

L A W S
OF THE
STATE OF NEW YORK

PASSED AT THE
NINETY-FIRST SESSION

OF THE
LEGISLATURE,

BEGUN JANUARY SEVENTH, AND ENDED MAY SIXTH, 1868,
IN THE CITY OF ALBANY.

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realized from said tax hereby authorized; and the moneys so invested shall be applied to pay the appropriations under this act; and so much of the money arising from the said tax as may be necessary, when paid into the treasury, is hereby pledged, and shall be applied in the first instance, to reimburse the said sinking funds for the amount invested in said tax, and for the interest on the same, at a rate not exceeding five per cent per annum, from the time of investment to the day of payment.

Reimbursement thereof.

§ 6. This act shall take effect immediately.

Chap. 716.

AN ACT to provide a supply of water in the city of Buffalo.

Passed May 7, 1868; three-fifths being present.

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

SECTION 1. The Common Council of the city of Buffalo are hereby authorized and empowered, to cause the bonds of said city to be issued to an amount not exceeding one million five hundred thousand dollars, payable in not less than ten or more than twenty years, for the purpose of purchasing the lands, fixtures, franchises and property of every description of the Buffalo Water Works Company, and enlarging and extending the works of said company, or for the purpose of constructing new water works in said city, in order to supply said city and the inhabitants thereof with water for domestic and manufacturing purposes, and the extinguishment of fires; such bonds shall bear interest at the rate of seven per centum per annum, and shall be issued with interest coupons attached. But nothing herein contained shall be construed to authorize the purchase of the said property of the Buffalo Water Works Company, upon terms and conditions less favorable to the city than those contained in the original act of incorporation of said company. Nor shall any debt or liability on the part of said city be created under or by virtue of

Common council may issue city bonds to amount of \$1,500,000.

To be expended in purchase of water works and enlarging same, or constructing new water works.

Rate of interest on bonds.

Debt against city to be

this section, unless authorized by a vote of at least two-thirds of all the members of the Common Council of said city.

§ 2. A Board of Commissioners to be denominated, the Board of Water Commissioners of the city of Buffalo, is hereby created. Such board shall consist of three commissioners, of whom the Mayor of the city of Buffalo, *ex-officio*, shall be one, and president thereof; and the Common Council of the city of Buffalo shall, by ballot, elect the remaining two commissioners. Such commissioners so elected shall be resident freeholders of the city of Buffalo, and in their election each alderman shall vote for but one person, and the two persons receiving the highest number of votes shall be declared elected, and shall hold their office for six years from the time of said election, and until their successors shall be elected and qualified. Said board, as such, shall have sole and exclusive management and control of any water works of which said city may by virtue of this act hereafter become the owner, except so far as the management and control thereof is by the terms of this act, conferred upon the common council of said city. Whenever said city shall by virtue of this act become the owner of water works, the said board shall have power and authority to appoint a superintendent of the same, and such clerks as may from time to time be necessary. Such superintendent and clerks shall be entitled to receive for their services such compensation as the common council shall fix, but the salary of such superintendent shall not be less than fifteen hundred dollars per annum. Such superintendent and clerks shall hold their offices during the pleasure of the said board, and prior to entering upon the discharge of their official duties, shall execute, respectively, their bonds to the city of Buffalo, in such sums as said board shall direct, and with such sureties as said board shall approve, for the faithful performance of their official duties.

§ 3. Whenever the common council of said city shall determine upon the construction of new water works, or in case of the purchase of those of the Buffalo Water Works Company by said city, whenever the said common council shall determine upon the enlargement or

created by vote of two-thirds of common council.

Board of water commissioners.

Mayor of Buffalo to be *ex-officio* a commissioner. Common council to elect two commissioners.

Commissioners to have control of city water works.

When superintendent and clerks may be appointed.

Compensation.

Official bonds.

Common council may take and appropriate lands for purposes of act.

extension of the same, said common council may take and appropriate any land which in its opinion may be necessary for the purposes of this act, but before such proceedings shall be had as by title eight of the revised charter of said city are provided to be taken before any street, highway or public ground shall be laid out by said common council, and whenever such proceedings shall have been had, the said city shall become seized in fee of the land so taken and appropriated. But nothing herein contained shall be construed to prevent such common council from purchasing such land or any part, at such price as they may agree upon with the owner or owners thereof.

Proceedings thereon.

Common council may agree with owners for purchase of lands.

Proceedings by common council in case of constructing new water works.

Plans and specifications. Notice inviting proposals.

Proposals; how to be executed.

Canvass of proposals.

§ 4. In case such common council shall determine upon the construction of new water works in said city, such common council shall fix and determine upon the plan and specifications for the construction of such works, and thereupon it shall become the duty of the said board of water commissioners to give public notice in one or more newspapers published in said city, or elsewhere, of the work required to be done in such construction, and the specifications of the same; and inviting proposals to be made at a time and place therein to be mentioned, for the performance of such work or any part of the same, or for the furnishing of the materials therefor or any part of the same. No proposals for the doing of such work or any part thereof, or for furnishing such materials or any part thereof, shall be considered by said board unless the same shall be submitted to them under seal, nor unless the same shall be accompanied by the signatures of such sureties as the maker of such proposal shall offer for the faithful performance of any contract which he shall make with said board for doing such work or furnishing such material; and no more than one proposal shall be received from the same party for the same purpose. At the time and place mentioned in such notice the said board shall assemble and open such proposals, and determine whether any, and if so which, of such proposals they will accept; or they may cause a new notice to be published, as aforesaid, or thereafter obtain proposals for such work in such manner as they may deem expedient. And such

board shall thereupon be authorized to enter into contracts upon such terms and conditions as they may deem best for the performance of such work or any part thereof, or the furnishing of such material or any part thereof; but no contract shall be made by them with any person, for the performance of work or the supply of material, unless such person shall give satisfactory security to said board for the faithful performance of such contract according to the terms thereof.

Contracts to be executed.

Contractors to furnish security.

§ 5. The common council of said city, out of the proceeds of the sale of the bonds provided to be issued by section one of this act, shall pay all of the expenses incurred by said city in the purchase of said property of the Buffalo Water Works Company, or in the building, repair or enlargement of water works pursuant to the provisions of this act, and all other necessary expenses of procuring a supply of water for said city.

Common council to pay expenses incurred by city under this act.

§ 6. The common council shall have power to establish rates to be paid for the supply of water to the inhabitants of said city. The said rates shall be fixed so, that as far as practicable, the rates to be paid for the supply of water shall be uniform and in proportion to the amount of water consumed, and for that purpose may require the use of meters for the measurement of the water consumed.

Water rates to be established.

Use of water meters.

§ 7. The revenues received by said city from its inhabitants for water so supplied shall be applied to the payment of the necessary current expenses of maintaining and carrying on said water works and managing the same; and whatever shall remain of such revenues, after the payment of such expenses, shall form and constitute a sinking fund for the payment of the debt so incurred by reason of the purchase, building, enlargement, or repair of said work; and the common council may pay the said debt before the same becomes due whenever such sinking fund shall be sufficient for the purpose. The expense of extending and putting down pipes or mains, and of furnishing or constructing hydrants in connection with pipes so put, extended or put down, shall be borne and defrayed by local assessments therefor, on the property deemed benefited thereby, and not otherwise.

Revenue from water rates; how applied.

Expense of extending pipes, and for hydrants; how borne.

Water rates to be reduced after payment of debt.

§ 8. After the payment of said debt, the common council of said city shall reduce the rate for the supply of water to the inhabitants of said city, so that the revenue to be derived therefrom shall not be more than sufficient to pay the current expenses of maintaining and carrying on said water works, and managing the same.

Ordinances for protection of water works, waste of water, etc.

§ 9. The common council of said city are hereby authorized and empowered to enact such ordinances as they may deem necessary for the protection of said water works machinery, apparatus, fixtures, and other property from destruction or injury, and to prevent the waste or pollution of the water to be supplied by said works.

Water commissioners to certify accounts before presentation to common council.

§ 10. The said board of commissioners shall certify to the correctness of all accounts, claims, or demands for the construction, extension, enlargement, or repair of said water works, or for the management thereof before the same shall be presented to the common council for audit and allowance; and the said board shall, on the first day of July in each year, and whenever the common council shall require, make report to the said common council of the moneys expended in such construction, enlargement, extension, or repair of said water works, and the amount of work done and material furnished.

To make annual report of expenditures, etc.

Common council may change plan for construction of water works.

§ 11. The common council shall have power to change the plan which may have been adopted by them, for the construction, enlargement, extension or repair of said water works, and adopt a different one instead; but no such change shall make said city liable to any contractor for damages on account of work to be performed or material to be furnished.

Compensation of commissioners.

§ 12. The common council of said city shall have power to fix and pay the compensation of said commissioners, which compensation shall not exceed five dollars for each day's service necessarily rendered, to be certified by said board and paid quarterly.

City to acquire title to property of Buffalo Water Works Company.

§ 13. The said city of Buffalo, before proceeding to the construction of new works or to the extension and enlargement of the present works, as contemplated by this act, shall acquire title to the property and franchises of the Buffalo Water Works Company under and by virtue of the provisions of the act incorporating

the said company, and of the act or acts amending the same; or it shall acquire title thereto by the payment of such sum as three commissioners, after hearing the proofs and allegations of the said company and the said city respectively, shall determine to be the fair value of said property and franchises; which said commissioners shall not be residents nor taxpayers within the county of Erie, nor shall they be in anywise interested in the stock or bonds of the said company; and they shall be appointed by the supreme court of the State of New York, at some general term thereof, to be held in and for the eighth judicial district, upon a notice of at least ten days, to be personally served upon the president, treasurer or secretary of the said company; or the said city shall acquire such title by negotiation and purchase in such other manner and upon such other terms and conditions as may be agreed upon by the parties.

Commissioners may determine value of property and franchises of said company.

Commissioners to be appointed by supreme court on notice. Notice; how served. How city may acquire title.

§14. This act shall take effect immediately.

Chap. 717.

AN ACT making appropriations for certain expenses of Government, and for supplying deficiencies in former appropriations.

Passed May 8, 1868; three-fifths being present.

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

SECTION 1. The Treasurer shall pay, from the several funds specified, to the persons indicated in this act, the amounts named, or such parts of those amounts as shall be sufficient to accomplish in full the purpose designed by the appropriations; but no warrant shall be issued except in case of salaries or extra compensation for official services, till the amounts claimed shall have been audited and allowed by the Comptroller, who is hereby authorized to determine the same. The persons demanding payment shall present to him a detailed statement in items, verified by affidavit; and if such account shall be for services, it must show when, where, and under what authority they were rendered; if for expenditures,

Duty of treasurer.

Comptroller to audit certain claims.

Vouchers to be presented.