losses and expenses incident to the corporation, for the relief of members and their families, of the lodges under the jurisdiction of the said Grand Lodge of the State of New York, working under and subordinate to said Grand Lodge of the State of New York, and such conditions and regulations as may be adopted by the said Grand Lodge of the State of New York. Beneficiary fund.

§ 4. Such beneficiary fund as may be ordained suitable by said Grand Lodge of the State of New York, may be provided and set apart to be paid over to the families, heirs, or legal representatives of deceased or disabled members, or to such person or persons as such deceased member may, while living, have directed; and the collecting, managing and disbursement of the same, as well as the person or persons to whom, and the manner and time in which the same shall be paid, on the death of a member, shall be regulated and controlled by the rules and by-laws of the said Grand Lodge of the State of New York, and such beneficiary fund, so provided and paid, shall be exempt from execution, and shall not be liable to be seized, taken or appropriated by any legal or equitable process, to pay any debt or liability of said deceased member. Ibid.

§ 5. The said corporation shall have power to make, from time to time, such constitution, laws, by-laws, rules and regulations as they shall judge proper, for the election of officers, or prescribing their duties, powers and functions, and the mode of discharging the same; for the admission of new members; for the admission of new members into subordinate lodges, and the government and regulation of such subordinate lodges; for regulating and fixing the amount and times of payment of all fees, dues and funds of said corporation, and all lodges under its jurisdiction for the arrangement of all the affairs of said corporation, and for suspending, fining and expelling all such lodges, officers, or members of subordinate lodges under its jurisdiction, as shall, in the judgment of said corporation, neglect or refuse to comply with any such by-laws, rules or regulations. Constitution, by-laws, etc

§ 6. This act shall take effect immediately.

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## Chap. 190.

**AN ACT** to amend chapter one hundred and forty-three of the laws of eighteen hundred and sixty-one, entitled "An act to amend and consolidate the several acts in relation to the charter of the city of Rochester," and the various acts amendatory thereof, or relating to the city of Rochester.

PASSED April 17, 1879; three-fifths being present.

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

**SECTION 1.** Section one hundred and fifty-five of chapter one hundred and forty-three of the laws of eighteen hundred and sixty-one as heretofore amended, entitled "An act to amend and consolidate the several acts in relation to the charter of the city of Rochester," passed April eight, eighteen hundred and sixty-one, as heretofore amended, is hereby amended so as to read as follows:

**Executive board.** § 155. There shall be an executive board of the said city of Rochester which shall consist of two members, who shall be electors and free-holders of said city, chosen by the electors of said city in the same manner as other city officers at the charter election of said city, one at each yearly charter election except at the charter election of the year eighteen hundred and eighty-one, to hold office for the term of two years, commencing on the first Monday in May next ensuing upon such election, provided that nothing herein contained shall affect the term of office or impair the powers, privileges, duties or obligations of the members of said board now in office during the periods for which they were severally appointed or elected except as hereinafter provided. The mayor of said city is hereby prohibited from making any appointment to the executive board from and after the passage of this act, unless to fill a vacancy after said board shall be reduced to two members by the expiration of the terms of office of the present members. Said executive board shall have sole power to let all contracts to be made by said city in pursuance of any ordinance, except such as are by law directed to be otherwise made, and shall superintend the execution of the same, and shall have the superintendence and control of all work or improvements ordered by the common council and of paying for the same, except such as relate to the water works and fire department. Said board shall have control of the construction, improvement, repair and cleaning of streets, alleys, sewers and bridges, except bridges owned by the State of New York, and shall have control of the expenditure of the funds thereof; but whenever the expense of any such work or improvement shall be required to be defrayed by a local assessment, the common council of said city shall alone have power to pass any ordinance therefor, subject to the veto of the mayor as hereinbefore provided, and in the manner and subject to the restrictions established by the charter of said city as hereby amended. Said board may employ such assistants and establish such by-laws for its meetings and proceedings as it may see fit. Said board may designate one of its members as its clerk, but who shall receive no additional compensation for this service. The members of said board shall give their entire time to the duties of the office. The salary of each member of the executive board shall be two thousand dollars per year, and shall be paid by the city treasurer the same manner as the salaries of officers elected by the common council. The mayor of the city of Rochester shall, during the month of April, in the year eighteen hundred and seventy-nine, and after the tenth day thereof, designate two members of the executive board to constitute a "water works and fire board," and that board shall thereafter consist of two members, and shall, upon the said first Monday in May, eighteen hundred and seventy-nine, assume and thereafter have exclusive control of the water works of said city and of the construction of all extensions and additions, improvements and repairs of same, and of furnishing the water to citizens, and the care and repair of said works, and to the end shall have the powers granted to the board of water commissioners of said city by section three of chapter seven hundred and fifty-four of the laws of eighteen hundred and seventy-three, and they may make such rules and regulations and establish such rates for use of water as they may deem proper. All moneys received from water rates or the use of water shall at the close of each day be paid to the city treasurer, and after paying the expenses of the charge, care, maintenance and repairs of such works, shall be applied solely to the payment of the principal and interest of the water works bonds of said

**How chosen.**

**Term of office.**

**Proviso.**

**Appointments prohibited.**

**Powers of board.**

**Salary of members.**

**Water-works and fire board, designation of members, etc.**

**Control of water-works.**

**Payments to city treasurer.**

**Application of moneys.**

city. No moneys shall be paid out of said receipts save on a vote of a majority of such water works and fire board, and on an order drawn by its clerk and approved by the mayor. Said water works and fire board shall have control of the fire department of said city and of the care and expense thereof, and is hereby vested with the powers heretofore vested in the common council of said city by sections two hundred and nineteen, two hundred and twenty-two, and two hundred and twenty-three of this act, except that no fire engine shall be purchased or sold, and no engine-house built except by resolution of the common council. And none of the members of the water works and fire board shall, after the said first Monday in May, eighteen hundred and seventy-nine, exercise any of the powers pertaining to or vested in the executive board by this act; and the two members of the executive board who by the provisions of this act are designated to serve on the water works and fire board, shall serve as such only until the expiration of the term for which they were originally elected or appointed members of the executive board, and in the month of April, preceding the close of their terms of office, and after the tenth day thereof, the mayor shall appoint, except as herein provided, one elector and freeholder of said city to serve on said board for the term of one year, and if they both expire at the same time, then he shall also appoint one to serve for the term of two years, and thereafter shall appoint one member in the month of April, and after the tenth day thereof in each year, to hold office for the term of two years. The salary of the members of said board shall be five hundred dollars per year, with the exception of those members who are transferred from the executive board as aforesaid, which members shall devote their whole time to the duties of their office, and shall receive at the rate of two thousand dollars per year; but in case from any cause a vacancy should occur in the place of either of the members so transferred from the executive board, the mayor may appoint to fill such vacancy, and to include the next succeeding term, and the salary therefor shall be at the rate of five hundred dollars per year. The members of the water works and fire board are required to devote only so much time to the duties of their office as may be required to properly perform the same, except as hereinbefore provided. The water works and fire board may employ such assistants and establish such by-laws for its meetings and proceedings as it may see fit. Any vacancy in the water works and fire board, and in the executive board, may be filled by the mayor for the unexpired term of the member causing the vacancy except as hereinbefore provided. Each member of the water works and fire board and of the executive board shall take the oath of office required of other city officers within five days after being notified of his election or appointment, and a failure to do so shall be deemed a refusal to serve. Each of said members shall give a bond in such amount, and with such sureties, as the mayor may approve, conditioned for the faithful performance of his duties. Any of such members of either of said boards may be removed by the common council for official misconduct by a vote of two-thirds of all the members elected to the said council, but notice in writing shall be given of the charges made, and he shall have an opportunity of being heard in his defense. The said water works and fire board and the executive board shall make monthly reports; to the common council of their expenditures and the condition of the funds under their control. They shall keep a record of their proceedings and all receipts and expenditures, which shall be published in at least one daily paper in said city. On or before the first day of June in each year, each of said boards shall present to the

Control of fire department.

Powers of executive board not to be exercised.

Terms of members designated.

Appointments.

Salary of members.

Vacancy in members transferred.

What time to be devoted to duties.

Assistants, etc.

Vacancies

Oaths of office.

Official bonds.

Removals.

Monthly reports.

Records.

Annual statement of moneys

needed,  
etc.

common council a statement of the moneys needed by them respectively for the fiscal year, specifying the purposes for which it shall be used. It shall be the duty of the common council to raise the sums so reported, in the same manner as other general city taxes. All moneys paid under the order of said boards shall be paid by virtue of an order on the treasurer of the city, drawn by the clerks of said boards respectively, under a resolution which must receive a vote of a majority of all the members of the particular board drawing the order.

Moneys,  
how paid  
out.

§ 2. This act shall take effect immediately.

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## Chap. 191.

AN ACT to empower the board of supervisors of Suffolk county to appoint three commissioners to locate an inlet from the Atlantic ocean to the Great South bay, in the town of Brookhaven, in said county.

PASSED April 17, 1879.

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

Appoint-  
ment of  
commis-  
sioners.

SECTION 1. The board of supervisors of the county of Suffolk are hereby authorized and empowered to appoint three commissioners, to serve without compensation, whose duty it shall be, within one year after the passage of this act, to locate an inlet between the waters of the Atlantic ocean and the Great South bay, in the town of Brookhaven, in the said county of Suffolk, and the said three commissioners so appointed shall have full power to locate said inlet at such a point as may to them seem best for the interest of the people residing on or near said Great South bay, in said town of Brookhaven, and to prevent and prohibit the opening of any other inlet or inlets at any other point or points on said bay, in said town of Brookhaven.

Their  
powers.

Terms.  
Removal.

§ 2. Said commissioners shall hold office until their successors shall have been appointed, and shall be subject to removal at the pleasure of said board of supervisors.

Misde-  
meanor.

§ 3. Any person or persons who shall open or aid in opening any inlet or inlets between the Atlantic ocean and the said Great South bay, in said town of Brookhaven, contrary to the authority of the commissioners appointed pursuant to this act, shall be guilty of a misdemeanor.

§ 4. This act shall take effect immediately.

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## Chap. 192.

AN ACT to amend chapter two hundred and fifty-eight of the laws of eighteen hundred and sixty-four, entitled "An act to amend and consolidate the several acts in relation to the charter of the village of Penn Yan."

PASSED April 17, 1879; three-fifths being present.

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

SECTION 1. Section fifteen of title five of chapter two hundred and fifty-eight of the laws of eighteen hundred and sixty-four, entitled