

L A W S  
OF THE  
STATE OF NEW-YORK,

PASSED AT THE

SEVENTY-EIGHTH SESSION

OF THE

L E G I S L A T U R E ,

BEGUN JANUARY SECOND, AND ENDED APRIL FOURTEENTH, 1855, IN THE  
CITY OF ALBANY.



ALBANY:  
VAN BENTHUYSEN, PRINTER.

.....  
1855.

which the said George Jones now holds, for and during the life of the said John Church Cruger, as trustee under the deed of marriage settlement, dated the nineteenth day of November, in the year one thousand eight hundred and thirty-three, made between John Church Cruger and Frances Ann, his wife, of the first part, and Edward R. Jones, Isaac Jones, junior, and George Jones of the second part, so that the said John Church Cruger may hold, enjoy and convey all his property and interests, created in and by said deed of settlement, as if he held the same in his own right, free from any estate or interest in a trustee.

§ 2. On the execution of such conveyance as is provided for in the preceding section, it shall and may be lawful for John Church Cruger and Eugene Cruger, jointly or severally, to convey their respective estates and interests, mentioned in the said deed of marriage settlement, in as full a manner as if they held and were entitled to such estates and interests in their own respective rights, without the intervention of a trustee.

## Chap. 58.

### AN ACT *in relation to the Troy water works.*

Passed March 9, 1855, three-fifths being present.

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

§ 1. Harvey Smith, William F. Sage, Thomas Symonds, Joseph M. Warren, and Liberty Gilbert, are hereby appointed water commissioners of the city of Troy, who shall respectively hold their offices until removed by the common council of the said city, as hereinafter provided; and in case of a vacancy in the office of any commissioner, by death, resignation, removal from the said city, or from any other cause, the same shall be supplied by a vote of two-thirds of the members elected to the said common council; and the persons so appointed shall hold their places by the same tenure as the persons herein named, and vacancies among the persons so appointed shall be supplied in the like man-

Commis-  
sioners.

Oath.

ner. Before entering upon the duties of their appointment, the persons herein named, or so appointed, shall take the oath of office prescribed by the Constitution of the State, before some judge of a court of record, or some member of the common council of the said city, and file the same in the office of the clerk of the county of Rensselaer. The said commissioners herein named, and all others who may be appointed as herein before provided, in case of misconduct, may be removed by a vote of two-thirds of all the members of the said common council; and the said commissioners shall not be entitled to receive any compensation for their services, but such incidental expenses as they may incur in the discharge of their duties, which the common council of said city shall deem reasonable and necessary, shall be paid to them.

Water rents.

§ 2. The said commissioners, with the assent of the common council of said city, shall establish rates of annual rents to be charged and paid annually, for the supply of water, or for benefits resulting therefrom, to be called "Water Rents," and apportioned to the different classes of buildings in said city, in reference to their dimensions, ordinary uses for hotels, factories, furnaces, breweries, distilleries, steam engines, dwellings, stores, shops, livery and private stables and other common purposes, and to vacant lots, as near as may be practicable, and from time to time, to alter, modify, amend and increase or diminish such rates and to extend it to other descriptions of buildings, lots, establishments and uses.

Rents how collected.

§ 3. Such regular water rents shall be collected from the owners of all such lots and all such buildings which shall be situated upon lots adjoining any street or avenue in said city, in which the distributing pipes are now, or may hereafter be laid, and from which such lots and buildings can be supplied with water; and such regular rents shall be like the other city taxes of said city, a lien and charge upon such buildings and lots as herein provided.

Special rates.

§ 4. Hotels, factories, stables, and other buildings, establishments, trades and uses, which consume water beyond the quantity required for ordinary and common purposes, as specified in the foregoing second section, shall pay therefor annually in advance, to the chamberlain of the said city, or to the water commissioners, as special rates, in addition to the rents established by the scale aforesaid, such sum as the

said commissioners shall direct, before any permit to use such extra quantity of water shall be given.

§ 5. The water commissioners of the city of Troy, shall, on or before the first day of August in each year, make out a list or roll for each assessment district of the said city, wherein any distributing pipes are now, or may hereafter be laid, in which they shall set down in three separate columns, according to the best information in their power—

Roll of  
rents.

1st. In the first column, the name of the owner of any building or lot, chargeable with water rent under the provisions of this act.

2d. In the second column, the name of the street or avenue, and the number of the lot or building, if it have any, or its location and the location of the lot or part of a lot on which any such building may be situated, to be assessed for such water rents.

3d. In the third column, the amount of the water rent assessed upon such building or lot or part of a lot.

And it shall be the duty of the said commissioners to report the said list or roll so to be made as aforesaid, under the hands of a majority of them to the common council of said city, at their first meeting in September annually, and the said common council are hereby authorized and directed to include said list of water rents in the city taxes, to be raised in each year, that the same be set down in the assessment roll in a separate column, opposite the premises to be charged as aforesaid, and the warrant of the said common council for the collection of the city taxes shall also embrace an order for the collection of the said water rents as a part of said taxes, and the same shall be collected at the same time and in the same manner as is now, or may be hereafter prescribed by law for the collection of the city taxes of said city, the like notices shall be given by the chamberlain of said city, as the receiver of such taxes, and the like percentage for non-payment shall be added and charged, and in all respects, the like proceedings shall be had by said chamberlain, in the collection of said water rents, as is, or may be provided by law for the collection of the city taxes of said city.

§ 6. It shall be the duty of the said commissioners to have and exercise a general supervisory and controlling power in all matters relating to the preservation and continuance of the water works of said city, and to make such by-laws, regulations and ordinances for the protection of

By-laws &  
regulations.

the hydrants and water pipes of individuals, and for the preservation, protection and management of the said water works, and the use and control of the water thereof, as they may deem advisable, and which, when ratified and approved by the common council of said city, shall have the same force and effect as any law or ordinance by them enacted, and the same shall not be altered or amended by the said commissioners, without the approval of the said common council.

Superintendent.

§ 7. The said commissioners shall nominate, and the common council appoint, an officer, who shall be known as the superintendent of the water works, who shall receive such salary per annum, in quarterly payments, as shall be fixed by said common council, and his duties shall be to devote his whole time and services, under the general advice and direction of said commissioners, to the care and management of the water works, and such duties connected therewith, or with other business of the city, as the said commissioners or the common council of said city shall direct. The said commissioners shall also have power, with the approbation and consent of the common council, to extend the distributing pipes of said water works whenever they may think proper, and to make such alterations and improvements in said works, and in the management and preservation thereof, as they may deem necessary and expedient, and to employ such persons and assistants as they may require, to execute any of the purposes aforesaid, who shall be paid for their services by the chamberlain of said city, on the warrant of the said Commissioners or a majority of them.

Rules and ordinances by common council.

§ 8. The Common Council of the city of Troy are hereby authorised and empowered to pass such by-laws or ordinances not repugnant to the constitution and laws of this State, as they may deem necessary and proper to protect the waterworks of said city and the property connected therewith, within said city or elsewhere, from trespasses and injury, and to enforce the same by the infliction of such penalties as said by-laws or ordinances shall prescribe, not exceeding one hundred dollars for any one offence; and it is hereby declared that the entering or going upon the lands, lakes or waters belonging to said waterworks, in said city, or in the town of Brunswick, in the county of Rensselaer, by any person or persons not having authority so to do, shall be adjudged a misdemeanor, and be punished accordingly, and

that it shall be competent for any criminal court in said city to issue process for the arrest of any such persons, and to try and determine any complaint that may be made in relation thereto, and also upon conviction to punish the offender or offenders, by fine or imprisonment, or both, in the discretion of the court having cognizance thereof.

## Chap 59.

AN ACT in relation to the Callicoon and Cochection Turnpike Company.

Passed, March 9, 1855.

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

§ 1. It shall not be lawful for any person to draw upon the Callicoon and Cochection turnpike road any logs, trees or timber, unless the same be elevated entirely free from the surface of the road, on wheels or runners ; any person offending against this section, shall be liable to a penalty of ten dollars, to be sued for and recovered with costs, in the name of the said turnpike company, in any court having cognizance thereof.

§ 2. This act shall take effect immediately.

## Chap. 60.

AN ACT to authorize the city of Brooklyn to provide for the payment of the expenses of said city for the year 1855, and to borrow money therefor, and to pay the debts of the late city of Williamsburgh, and to designate the time for which monies hereafter to be raised by tax in said city shall be required.

Passed March 9, 1855, three-fifths being present.

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

§ 1. The common council of the city of Brooklyn are hereby authorised to determine what sums of money are ne- Contingent expenses.