

L A W S

OF THE

S T A T E O F N E W Y O R K .

P A S S E D A T T H E

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

B E G U N J A N U A R Y S E C O N D A N D E N D E D M A Y F O U R T H , 1 8 8 3 ,
I N T H E C I T Y O F A L B A N Y .



A L B A N Y :

W E E D , P A R S O N S A N D C O M P A N Y , P R I N T E R S .

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CHAP. 428.

AN ACT to enable the commissioners of public charities and corrections of the city of New York to purchase land outside of the county of New York for the purpose of furnishing additional facilities for the care and maintenance of the inmates of the institutions under the control of said commissioners, and to regulate the control thereof.

PASSED May 17, 1888; three-fifths being present.

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

Expenditure of \$25,000 authorized in the purchase of lands.

SECTION 1. The commissioners of public charities and corrections of the city of New York are hereby authorized and empowered to expend the sum of twenty-five thousand dollars, heretofore appropriated for that purpose by the board of estimate and apportionment of said city, and such further sums as may from time to time be appropriated by the said board for the same purpose, in the purchase of and taking title, in the name of the mayor, aldermen and commonalty of the city of New York, to such land or lands situated outside the county of New York as may in the opinion of such commissioners be suitable for the purpose of providing additional and improved facilities for the care and maintenance of such inmates of the institutions under the control of said commissioners as are now or may hereafter be committed to their charge.

How lands to be held.

§ 2. Such land or lands when so purchased shall be deemed to be and shall be under the control of the said commissioners of public charities and corrections, and may be improved and used by them for the purpose aforesaid. All laws applicable to the powers and jurisdiction and control of the said commissioners of public charities and corrections which are applicable to the other premises, buildings and institutions under their charge shall be deemed to apply to said land or lands, and to all buildings and erections which may for said purpose be placed and maintained by said commissioners thereon.

§ 3. This act shall take effect immediately.

CHAP. 429.

AN ACT to provide for a larger, purer and permanent supply of water for the city of Cohoes, and to amend an act entitled "An act to provide for a supply of water in the village of Cohoes," passed April twelfth, eighteen hundred and fifty-six, and the acts amendatory of the same.

PASSED May 17, 1888; three-fifths being present.

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

Commissioners to take steps to supply city with water

SECTION 1. It shall be the duty of the board of water commissioners of the city of Cohoes, and said board is hereby authorized and directed, immediately upon the passage of this act, to take the necessary steps to supply said city with water from the Mohawk river, to

be taken thereout at a point above the Cohoes company's dam, through a thirty-inch iron pipe, extending from a bulk-head or inlet pier to be constructed by said board at the point aforesaid, along or near the line of the upper level of the said company's canal, to the present pump-house and water-works of said city. That for the purposes aforesaid, said board may employ a competent engineer and enter at once upon any lands or water-ways upon said route for the purpose of making the necessary examinations and surveys for said purposes. And, subject to the provisions of this act, determine the route and location of said pipe, and the dimensions and location of said bulk-head, and have the same laid down and designated on a map to be, under the direction of said board, prepared for that purpose, which map shall show the extent, location and ownership of the lands intended to be taken or used for the purposes aforesaid, a copy of which said map when so prepared shall be filed with the clerk of said city. Said board shall have the power to contract with the owners of any lands, rights or privileges that in the judgment of said board may be necessary for the purposes aforesaid, and in behalf of and in the name of said city, to purchase and take by deed or other instrument under seal, all lands, hereditaments, rights and privileges which may be required for the purposes aforesaid. That the sum of fifty thousand dollars, or so much thereof as may be necessary for that purpose, is hereby appropriated for carrying into effect the above provisions, which amount shall be raised by the sale of the bonds of said city, to be issued in amounts, time and manner as hereinafter provided, but no part of said appropriation shall be used for any other purpose whatsoever.

from Mohawk river.

\$50,000 to be raised on city bonds.

§ 2. In all cases where said water commissioners shall be unable to agree with the persons owning or having an interest in any lands, tenements or hereditaments required for the purposes of this act, the supreme court at any special term thereof, held in the judicial district in which said lands are situated, shall on application of said water commissioners after ten days' notice, personally served on such persons, or where such notice cannot be personally served within the state, or such persons are infants or otherwise incapacitated from receiving personal notice, then by service in such manner as the court may direct, appoint three disinterested citizens of the county in which the lands are situated, who shall be freeholders, as commissioners of assessment to determine the damage sustained by each of such persons, by reason of the taking of his or her lands, tenements or hereditaments for the purposes of this act. Such commissioners shall take oath required by the constitution and shall personally examine each parcel of land or other property to be taken or used and shall estimate and report to the court at any term thereof held in said district the several sums which will be a just compensation to such owners or persons interested respectively for the appropriation to the purposes of this act of any property, rights or privileges that may be so required or for the title or use of any such property. Such commissioners of assessment may examine witnesses upon hearing before them, and all evidence so taken shall accompany their report; ten days' notice of the time and place of presentation of said report shall be given to the parties interested. On the presentation of said report the said court may confirm or amend the same, or appoint new commissioners who shall proceed in like manner as above directed and whose report shall be final, and the court may modify and affirm the same as justice shall require. Said commissioners of assessment shall receive from said water

Proceedings to acquire title to necessary lands.

Compensation of

assessment commissioners.

commissioners the sum of five dollars per day each, for each day employed by them in performing their duties as above stated, together with the amount which said commissioners of assessment shall certify as correct in their report for incidental expenses connected with their work, including the preparation of their report, except when the owners or persons interested in the real estate or right, or property acquired fail to have awarded them more than the amount of compensation offered them or him by said water commissioners before the appointment of commissioners, then the said sums above provided shall be paid by such person or persons; and said water commissioners may pay the same and deduct the amount thereof from the sum awarded by the commissioners of assessment. Whenever any report of commissioners of assessment shall have been confirmed by said supreme court the said water commissioners may deposit as said court may direct, or pay to said owner, or such person or persons as the court may direct, the sum mentioned in the said report in full compensation for the property so required, and thereupon the said city shall become seized in fee of the property so required, and the said commissioners and the said city shall be discharged from all claim by reason of any such appropriation or use.

Use of ground under streets, etc., authorized.

§ 3. The said water commissioners, in behalf of the said city, and all persons acting under their authority, shall have the right to use ground or soil under any street, highway or road, lanes or alleys within the city of Cohoes or the town of Watervliet, for the purpose of introducing water into and through any portion of the city of Cohoes, on condition that they shall cause the said street, highway or road, lanes or alleys to be relaid and restored to its usual state and all damage thereto to be repaired, and shall so regulate the awarding of the contracts that no two contiguous parallel streets are obstructed by contractors at one and the same time, and where the consent of abutting or adjoining owners is requisite, the same shall be first had and obtained or their damages ascertained in the manner prescribed by law.

Commissioners may take up water pipes and lay new ones.

§ 4. It shall be the duty of the water commissioners of the city of Cohoes, and they are hereby authorized immediately after the passage of this act at an expenditure of not more than thirty-five thousand dollars, to take up and move such water pipe or pipes as are now laid in said city in the streets hereinafter mentioned, and to place in the following named streets in said city, iron pipes of the following size and dimensions, together with proper gates, valves, connections and appurtenances, viz.: Twenty-four-inch iron pipe in and through Mohawk street from the present pump on Mohawk street southerly to the junction of Remsen and Mohawk streets at Tivoli Mills. Sixteen-inch iron pipe from the said junction of Remsen and Mohawk streets southerly in and through Mohawk street to the junction of White street in said city. Sixteen-inch iron pipe from the said junction of Remsen and Mohawk streets in and through Remsen street to White street. Twelve-inch iron pipe through White street from Mohawk to Main to Columbia street. Together with all connections, bends, elbows and materials, supplies necessary and proper in so laying down and placing said iron pipes in said streets and places and shall make all necessary connections between old and new pipe, as shall completely connect the old and new systems and shall restore all service connections that are severed from old pipes removed, to the new pipes which are substituted.

Dimensions of pipe and route.

Pumping facilities.

§ 5. It shall also be the duty of said commissioners, immediately after the passage of this act, to build, furnish or put, or cause to be

put into the said pump-house of said city extra and greater pumping facilities than now exist, by either repairing the old pump, or by putting a new pump or pumps, steam or otherwise, therein, and to prepare the pump-house for their reception and use, and connect the thirty inch pipe from the dam with said pump works or pumps so as to raise to the reservoir the water flowing through said pipe at an expenditure not exceeding twenty thousand dollars; to put down or place, or cause to be put down or placed, at such points or places as said commissioners may deem proper, not to exceed fifty new fire plugs or hydrants, with all necessary pipes, connections and appurtenances, at an expenditure not exceeding five thousand dollars, and the water commissioners shall have power and it shall be their duty to place water meters upon all main pipes leading to all mills and mill buildings and other large consumers of water, and that the same shall be of such pattern and so attached as not to impede the full flow or head of water, or obstruct the flow if wanted for fire service, the expense of the same to be paid by the water commissioners, the said meters to be the property of the city of Cohoes, at an expenditure of five thousand dollars, and this fund to be kept and expended for water meter service only, and for no other purpose whatever.

§ 6. The said water commissioners are hereby authorized to arrange by contract with the Cohoes company for such greater quantity of water as may be required under the provisions of this act, at a price not to exceed that paid by other consumers of water.

May contract with Cohoes company for greater quantity.

§ 7. The work and materials required under the provisions of this act, including the work of taking up old pipe, shall be let by contract or contracts, and after said water commissioners shall have given reasonable notice in a newspaper printed in the city of Cohoes, calling for sealed bids for the performance of said work and the furnishing of said materials, either for the entire work or materials, or by a division of the same, or division of each part, no bid to be considered unless accompanied by a bond with two sureties in double the amount of the contract, or by a cash deposit equal to ten per cent of the contract, that the said contractor will enter into contract at the price of his bid, all bids to be opened at a public meeting of said board duly advertised, and all contracts shall be let to the lowest responsible bidder or bidders, upon his or their executing to the city of Cohoes a good and sufficient bond or bonds with sufficient sureties, to be approved by said water commissioners, for the faithful performance of said work and furnishing said materials, and for the payment of all labor and materials, according to the plans and specifications prepared for the same by said water commissioners. The water commissioners are hereby authorized and directed to let said contract or contracts for the entire work and materials, or for parts of the same, and divide the same into such contract or contracts as they may deem advisable, and to call for and receive separate and distinct bids on such division.

Work to be done and materials furnished by contract.

Not more than one proposition shall be received from any one person or corporation for the same contract, nor shall any person or corporation be interested in more than one bid for the same work or materials, nor shall any contract be assigned without the consent of said water commissioners, and if so assigned, said commissioners can reject and refuse to entertain the same or enter into contract with such assignee, and all contracts for laying all water pipes under the provisions of this act shall be awarded on or before July first, eighteen hundred and eighty-three, and all contracts shall be so let that no contractor shall have more than sixty days to complete their contracts after entering

Only one proposal to be received from same person.

upon any streets, and all contractors must enter upon their work under their contracts within thirty days after being so awarded.

Members of council, commissioners and other officers not to be interested in furnishing materials, etc.

§ 8. It shall be a misdemeanor, punishable by fine or imprisonment, for either of said water commissioners or for any member of the common council, or of any clerk, engineer or superintendent appointed by them, to be in any way or manner interested, directly or indirectly, in furnishing any materials, supplies or labor required under this act, or under any contract under this act, or in any contract which said water commissioners are empowered by this act to make. No member of said board of water commissioners shall receive any compensation for his services, or for any thing pertaining thereto, further than all necessary expenses and disbursements paid by him. It shall be the duty of said water commissioners to superintend the construction of all work under this act.

Bonds to be issued.

Denomination.

Rate of interest.

Negotiation of bonds.

Moneys, how to be applied.

Drafts on chamberlain.

§ 9. The common council of said city are hereby authorized and directed to issue the bonds of said city, from time to time, as the same shall be certified by said board of water commissioners to be required for the use of said board in defraying the necessary expenses and contracts under this act, to an amount not exceeding one hundred and fifteen thousand dollars. Two hundred of said bonds to be for fifty dollars each. Two hundred and fifty of said bonds to be for one hundred dollars each, the same to be coupon bonds, and the balance of the loan to be in bonds of one thousand dollars each, and to be registered bonds, which bonds shall be signed by the mayor, clerk and chamberlain of said city, and countersigned by the president of the water board, shall be payable at some bank in the city of Cohoes, to be therein designated, at not less than twenty years nor more than thirty-five years, at the option of said city, the said city having the right to retire said bonds or any portion of them at any time after twenty years from their respective issue. Said bonds shall bear semi-annual interest at the rate of not over four per centum per annum. After the expiration of twenty years from the issue of the first of said bonds not less than five thousand dollars of such bonds shall be paid in each and every year. Said bonds shall be duly registered in the office of said chamberlain, and as fast as the money shall be required by said water commissioners, they shall be negotiated by the mayor and chamberlain of said city as hereinafter provided, and the moneys received from the sale of said bonds shall be deposited with the chamberlain of said city, who shall keep a separate account thereof, as hereinafter provided, and shall pay therefrom, on the order of said water commissioners, or a majority of them, from time to time such amounts of the expenditures which said water commissioners are empowered by this act to make. The negotiation of such bonds shall be by selling the same by the city chamberlain to the highest bidder at public auction, at not less than par, in lots not exceeding five thousand dollars, giving at least ten days' previous notice of the time and place of sale by publication in a newspaper printed in the city of Cohoes, one in the city of Albany, one in the city of Troy, and elsewhere if the mayor and chamberlain shall deem advisable.

§ 10. The moneys to be raised by virtue of this act shall be applied and expended to and for the purpose specified in this act, and for no other purpose whatever.

§ 11. The said water commissioners shall draw upon the chamberlain of the city of Cohoes for any sum in favor of and to be paid by virtue of this act, to any contractor for any sum due upon his contract, and in favor of and to be paid to any person or corporation for

labor, or for any of the incidental expenses, or other expenses incurred under the provisions of this act; such draft shall be signed by the president of said water commissioners and countersigned by their secretary, and shall specify the object for which they are drawn as near as may be, and it shall be the duty of the chamberlain of the city of Cohoes to pay such drafts in every case where a voucher is delivered to him, and if due under any contract where a copy of the contract has been filed with him, and a duplicate receipt of the contractor for such draft shall be presented therewith, and not otherwise.

§ 12. The board of water commissioners of the city of Cohoes shall establish a scale of annual rents to be charged and paid semi-annually for the supply of water, to be called water-rents, and apportion the same to the different classes of buildings in said city (and also vacant lots that abut on the line of any street where water supply pipes are laid) in reference to their value, dimensions, exposure to fire, ordinary and extraordinary uses of water, in reference to number of families or occupants and quantity consumed, and shall so regulate their expenses that the payment to the sinking fund, the interest on bonds for water loans, including the interest on those issued under this act, the payment of bonds otherwise unprovided for, including those issued under this act, for the use of water to the Cohoes company, for salaries of officers and labor, materials, expense of repairs, for the extension of the works (but not exceeding the sum of one thousand five hundred dollars annually for such extension to be expended any one year, exclusive of those required under this act), new hydrants, gates or other additions and improvements, shall not exceed in any year the resources derived from water rent, and they shall so regulate, scale and determine their water rates and rents so the same shall be sufficient to meet the payment of the sinking fund, the interest on bonds for water, including those issued under this act, the payment of bonds otherwise unprovided for, including the sum of not less than five thousand dollars to be paid each and every year after the lapse of twenty years from first issue on bonds issued under this act, for the use of water to the Cohoes company, for salaries of officers and labor, material, expenses of repairs for the extension of works, not to exceed one thousand five hundred dollars annually for such extension, new hydrants, gates or other additions or improvements, and for that purpose said board shall have the power to either increase or decrease the water rates, as they existed in the year eighteen hundred and seventy-nine. The said board of water commissioners shall make no purchase nor contract any debts or obligations in any year beyond the amount they are empowered by this section to raise annually, and any debt or obligation contracted beyond that sum shall not be a debt, charge or liability against the city of Cohoes, nor shall the city of Cohoes be liable for the same, but the said water commissioners so voting for the same shall be personally liable for such debt, obligation or liability. And it is further provided that any water commissioner voting for any purchase or obligation, or to create any indebtedness beyond the amount of the credit of said water commissioners from their revenue arising from water rents or rates, shall be guilty of a misdemeanor, and punishable by a fine of five hundred dollars or imprisonment for one year in the Albany penitentiary, or both such fine and imprisonment at the discretion of the court, and shall also each be liable to a penalty of not exceeding one hundred dollars for each and every offense, in an action to be brought against them, or either of them, in the name of

Annual rents.

Limitation on power to contract debts

Penalty for voting to incur liabilities in violation of this act.

the city of Cohoes, by said city or by any tax payer of said city, if the city attorney, on request, shall neglect or refuse to bring the same.

Use of water on which special rates are charged to be allowed only on written permits.

§ 13. The use of water for which special rates are charged or fixed by said water commissioners, which includes bathing-tubs, water-closets, pavement or garden hose, fountains, steam boilers, dye or coloring tubs, caldron kettle or coloring kettle, bricks and stone used in building, and water motors shall only be allowed on written permits for the same by the superintendent of the water-works, on conditions to be imposed by the water commissioners, and all plumbers, or mechanics, or persons making any connection or construction for the same, or putting the same in, or performing any work for the use of such water, for which special rates are charged, and for the purpose aforesaid, and all owners and occupants of buildings, wherein or whereon the same is used, done, constructed or permitted, shall report the same immediately to the superintendent of the water-works; in default of so doing, each and every person so neglecting, or refusing or violating any of the provisions of this section shall be liable to a penalty of twenty dollars for each and every offense, to be sued for and prosecuted by and in the name of the city of Cohoes, on the complaint of the superintendent of the water-works, or any other person, and in addition thereto, the supply of water thereto and therefor can be cut off by said water commissioners or their superintendent.

Acts repealed.

§ 14. All powers conferred upon the board of water commissioners by the act to which this is an amendment, or by an act amending the same, shall be possessed by them for the purposes of this act, except as such powers are annulled or modified by this act; all acts and parts of acts inconsistent with this act are hereby repealed.

§ 15. This act shall take effect immediately.

CHAP. 430.

AN ACT to amend chapter four hundred and ten of the laws of eighteen hundred and eighty-two, entitled "An act to consolidate into one act and to declare the special and local laws affecting public interests in the city of New York."

PASSED May 17, 1883; three-fifths being present.

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

SECTION 1. Sections five hundred and sixty-two, five hundred and sixty-three, five hundred and sixty-four and five hundred and sixty-five of chapter four hundred and ten of the laws of eighteen hundred and eighty-two, entitled "An act to consolidate into one act and to declare the special and local laws affecting public interests in the city of New York," is hereby amended so as to read as follows:

Proceedings in case board of health determine that the public health requires the drainage of lands.

§ 562. Whenever, in the opinion of the board of health, the protection of the public health requires the drainage of any lands in said city, by means other than sewers, such board may adopt a resolution, describing the location of such lands, and directing the proper drainage thereof, and the construction of drains therefor, by the commissioner or commissioners of the department of said city having jurisdiction to construct sewers in that part of said city where such drainage is required. Such board of health shall thereupon cause a map to