

L A W S
OF THE
STATE OF NEW YORK,
PASSED AT THE
SEVENTY-THIRD SESSION
OF THE
LEGISLATURE,
BEGUN THE FIRST DAY OF JANUARY, AND ENDED
THE TENTH DAY OF APRIL, 1850, AT
THE CITY OF ALBANY,
WITH
MARGINAL NOTES AND A GENERAL INDEX,
AND THE
NAMES AND RESIDENCES OF THE JUDGES, SURROGATES,
COUNTY CLERKS, SHERIFFS, AND DISTRICT AT-
TORNEYS OF THE STATE OF NEW YORK.



ALBANY:
LITTLE & COMPANY, LAW BOOKSELLERS,
1850.

Chap. 230.

AN ACT *entitled an act to amend "An act to incorporate the village of West Troy," and for other purposes, passed April 30, 1836.*

Passed April 8, 1850, "three-fifths being present."

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

§ 1. All docks, piers, wharves and structures now or hereaf- Boundaries.
ter erected in whole or in part in the Hudson river, and the lower sprout of the Mohawk river, adjacent to said village, or any part of the same shall in all respect and for all purposes be deemed and taken as a part of and within the boundaries of the village of West Troy, and form a part of the respective wards of said village of West Troy, opposite thereto. But this act shall not be construed in any way so as to affect or embrace any part of Green Island, in said river, or any dock, piers, wharves, structures or other property, now or hereafter to be erected or placed on, or adjacent and appurtenant to said Island north of the new lower lock, at West Troy.

§ 2. The officers of said village shall be one president, Officers.
eight trustees, three assessors, one collector, one treasurer, one clerk, one street commissioner, one pound master, and four constables.

§ 3. An election shall be held in each of the wards of said Elections.
village on the first Wednesday of May in the year 1850, and on the first Wednesday in March, in each and every year thereafter, at such places as the board of trustee shall appoint, and of which six days previous notice shall be given by posting written or printed notices of the same, in at least three public places in each ward, signed by the president of the village, and attested by the clerk or signed by at least three of the trustees. The polls shall be kept open for the space of at least three hours uninterruptedly between ten o'clock in the forenoon and four o'clock in the afternoon, and the time of opening and closing of the polls shall be specified in the notice of such meeting.

§ 4. At such election there shall be elected two trustees in Officers to be
and for each ward, one police constable in and for each ward; elected in
one president, one collector, one treasurer, one street com- 1850.
missioner, and three assessors, in the year 1850, and one assessor in every year thereafter.

Trustees and
clerk to be
inspectors of
elections.

§ 5. The trustees elected in and for any ward in said village, shall appoint some proper person their clerk, who together with them shall preside in the ward in which they were elected, at every election provided for by this act, and shall have all the powers of inspectors at a general election, and shall conduct such election in the same manner as a general election, and be governed by the same rules and regulations as inspectors thereat, so far as the same shall be applicable and are consistent with the provisions of this act. Only one statement of the result shall be drawn up and signed by the inspectors, and one poll list only shall be kept by said clerk, which on the day following the election shall be filed with the clerk of the village.

Canvass
of votes.

§ 6. The officers presiding at any election shall canvass the votes given thereat, and openly declare the result, and shall make and subscribe a certificate of such canvass which shall have the whole number of votes given, the number given for each person voted for and the office for which he shall have been voted for, and within two days thereafter shall file said certificate with the clerk of the village.

Qualifica-
tions of
voters.

§ 7. At the election in said village no person shall be entitled to vote thereat unless at the time of offering his vote he shall be a resident of the ward in which such offer shall be made and qualified to vote at town meetings in the town of Watervliet, and no person shall be elected an officer in said village unless he shall be entitled to vote at the election at which he shall be elected. The trustees and constables shall be residents of the respective wards in which they shall be elected, and hold their office, and the assessors shall severally be freeholders within said village. The person eligible and having the greatest number of votes shall be declared elected, and when a greater number of persons than are entitled to be elected to an office shall have the greatest and an equal number of votes, the officers presiding at the election shall forthwith determine by lot which shall be deemed elected, and in such case the facts shall be set forth in the certificate of the result made by such officers.

Ballots.

§ 8. The electors shall vote by ballot, and such persons offering to vote shall deliver his ballot so folded as to conceal the contents to one of the inspectors in the presence of the board. The ballot shall be a paper ticket, which shall contain written or printed, or partly written or partly printed, the names of the persons for which the elector intends to vote and shall designate the office to which each person so named is intended by him to be chosen; but no ballot shall contain a greater number of names of persons designated for any of-

fice than there are persons to be chosen at the election to fill such office; on the outer side of each ballot when folded there shall appear, written or printed, or partly written and partly printed, one of the following words, "Ward," "Village," but no ballot found in the proper box shall be rejected for the want of such endorsement.

§ 9. The ballot endorsed "Ward" shall contain the names of the persons designated by the elector for the office of trustees, assessor, and police constable, or any or either of them; the ballot endorsed "Village" shall contain the names of the persons designated for the office of president, assessor, collector, treasurer, and street superintendent, or any or either of them, to be chosen at such election, and such ballots shall be deposited in separate boxes, to be provided by the board of trustees for that purpose, with locks and keys, as provided by law in respect to the election of state officers.

Ballots for
"ward" and
for "village"
officers.

§ 10. Every person offering to vote at such election may be challenged in the same manner as at a general election for state officers, and the same proceedings had thereon as are or shall be prescribed by law in relation to general elections, so far as the same shall be applicable to a charter election.

Challenges.

§ 11. The trustees of said village shall, after being qualified by taking the oath prescribed within ten days after their election assemble, and upon the statements and certificates of the inspectors of election, in the respective wards herein provided for, shall proceed and declare what persons have been duly elected to the office of president, assessor or assessors, treasurer, and collector, or any or either of them, and the persons having the greatest number of votes in the whole village for the offices last mentioned in this section, shall be declared to be duly elected, and they shall cause their declaration and opinions to be entered in the minutes of their proceedings, and shall also appoint one clerk and pound master, who shall be inhabitants of said village, and qualified to vote at town meetings in the town of Watervliet.

Result of
election how
declared.

Clerk and
pound mas-
ter.

§ 12. Every officer elected or appointed in said village shall within ten days after his election, when his name shall be entered on the poll list, or if his name shall not be so entered, within ten days after he shall be notified of his election, 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 the treasurer, collector and police constable shall respectively before they take the oath give security for the faithful discharge of the duties of their respective offices in such sums as the trustees of said village shall deem sufficient.

Oath of office

Treasurer,
collector
and police
constable to
give security.

Form and
amount of
security.

§ 13. The security given by said police constable shall be in the form and to the extent of the security required by law of constables elected in towns; all others securities shall be executed to said village in its corporate name. Said securities shall be delivered to said trustees with sufficient sureties to be approved by them; and in case of any such officer omitting to give the security and take the oath required by this section, or take the oath when security is not required, in the time and manner provided, shall be deemed to have refused to serve and the office vacant, and he shall forfeit the sum of ten dollars for such refusal. The clerk of the village shall within twenty-four hours after the election or appointment of any officer give him notice of his election or appointment, when such notice is required; such notice shall be served personally, or by leaving the same at the residence of the person to be notified with some responsible person belonging there.

Terms of
office.

§ 14. All officers, except assessors, elected or appointed to any office under or by virtue of this act, shall be elected or appointed annually. At the first election hereafter one assessor shall be elected by the village at large, who shall hold his office for three years; and the electors of the first and fourth wards shall jointly elect one assessor, and the second and third wards shall likewise elect one assessor. At the first meeting of the board of trustees then elected, they shall determine by lot which of the two last mentioned assessors shall hold his office for one year, and his term of office shall expire, accordingly, and the other shall hold his office for two years from the time of his election; and thereafter one assessor shall be elected annually by said village at large. Whenever the term of office of the assessor elected therein shall expire, said last mentioned assessor to be elected after the next election, shall hold his office for three years from the first Monday after his election, unless elected to fill vacancy. The term of office of all officers elected or appointed under this act, except assessor as aforesaid, shall expire on the first Monday after each annual election; yet all such officers shall continue in office until their successors shall have taken the oath and given and perfected the security required.

Duties of
president

§ 15. It shall be the duty of the president of said village when present to preside at the meeting of the trustees, and shall be entitled to vote upon all questions, and upon the request of three trustees to call special meetings of the trustees; to receive complaints of any breach of the by-laws; to see that the by-laws, rules, regulations and ordinances of the village

are faithfully enforced and executed; to prosecute in the name of said village for all offences against the same, or any of its by-laws, rules or ordinances. In case of the absence of the president from any meeting of the trustees, one of the trustees may be appointed by the members present chairman of such meeting, and for the time being shall possess all the powers and perform all the duties of the president.

§ 16. It shall be the duty of the street commissioner, under the direction of the trustees and when required by them, to inquire into the merits and subject matter of applications for regulating, pitching, paving or otherwise improving the streets, alleys, public highways, bridges, common sewers, drains, culverts, public wells, pumps, and to report to said trustees such particulars as may be necessary or as shall be required in each case, and it shall be his duty also under said direction and when required by the trustees, to superintend and carry into execution all the ordinances and resolutions of the board of trustees for digging down or filling up any lot or lands or the constructions or improvements of any side-walk, gutter, public highways, bridge, culvert, street, alley, pumps, drain or common sewer, or for regulating, pitching, paving, repairing, flagging and keeping them, or any of them, in good order, and shall within said village possess the powers and perform the duties of overseers of highways, so far as such powers and duties shall be required to be performed therein, and are consistent with this act and the act hereby amended, and shall receive such compensation for his services as shall be fixed by the by-laws of said village, not exceeding the compensation allowed to overseers of highways in towns.

Duties of
street com-
missioner.

§ 17. The board of trustees shall have power to prescribe the duties and compensation or salary of all officers appointed by them, subject to the provisions of this act and the act hereby amended, and may remove all such persons, together with the treasurer, collector and street superintendant, for incapacity, neglect of duty or official misconduct, after giving such officers an opportunity of refuting such or any charges which may be preferred against them, but no such removal shall be made unless by a vote of two-thirds in favor thereof of the trustees elected in said village.

Trustees to
prescribe
duties and
fix salaries
of officers
appointed by
them.

§ 18. Vacancies in the office of trustees, assessor, collector and police constable, occurring in any manner, may be filled at a special election called and appointed by the board of trustees and conducted in the same manner as an annual election; vacancies in all other offices shall be filled by the board of trustees.

Vacancies
how filled.

- Statement of accounts allowed to be published. § 19. Within twenty days next preceding every annual meeting of the taxable inhabitants of said village, and at least five days before the same, if there be a public newspaper published therein, the trustees shall cause to be published in such paper a statement which shall have the name of every person who shall within the time herein after specified have had any account or claim allowed to them payable out of the treasury of said village the amount of such account or claim as presented, the amount allowed and a brief statement of the nature of the demand. The first statement so published shall embrace all accounts allowed to the time of publishing the same from the first Tuesday of June, 1849, and each subsequent statement shall embrace all accounts allowed to the time of publishing from the time of publishing the last preceding statement.
- General powers of board of trustees. § 20. All meetings of the trustees of said village shall be public except when the public interest shall require secrecy, and all persons may attend the same; and it shall be the duty of the board of trustees in said village, and they shall have the power,
- Morals. 1. To prevent vice and immorality, to preserve peace and good order, to prevent and quell riots and disorderly assemblage;
- Forestalling. 2. To prevent and punish forestalling and regrating;
- Gaming. 3. To restrain and suppress disorderly and gaming houses and all instruments and devices used for gaming in said village, and to prohibit all playing at cards, dice or other game of chance with or without betting;
- Intoxication. 4. To prevent the selling or giving of any intoxicating liquors to any child or youth under sixteen years of age or any apprentice or servant without the consent of his or her parent, guardian, master or mistress.
- Shows. 5. To prohibit or regulate, by license, all exhibitions of any natural or artificial curiosity, caravans of animals, theatrical performance and other shows or exhibitions, circuses or other performances for money;
- Disorderly houses. 6. To suppress and restrain disorderly houses or houses of ill fame, billiard tables, nine or ten pin or bowling alleys, and pistol, gun or ball alley;
- Cleanliness. 7. To compel the owner or occupants of any grocery, cellar, tallow-chandler shop, soap factory, tannery, stall, privy, sewer or other unwholesome or nauseous house or place, to cleanse, remove or abate the same from time to time, as often as the same may be necessary, for the health or comfort or convenience of the inhabitants of said village;
- Ferries. 8. To direct and regulate as to the time and manner of

running of the ferry boats crossing the Hudson river opposite to said village, and the kind of boats to be used and the mode of their construction, so as to render the crossing of persons and property reasonably commodious, safe and speedy.

9. To direct the location of slaughter-houses, markets, and Markets. houses for storing gunpowder or other combustible substance, and the conveying of the same, and the use of candles and lights in barns, stables, and other buildings.

10. To prevent horse-racing, immoderate driving in the Racing. said village, and to authorize the stopping of every one who shall be guilty of immoderate riding or driving in the said village, and to authorize the stopping of any one who shall be guilty of immoderate riding or driving in said village by any person.

11. To prevent the incumbering of the streets, highways, Obstruction of streets. squares, public grounds, side-walks, lands, alleys, wharves and docks with teams, carriages, carts, sleighs, sleds, wheelbarrows, boxes, lumber, timber, firewood, or any other substance, or materials whatsoever.

12. To prevent or regulate and determine the time and Bathing. places of bathing and swimming in the canal, creek, basin, rivers, or other waters in or bounding the said village.

13. To restrain and punish vagrants, mendicants, street Vagrants. beggars and common prostitutes, and men cohabiting or associating with them.

14. To restrain the running at large of cattle, horses, sheep, Cattle, swine and geese. swine, goats, and geese, and to authorize the detaining, impounding and sale of the same for the penalty incurred and cost of keeping and proceedings.

15. To prohibit any person from bringing, depositing, or Putrid meats, hides, &c. having within the limits of said village any dead carcass or other unwholesome substance, and to require the removal or destruction by any person who shall have on, or upon, or near his premises, any such substance or any putrid meat, fish, hides, or skins of any kind, and on his default to authorize the removal or destruction thereof by some officer of said village.

16. To compel all persons to keep snow and dirt from and Sidewalks. off the sidewalks and gutters adjoining in front of the premises owned or occupied by them.

17. To prevent and regulate the ringing or tolling of bells, Tolling of bells. blowing of horns, and other noises, the crying of goods and other things in said village.

18. To regulate and restrain runners for boats, stages, rail- Boats, stages, &c. roads, taverns and other houses, and to control and regulate

- the running of engines and cars through said village, at a greater speed than eight miles per hour.
- Boundaries.** 19. To survey the boundaris of the village and of each ward.
- Burial.** 20. To regulate the burial of the dead, and public burial grounds.
- Weighing of hay, &c.** 21. To regulate the place and manner of weighing of hay, straw and fodder, and for marketing and measuring of wood, coal, lime, and selling of fish.
- Pounds.** 22. To establish and regulate public pounds.
- Auction sales** 23. To regulate auction sales, and to restrain and prohibit hawking and peddling in the streets.
- Water.** 24. To establish, make, regulate and guard public reservoirs, wells, pumps, cisterns, sewers, drains and water-courses.
- Lights.** 25. To provide for lighting the streets of said village, and the protection and safety of the public lamps.
- Vacancies.** 26. To fill any vacancy in any office of such village not specially provided for in this act, by appointing a person who shall hold the office for the residue of the time, unless sooner removed.
- Public property.** 27. To provide for the care, custody and preservation of the public property of the village, and its records and papers.
- Taxes.** 28. To issue warrants for the collection of all taxes, assessments, apportionments and expenses authorized by this act, which shall be returnable in sixty days from the time of issuing the same, and to renew such warrants, from time to time, as shall be necessary, when they shall be returned not paid.
- Notices.** 29. To give notice, in the manner prescribed by law, of the annual and special meetings in said village.
30. To preform all the duties imposed upon them by this act, or by any other law of this state.
- Quorum.** § 21. A majority of the board of trustees shall be a quorum for the transaction of business, and the board may provide rules for its proceedings, but no tax or assessment shall be ordered or apportionment made except by a concurring vote of a majority of all elected.
- By-laws.** § 22. The board of trustees may make, publish, ordain, amend and repeal all such ordiances, bye-laws and police regulations, not contrary to the laws of this state, as may be necessary to carry into effect the powers given to said board or any of the officers of said village by this act, and enforce observance of all rules, ordiances, by-laws and police regulations made in pursuance of this act, by imposing penalties on any person, corporation or associations violating the same, not exceeding in any one case fifty dollars, to be recovered

with cost in any court having cognizance thereof, every such ordinance or bye-law imposing any penalty or forfeiture for a violation of its provisions shall be published two weeks successively in a newspaper printed in said village, and proof of such publication, by the affidavit of the printer or publisher of said newspaper, taken before any officer authorized to administer oaths and filed with the clerk of the village, or any other competent proof of such publication shall be conclusive evidence of the legal publication of such ordinance or bye-law in all courts and places.

§ 23. All actions brought to recover any penalty or forfeiture incurred under this act, or the ordinances, bye-laws or public regulations made in pursuance of it, shall be brought in the corporate name of said village, and such actions brought in any court of any justice of the peace, shall be by warrant upon the request of any person, his attorney or agent authorized to commence the same, and execution may be issued thereon immediately on the rendition of judgment, returnable thirty days from the time of issuing the same. If the defendant or defendants in any such actions have no goods or chattles within said village whereof the judgment can be collected, the execution shall require the defendant or defendants to be imprisoned in close custody in the penitentiary of the county of Albany, for such a time as the justice rendering the judgment shall deem reasonable, not exceeding ninety days, the penalty when collected shall be paid into the treasury.

Actions how
prosecuted.

§ 24. No person shall be an incompetent judge, justice, witness, juror or constable, by reason of being an inhabitant or freeholder, or owning property in the said village in any action or proceeding in which the said village is a party interested.

Disabilities
removed

§ 25. The said corporation may in its corporate name take, hold, purchase and convey real and personal estate as the purposes of the corporation may require, but no purchase or conveyance of real estate shall be made, unless authorized by a vote of such taxable inhabitants as shall be present on an annual or special meeting duly called.

Power to
buy and sell
property.

§ 26. The board of trustees shall have power to determine upon view or the examination of witness or otherwise as they shall decide proper what shall be deemed a nuisance within said village and to abate the same by enforcing the penalty or otherwise, and if pools of water standing upon lots or grounds in said village shall be deemed and declared nuisances as aforesaid by said trustees, it shall be the duty of said board of trustees to cause a notice in writing to be served

Nuisances.

on the owner or agent, if known and residing within said village, of lots or grounds on which such nuisance exists, commanding him within ten days from the service of such notice to abate or remove such nuisance by filling up said lot or grounds or otherwise as the case may be, and in case of his neglect or refusal to comply with such request, or the owner or agent of said lot or grounds on which such nuisance exist shall be unknown or reside without said village, the trustees may cause such nuisance to be abated or removed by filling up or draining the lots or grounds on which it exists or otherwise abate the same, and may assess the expense thereof on the lots or grounds where it exists, and such assessment shall be and remain a lien thereon, and said trustees may sell said lots or grounds on which such assessments are made, for payment of the same in the manner as provided by section fifty-two of this act.

Public meet-
ing for
voting taxes.

§ 27. On the third Tuesday of May in the year 1850, and on the third Tuesday of March, in each year thereafter and at such other times as the trustees shall deem proper, at some suitable place within said village pursuant to public notice such as is prescribed by this act of at least six days to be put in at least one public place in each ward, the taxable inhabitants of said village owning at least fifty dollars of property liable to taxation therein, upon twenty-five dollars at least of which they have paid taxes the preceding year and qualified to vote at town meetings in the town of Watervliet, may by resolution direct the trustees to cause to be raised by a general tax upon the taxable property liable to be assessed for taxes in said village, taxes for the following purposes and no other :

1. For procuring and keeping in repair fire engines and the necessary apparatus therefor, and impliments for hook and ladder companies.
2. For the purchase of real or personal property and for the erection of buildings for the use of said village.
3. For procuring the necessary ground and erecting a suitable engine house for each fire-engine and its apparatus or for hiring suitable places for keeping them.
4. For procuring the necessary ground and erecting a pound for the use of the said village and for keeping the same in repair.
5. For insuring the public property of said village.
6. For prosecuting and defending suits in which said village shall be a party.
7. For procuring the necessary blank books for records

and accounts of such village and for procuring such blanks as may be wanted for village purposes.

8. For the necessary advances in making and repairing side walks and gutters, leveling, pitching, grading or paving any street or public highways, in filling up lots, abating nuisances and in performing any other works, and procuring the materials and making every improvement contemplated or authorized by this act, or the act hereby amended. In cases where those required to do the same shall neglect or refuse so to do, and the expenses thereof is made chargeable upon a particular person or persons, corporation or association, or a certain lot or lots or parts of a lot or land or limited in their collection to a single ward in said village.

9. For laying out, opening and making any public highway or street, or widening or altering the course of any highway or street, or for any other public improvement within said village in cases where the board of trustees shall determine that the expense thereof justly and equitably in whole or in part shall be paid by a public tax rather than a local assessment.

10. For publishing the bye-laws of said village, notice of meetings of electors and other notices, documents and statements and furnishing and procuring such maps, directories and other matter, as shall be necessary and proper for the said village or its officers in the discharge of their public duties.

11. For paying a compensation for their services, to the officers of said village, to whom a compensation shall by law be expressly allowed and made payable by such village.

12. For the necessary expenses of doing a specific act for such village, which it or any of its officers shall be by law expressly required or authorized to do, also for the purpose of defraying the ordinary expenses of said corporation.

§ 28. No tax shall be voted to be raised at a meeting of the taxable inhabitants of said village, as provided in section 27 of this act, unless the notice of holding such meetings required to be given, shall specify the amount and objects of such tax, and the specific sum required or proposed to be raised for each object, and shall state that such meetings will be called upon to vote in respect to the sum or sums so specified.

Amount and
object of tax
to be speci-
fied in notice.

§ 29. Every resolution adopted at any such meeting directing any tax to be raised, shall distinctly specify the object for which such tax shall be directed to be raised, and the sum to be applied to each of such objects, otherwise such resolution shall be absolutely void.

Taxes to be
specifically
voted.

Sums specified in notice may be reduced but not increased

§ 30. Any sum specified in any such notice, and proposed to be raised by tax for any specific object may be reduced but shall not be increased by any vote at such meeting. In respect to directing the same to be raised, the final vote in respect to raising every such specific sum shall be taken separately; every proposition to raise any such specific sum shall be deemed a separate and distinct resolution in the proceedings thereon of such meeting, and it shall be in form a distinct and separate resolution and so entered in the record of the proceedings of such meeting, if any person entitled to vote thereon shall require such entry.

Money to be applied for the purposes for which it was voted,

§ 31. Whenever money shall be raised by tax in such village, for any specific purpose it shall not be applied to any other purpose without such vote directing such application as was required to authorize the raising thereof.

Accounts to be audited,

§ 32. No account or claim against said village shall be paid until it shall have been presented to the trustees thereof, and audited and allowed by them, and when such account or claim shall be so audited, the trustees auditing the same shall cause to be endorsed thereon or annexed thereto a certificate signed by the president and countersigned by the clerk of said village, of such auditing and allowing or disallowing the same in which the sum allowed if any, and the fund out of which the same is to be paid shall be specified.

Accounts how to be made out and verified,

§ 33. No such claim shall be audited or allowed by the trustees unless it shall be made out in items and shall be accompanied by an affidavit of the person claiming to have done the services or made the disbursements therein charged, that the several items of such account or claim are correct, that the services therein charged have been rendered, that the disbursements therein charged have been made and that no part thereof have been paid, such affidavit shall be endorsed on or annexed to such account or claim and presented therewith. The president or either trustee of said village may administer the oath required by this section and at the time such account or claim shall be presented to said trustees, any one or more of the board may examine the claimant on oath in relation to said account or claim and any item embraced therein.

Claims may be disallowed by the trustees.

§ 34. Nothing in the last preceding section shall be construed to prevent the trustees from disallowing any account or claim, in whole or part when so made out and verified, nor from requiring other or further evidence of the correctness and reasonableness thereof.

Accounts how paid,

§ 35. No account or claim against said village shall be paid except by the treasurer, and the certificate required in

section thirty-two of this act endorsed on or annexed to the account or claim for which it shall be drawn, and specifying the fund from which such account or claim is payable, and it shall be paid out of no other.

§ 36. Whenever any such account or claim shall be paid, it shall, together with the affidavit, presented therewith to the trustees, the certificate of auditing and allowing the same, be filed and preserved in the treasurer's office. Accounts paid to be filed.

§ 37. No officer of said village shall have power to assent to incurring any debt or liability on the part of said village, contrary to the provisions of the act incorporating said village as hereby amended, nor shall any such debt or liability be paid from the property or money of said village, neither shall the same be liable or taken therefor, but all such officers, assenting or assuming to assent to any such debt or liability contrary to the provisions of said act of incorporation as hereby amended shall be jointly and severally liable in their individual capacity to pay the same. Debts not to be incurred by trustees except by authority of law.

§ 38. The treasurer shall receive and safely keep, and he shall pay out when lawfully required so to do, all moneys belonging to said village, and keep accurate accounts of all moneys received or paid out by him, and preserve all vouchers filed in his office; he shall keep his accounts so as to show where and from what source all moneys paid to him shall have been received, and when and to whom and for what purpose all moneys paid out by him shall have been paid. Duties of treasurer

§ 39. When any money shall be raised by tax or otherwise in said village for any specific purpose, or by a vote or resolution of the electors thereof or in any other manner, shall be directed to be applied to any specific purpose, the treasurer shall keep a separate account in respect to such money, which shall have the amount and purpose for which it had been raised, and if paid out in part or in whole, to whom and for what purpose paid out. Treasurer to keep separate account of different expenditures.

§ 40. Within three days after any meeting of the electors of said village, at which any tax shall have been voted to be raised, the clerk of said village shall furnish to the assessors a certified copy of the resolution or vote for raising such tax, and shall also furnish a like copy to the treasurer with like copy of any vote or resolution adopted at such meeting, directing the specific application of any of the funds of said village. Clerk to furnish treasurer and assessor with copies of resolutions for raising taxes.

§ 41. Whenever the electors of said village shall, pursuant to the provisions of this act at a general or special meeting, or the trustees of said village, in cases authorized by them so to do, direct any sum of money to be raised by tax, Assessment of taxes

it shall be the duty of the assessors of said village to proceed forthwith, or when directed by said board of trustees to assess the same (except as herein otherwise directed) upon or among the owners of the estate real and personal; incorporated companies and associations in the same manner and proportion as nearly as may be, for taxes in and for the town of Watervliet are voted and assessed; the several ward taxes, the taxes or assessments for highway purposes, and the general tax voted by the electors shall be set down in any tax roll separately from each other and from any other tax or assessment.

**Assessor's
duties.**

§ 42. The said assessors in the performance of their duties in regard to the form and contents of their tax roll, and to the property liable to taxation, and the place and manner in which property is to be taxed shall perform the duties and be governed by the law as nearly as practicable relating to town assessors, and is not otherwise provided in this act, each assessor shall receive such compensation as shall be prescribed by the board of trustees, not exceeding one dollar and fifty cents per day.

Compensation.

**Assessment
roll.**

§ 43. It shall be the duty of the said assessors on completing their said assessment roll, to file a true copy of the same with the treasurer, and the amount and estimate of every assessment shall be and remain a lien on the lands, lot or lots so assessed in the same manner and to the same effect as town and county taxes, from the time of the filing of their assessment roll with the treasurer as aforesaid, until paid or otherwise satisfied.

**Reduction of
assessment.**

§ 44. Any person considering himself aggrieved by any tax or assessment made by said assessors, may appeal to the board of trustees, within the first fifteen days after the giving of the notice of the filing of the assessment roll with the treasurer as provided in section forty-seven, by delivering to the clerk of said village, an instrument in writing, setting forth his objections to said assessment, and verified by his oath or affirmation. The said board of trustees shall examine into the matter, and do justice therein.

**Collection of
taxes.**

§ 45. All taxes and assessments unless otherwise directed by this act shall be collected by the collector of said village, by virtue of a warrant signed by the president and trustees, or a majority of them, commanding such collector to collect from the several persons, corporations and associations named in said tax roll, the several sums directed to be collected and set opposite their respective names in said tax roll, together with his fees to be added thereto as fixed by said board of trustees, and in case any person, corporation or association

shall refuse or neglect to pay his, her or its tax and the fees aforesaid, to levy the same by distress and sale of the goods and chattels of said delinquent, or by suit in the corporate name of said village, with interest and costs, and after deducting from the amount so collected, the compensation allowed to such collector for collecting said taxes to pay the residue into the treasury of said village. The assessment or tax roll filed with the treasurer as aforesaid, shall in all cases without other or further proof, be full and complete evidence presumptively on the part of the village to entitle it to a judgment for the full amount of tax of the persons, corporations or association respectively, whose names and taxes appear on said roll together with the collector's fees, interest and cost of suit.

§ 46. And in case any such taxes and assessments are not paid and said collector shall return that no personal property can be found by him within said village, out of which to satisfy and collect the same by distress and sale, the said board of trustees may cause such real estate to be sold for the payment and collection of such taxes as aforesaid, together with the expense of sale in the manner and with the effect and subject to the provisions specified in section fifty-two of this act, in relation to the sales of real estate for the nonpayment of assessments in that section mentioned, but no such real estate shall be sold except within one year from the time of filing the tax roll as aforesaid.

§ 47. It shall be the duty of the board of trustees, on completing and filing the tax-roll, as provided by this act to publish in a newspaper printed in said village, if any such there be; if there be none, they shall cause to be put up in the most public place, in each of the wards thereof, a notice in writing, that a copy of said tax-roll is left with the treasurer of the village, into whose hands all taxes mentioned in said tax-roll may be paid during the next fifteen days succeeding the first publication or posting of said notice, free of any per cent for collection; that all sums remaining unpaid at the expiration of such time, and are paid to the said treasurer during the next fifteen days thereafter, shall be charged with one per cent, which percentage shall belong to the treasure and taken into account in fixing his salary by the board of trustees, at the expiration of the time last specified; if any part of said roll remains unpaid, the said board of trustees shall place the original roll made by the assessors in the hands of the collector, to be collected as herein provided.

Village to
constitute a
highway
district.

§ 48. The said village shall be exempt from the superintendence and control of the commissioners of highways of the town of Watervliet, and the trustees of said village shall be commissioners of highways therein, and shall possess all the powers and be charged with all the duties of commissioners of highways in towns except as herein provided; and it shall be their duty,

1st. To give directions for the laying out, making, repairing and preserving of such highways, streets, alleys, lanes, public squares or grounds, side and cross walks, drains and sewers, and cause them to be repaired and cleansed from time to time, as may be necessary;

2. To regulate streets, roads, lanes, alleys, already laid out or which shall be hereafter laid out, and alter such of them as they shall deem inconvenient, subject to the restrictions herein contained, and to regulate the planting of ornamental trees in said streets and preserving the same and to plant and preserve ornamental trees in public grounds in said village.

Laying out
of streets,
highways,
and repair of
same

§ 49. It shall be the duty of the board of trustees to determine, as early as practicable after the annual election, the sum necessary to be raised for the ensuing year to defray the ordinary expenses of making, repairing and laying out of roads, alleys, highways, sewers and bridges in said village, not chargeable by assessments upon adjoining lots or grounds or individuals specially benefitted or upon particular wards, according to the provisions of this act; and such sum so determined upon shall be paid, raised and collected in money, instead of work on the highways, streets, alleys, &c. and the same shall be voted and assessed by the assessors of said village upon the persons and property and become a lien and be collected in the same manner as taxes become a lien are by this act directed to be assessed and collected, and paid to the treasurer of the village: Provided, however, that in the highway assessment roll to be made under this section all persons who would be liable by law to be assessed to work on highways, if they resided in any town in this state, shall be enumerated and may be taxed by the board of trustees a sum not exceeding sixty-two and one half cents as a poll-tax forming a part of the amount directed to be raised as herein before specified. The assessment provided for by this section shall, when practicable, be designated and made out in the same assessment mentioned in section forty-one of this act, but in a part separate from the other assessments and in like manner be filed, become a lien on real estate and notice thereof given and collected by levy, and sale of personal

property or a sale of real estate assessed as provided in section fifty-two. It shall be the duty of the street commissioner during the month of March in each year to deliver to the clerk of the village a list of persons in said village whose names are not on the last assessment roll and are liable by this section to a poll-tax, and every person upon whom said poll-tax shall be imposed who shall refuse to pay the same shall forfeit the sum of seventy-five cents as a penalty or fine, and the same may be enforced by the street commissioner in the manner provided in relation to fines and forfeitures incurred in relation to poll and highway taxes in towns.

§ 50. It shall be the duty of the street commissioner to ^{Duties of street commissioner.} superintend, subject to the control of the board of trustees, the making of all public improvements ordered by the said board, and to make contracts for the work and material which may be necessary for the same, to keep accurate accounts of all moneys expended by him in the performance of any work, together with the cause of such expenditure and to render an account of the same to the said board of trustees, as they from time to time shall direct, said account of said street superintendant to be verified and subject in all respects to the provisions of sections thirty-two, thirty-three and thirty-four of this act, but no contract or agreement made by such commissioner shall be binding upon said corporation until the same is ratified by a vote of the trustees.

§ 51. Whenever the trustees of said village shall deem it ^{Sidewalks and gutters} necessary to make or repair any side walk or gutters adjoining said side-walk or street, public square, alley, or highway in said village, or that the same be leveled, raised, graveled, stoned, paved, or flagged, they shall give public notice in one of the newspapers printed in said village, once in each week for three weeks successively, requiring the owners of the land, lot or parts of lots in front of or adjoining which such side-walk gutter street, public square alley or highway are required to be made, or repaired, or leveled, or raised, or graveled, or stoned, or paved, or flagged, as the case may be, to do the same in such a manner and with such materials as said board of trustees shall direct within six weeks from the first publication of said notice to be made under the supervision of the street commissioner, or that the same will be done by said trustees and the expense thereof charged upon said land or lots respectively, and a tax against the owner, and if the owners of said land or lots neglect or refuse to make the improvement herein before specified and required within the time limited therefor, the said trustees shall be authorized to do the same and shall assess the ex-

penses thereof upon the said land or lots respectively, on front of or adjoining to such improvement, and in case there shall be more than one owner of the land, lot or lots upon which said assessment shall be made according to the provisions of this section, the said trustees shall direct one or more of the assessors of said village to apportion said expenses upon lands, lot or lots, of the several owners in a just and equitable manner, and upon filing the certificate of apportionments of said assessor or assessors with the clerk, the sums mentioned and apportioned to or upon said land, lot or lots respectively, shall become a lien thereon accordingly, and a tax against the respective owners thereof, and if not paid within such times as said trustees may designate, they shall have power to sell said land, lot or lots respectively, for the sums assessed and apportioned thereto as aforesaid, which shall remain unpaid together with interest, costs of apportionment, and expenses of sale, according to the provisions of section fifty-two of this act, or the same may be collected of the respective owners of said land, lot or lots, by distress and sale of the goods and chattles of the delinquents, a by suit in the corporate name of said village with interest and cost.

Sale of lands
for taxes
and assess-
ments.

§ 52. All taxes or assessments for any property whatever, declared by any part of this act or of the act of incorporation for said village as hereby amended, or by any other law to which reference is therein or herein made, to be a lien on any land, lot or lots, or real estate or the same are directed or authorized to be sold in case of the non-payment of such tax or assessment the premises may be sold accordingly, before any such sale, an order shall be made by the board of trustees which shall be entered on the records of said village, directing the clerk of said village to sell, describing the premises to be sold in such manner that the same may be identified with reasonable certainty, and the assessment or tax for which the sale is to be made, and the said clerk shall thereupon advertise the premises to be sold in the manner, and for the time required in the case of sales of real estate upon executions, and the sale to be conducted in the same manner, the same may be stopped at any time before sale by any person paying the amount for which the same was directed to be sold, interest and expenses of advertising, all sales in such cases shall be made for the shortest period for which any person will take the premises and pay the amount charged thereon with interest and costs, certificates of such sales shall be made and subscribed by the clerk and filed in his office, which shall contain a description of the property

as herein before provided by this section, and the time for which it was sold, the amount including the interest and costs for which the same was sold, and the time in which the right of redemption will expire. The right of redemption in all cases of sales of real estate under and by virtue of the charter as hereby amended, shall be the same to the owner and his creditors, as is allowed by law in case of sales of real estate by virtue of an execution. The money in case of redemption may be paid to the purchaser or for him to the treasurer of the village; in case of no redemption, or in case of redemption by the creditor or creditors, the board of trustees shall when requested make to the purchaser or his legal representatives, or other person entitled thereto, a declaration in writing, signed by the president and attested by the clerk containing a description of the premises in the manner herein before in this section mentioned, the part of the tax or assessment, advertizement and sale, and the period for which the said premises were sold, which declaration in writing shall be evidence of a right to the use and occupancy of the premises for the said period to be computed from the expiration of fifteen months from the day of sale. All buildings and other fixtures put upon the premises in the exercise of such right of occupancy may be removed from and off of said premises at or before the expiration thereof.

§ 53. The trustees of said village shall possess the power by resolution to be entered in their minutes to direct and order any lot part of a lot or parcel of land in said village lying above or below any common level or pitch (determined upon by said trustees) to be dug down and levelled or filled in and levelled so as to conform the same to the pitch, level, or elevation which said board of trustees had determined and they shall give like notice and proceed in like manner in carrying into effect said resolution and the assessment and collection of the expenses incurred thereby as provided in section fifty-one of this act in relation to side walks and so forth, except however that such assessment when made shall be and become a lien upon the lot, part of a lot and parcel of land benefitted by such improvement.

Grading and
leveling
streets.

§ 54. The trustees of said village shall also possess the power by resolution to be entered in their minutes to direct and order the construction of all public sewers aqueducts and reservoirs for water, wells, cisterns and pumps and for the safe keeping and repair of the same or any part thereof, and for the building and repairing of cross-walks and bridges and the expenses thereof may be, assessed and collected from the taxable property in the ward within which such

Sewers and
aqueducts.

improvement shall have been made in the same manner as other taxes are directed to be assessed and collected by virtue of this act, provided however that in rating and assessing the cost and expenses of making and keeping in repair the public sewers and bridges in this section mentioned the same shall be rated and assessed as aforesaid on or among the owners or occupants of the real estate and personal property, incorporated companies and associations in said village in a just and equitable manner as nearly as may be in proportion to the advantage which each shall be deemed to acquire thereby, provided also that in case said village, shall after the first day of January 1850 become liable to or pay the expenses and costs connected therewith or any portion thereof of any public sewer, drain or water course heretofore constructed that said expenses and costs may be assessed and collected in the same manner provided in relation to public sewers mentioned in this section.

Opening and
widening
streets.

§ 55. Whenever any new street shall be laid out and opened or worked, or an old one widened or altered in its course by order of said trustees, it shall be their duty to determine what portion, if any, of the expense thereof ought to be paid from the public treasury and the same may be so paid in accordance with the provisions of this act, and the balance collected by assessment as herein before provided.

§ 56. The board of trustees, for the purpose of guarding against the calamities of fire, shall have power to regulate the construction of chimneys so as to admit chimney sweeps, and to compel the sweeping of chimneys, and to prevent dangerous construction and condition of chimneys, fire-places, hearths, stoves and stove-pipes, ovens, boilers and apparatus used in any buildings and to cause the same to be removed or placed in a safe condition when considered dangerous, and to enter or cause others to enter houses and other buildings for such purposes at all proper times, to prevent the deposit of ashes in unsafe places, to require the inhabitants of said village to provide fire buckets, and in such manner and times as they shall prescribe and regulate the use of them in times of fires; to authorize the president, trustees or other officers of said village, to keep away from the vicinity of any fire all idle or suspicious persons, and to compel all persons to aid in the extinguishment of fires and the preservation of property exposed to danger thereat, and generally to establish such regulations for the prevention or extinguishment of fires as the board of trustees may deem expedient.

Firemen and
fire apparatus.

§ 57. The board of trustees shall procure fire-engines and other apparatus used in the extinguishment of fires and have

the charge and control of the same, and to provide fit and secure engine-houses and other places for keeping and preserving the same, and shall have power to organise fire, hook, hose, ladder, axe, bucket, and bag companies, and to appoint a suitable and competent number of able and respectable inhabitants of said village firemen, to take the care and management of the engines and other apparatus and implements used or provided for the extinguishment of fire, to prescribe the duties of fireman, and to make rules and regulations for their government, and to impose such reasonable fines and forfeitures upon said fireman, for a violation of the same, as the said board of board of trustees may deem proper, and for incapacity, neglect of duty, or gross misconduct, to remove and disband them, and appoint others in their place:

§ 58. The fireman appointed by virtue of this act or the act hereby amended, shall, during the term of their service as such, be exempt from serving on juries and the militia, except in cases of war, invasion, or insurrection, and also from a poll tax. The name of each person appointed a fireman shall be registered with the clerk of said village, and such record shall be evidence to entitle such fireman to the exemption as provided in this section shall be the certificate of said clerk made within one year in which the exemption is claimed.

Firemen exempt from jury and military duty

§ 59. Every fireman who now or hereafter shall have faithfully served as such in the village of West Troy, for the term of ten years, shall thereafter be exempt from serving in the militia, except in cases of war, invasion, or insurrection, and the evidence to entitle such person to the exemption as provided in this section shall be a certificate signed by the president and attested by the clerk.

§ 60. The board of trustees shall and are hereby authorized to appoint annually three commissioners as a board of health for said village; said board of health shall designate one of their number as presiding officer thereof, and the clerk of the village shall be the clerk of said board and keep minutes of the proceedings thereof; the said board of trustees shall also, when they deem it necessary, appoint one or more health physicians who shall hold his office at the pleasure of said trustees, but not beyond the then next annual election, unless reappointed, and whose duty it shall be to visit every sick person who may be reported to the board of health as hereinafter provided, and to report his opinion of the nature of the sickness of said person to the clerk of the board of health with all convenient speed. It shall be the duty of the said physician also, at the request of the presiding officer of said board of health, to visit and inspect all boats running to

Board of health.

or being at the wharves, docks, landing places or shores in said village, which are suspected of having on board any person sick with any pestilential or infectious disease, and report the same as aforesaid to said clerk.

Boats may
be examined
and removed

§ 61. In case any boat shall be at or near any of the wharves, shores or landing places in said village; and the said board of health shall believe that such boat is dangerous to the inhabitants of the said village in consequence of any person or persons on said boat bringing and spreading any such disease as aforesaid, or having just and reasonable cause to suspect and believe that if the said boat is suffered to remain at or near the said wharves, shores or landing places, it will be the cause of spreading among the inhabitants of said village any pestilence or infectious disease, it shall and may be lawful for said board of health, by an order in writing, signed by the president of said board of health for the time being, to order such boat to any distance beyond the bounds of said village, not exceeding three miles, within one hour after the delivery of such order to the owner, master, captain or consignee of said boats, to whom such order shall be delivered, and in case such person shall neglect or refuse to comply therewith, the said president of said board of health may enforce such removal, and said master, owner, captain or consignee of said boat shall be considered guilty of a misdemeanor, and on conviction shall be fined a sum not exceeding fifty dollars, and may be imprisoned till such fine be paid or remitted in the jail of the county of Albany, by any court having cognizances thereof.

Penalty for
bringing into
village per-
sons having
infectious
diseases.

§ 62. The master, owner, captain or consignee of any boat or float, and every other person who shall be instrumental in landing or bringing within the limits of said village or near thereto, and there leaving them, any person or persons laboring under any infectious or pestilential disease, shall be deemed guilty of a misdemeanor and punished to the extent and manner provided in the last preceding section.

Physicians
to report to
board of
health.

§ 63. Every practicing physician in said village who shall have a patient laboring under any infectious or pestilential disease, shall forthwith make report thereof in writing to the clerk of said board of health, and for neglect so to do shall be considered guilty of a misdemeanor and liable to a fine of ten dollars, to be sued for and recovered in any court having cognizances thereof, with cost, for the use of the village.

Board of
health may
revive act of
June 22,
1832, relat-
ing to public
health.

§ 64. Whenever the board of trustees of said village by a vote of two-thirds of the whole number elected therein shall determine that it is necessary and expedient, they shall have power to revive, renew, and continue in force for a period of

not exceeding six months in any one year, within and for said village, the act entitled "an act for the preservation of the public health," passed the twenty-second day of June, one thousand eight hundred and thirty-two, so far as the same is applicable to said village alone.

§ 65. It shall be the duty of the pound master to detain Duties of pound master. all animals which he shall find going at large in such village, in violation of the by-laws thereof, and all persons may detain such animals and drive them to the pound of said village, and when they shall be detained by him or by others and driven to such pound, he shall keep therein in his custody until they shall be disposed of according to law.

§ 66. Within twenty-four hours after any such animals Notice to be given to president of village. shall come into his custody, the pound master shall give notice thereof to the president of the village, or if he be absent to one of the trustees, and also to the owner of such animals, if he shall be known, and be a resident of said village, and if such owner shall not be known, so that notice can be given to him within the time aforesaid, such notice shall be given to him within twenty-four hours after he shall become known, if he shall be a resident of said village.

§ 67. Within twenty-four hours after any such animals Notice of sale of animals. shall come into his custody, the pound master shall, if they be not reclaimed by their owner, give notice of the sale thereof, by pasting the same in at least one of the most public places in each ward of said village; such sale shall not take place in less than six days from the pasting of the notice thereof.

§ 68. If the value of such animals exceed ten dollars, Notice when animals exceed two dollars in value. notice of the sale thereof shall be published once in each week for two successive weeks in a newspaper printed in said village; if the value of said animal exceed twenty-five dollars, such notice shall be published as aforesaid once in each week for four successive weeks, and in either case if the residence of the owner be known and be within ten miles of said village, such notice shall be served on him personally or by leaving it at his residence at least ten days before the sale, but if his residence be known and be more than ten miles from such village, such notice shall be put into the post office nearest thereto within two days after its first publication.

§ 69. One of the trustees shall attend every such sale and Sale how conducted. may direct the manner of conducting the same and shall see that the same is fairly conducted, and he may in his discretion direct it to be postponed, of which notice shall be given as in case of the postponement of the sale of personal property by a sheriff.

Owner may
reclaim ani-
mals on pay-
ing charges.

§ 70. At any time before such animals shall be sold, the owner shall be entitled to them on paying the pound master his fees and a reasonable compensation for feeding them and on paying to the treasurer the penalty incurred by their going at large in said village, and on satisfying the treasurer of his ownership, and they may in their discretion remit such penalty either before or after the sale, if they shall be satisfied by affidavit, to be filed with the clerk, that such going at large of such animals was without any fault on the part of their owner or any of his agents.

Expenses of
sale and fees
pound mas-
ter.

§ 71. When any such animals shall be sold as aforesaid, the pound master shall be entitled to receive out of the money arising from such sale his fees for his services in respect to them, and a reasonable compensation for feeding them, to be audited and allowed as hereinafter provided; and he shall within forty-eight hours after such sale pay the balance to the treasure, after having paid the printers fees for publishing notices if any shall have been published.

Owner's
claim for bal-
ance of
money.

§ 72. If the owner of any animals so sold shall within one year from the time of so paying to the treasurer the balance of the money arising from their sale, present to the trustees a claim for such balance, accompanied with an affidavit that such claim is well founded, and showing the grounds thereof, they shall, if satisfied of the justice of such claim, allow the same, and draw their warrant for its payment; but the penalty incurred by such animals going at large in such village shall be deducted from such balance, and the remainder only shall be allowed and paid to such claimant, unless such penalty shall be remitted as provided in the seventieth section of this act. Such claim shall be audited, and if allowed a warrant shall be drawn therefor and paid, and such claim and the affidavit of the claim, and certificate of auditing and allowing the same, and such warrant shall be filed in the manner provided in respect to accounts against said village presented to the trustees.

Balance not
claimed how
applied.

§ 73. If such balance or any part thereof shall not be claimed by the person entitled thereto within one year, the electors of said village at any village meeting regularly convened, may direct it to be applied to any purpose for which money may be raised by tax therein.

Fees of
pound mas-
ter.

§ 74. The pound master shall be entitled to the same fees for receiving and discharging animals, including those restrained by himself as are allowed to pound masters in towns for similar services; the same fee for making personal service on owners of animals are allowed to constables for serving a summons issued by the justice of the peace; the

printers fees for publishing notices at the rate chargeable for legal advertisements, and a reasonable compensation for feeding such animals, and he shall receive no other fees or compensation for his services in any case.

§ 75. The pound master shall annually render to the trustees, or oftener if required by them, a detailed account of all the monies received by him as such, and the same shall be audited by them and adjusted according to the provisions of the last preceding section; and the same rules shall apply to said account, except as herein otherwise provided, as are made applicable to the accounts against said village presented to the trustees. Pound master to render account annually.

§ 76. The police constables of said village shall have the same powers and rights, and be charged with the same duties and responsibilities as constables elected in towns. Police constables.

§ 77. The said trustees may grant licences for selling strong and spirituous liquor in quantities less than five gallons, and for keeping inns and taverns in said village, in the same manner as the commissioners of excise of the town of Watervliet are or shall be empowered by law to do, and the powers and duties by law vested in the commissioners of excise of said town shall be and are hereby transferred to and vested in the trustees of said village, so far as the same shall extend to said village, and all laws hereafter passed in reference to the granting of said licences, shall apply to said trustees in the same manner and to the like extent as the same shall be applicable to towns and town commissioners of excise, and the said powers and duties shall be exercised by said trustees in the manner provided for such commissioners, except that the bond taken of such persons duly licenced, instead of being executed to the people of the state, shall be executed to said corporation, and the sum to be paid by those receiving a licence shall be of such amount as the said trustees by resolution shall determine upon an adopt the excise duties to be taken by the trustees, pursuant to this section shall be paid by them to the excise officers of the town of Watervliet to be applied as other excise monies of said town. Licenses to sell spirituous liquor.

§ 78. The act entitled "an act to incorporate the village of West Troy, and for other purposes," passed April 30, 1836, except sections one, two, twenty-seven, twenty-eight, and twenty-nine of the same is hereby repealed, but the repeal of said act shall not affect any act done or right accrued or established, or any proceeding, suit or prosecution had or commenced previous to the time when such repeal shall take effect, but every such act, right or proceeding shall remain as valid and effectual as if said act had remained in force and Repeal.

shall be conducted or proscribed to completion or a final determination under and according to said act, unless the same can consistently be completed under and by virtue of this act, and the trustees shall so determine, and all the officers elected or appointed under and by virtue of said act hereby repealed, and shall continue in office until the first Monday after the next general election in said village provided for by this act.

§ 79. This act shall take effect immediately, and the legislature may at any time hereafter, alter, modify or repeal the same.

Chap. 231.

AN ACT to grant the use of a pier, in the Cayuga lake, to the Cayuga and Susquehanna Railroad Company.

Passed April 9, 1850.

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

Use of pier
granted.

§ 1. The exclusive use of the pier erected in Cayuga lake under and in pursuance of an act entitled "An act to improve the inlet of the Cayuga lake," passed May second, one thousand eight hundred and thirty-five, is hereby granted to the Cayuga and Susquehanna Railroad Company, during the existence of its charter, for the purpose of depositing, storing and transshipping property transported or to be transported on said road, and as a depot for passengers, on condition that the said company shall at all times, while it shall so use the said pier, keep the same in good condition and repair, and do no act to impair its usefulness, in respect to the navigation of the said inlet.

P oviso.

Company
erect build-
ings.

§ 2. For the purpose aforesaid, the said company may erect and maintain any buildings or fixtures upon the said pier, and may extend the same further into the lake and make additions thereto, with the consent and under the direction and control of the canal commissioners.

§ 3. This act shall take effect immediately.