

of the State of New York

L A W S

OF THE

STATE OF NEW-YORK,

PASSED AT THE

FIFTY-SEVENTH SESSION

OF THE

LEGISLATURE,

BEGUN AND HELD AT THE CITY OF ALBANY,

THE SEVENTH DAY OF JANUARY, 1834.



ALBANY:

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1834.

forty-two dollars and thirty-eight cents, in full satisfaction of their claim, for extra excavation upon number one hundred and sixty-six, of the Erie canal.

CHAP. 256.

AN ACT to provide for supplying the city of New-York with pure and wholesome water.

Passed May 2, 1834.

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

§ 1. The governor shall nominate, and with the consent of the senate, shall appoint five persons, to be known as the water commissioners for the city of New-York, who shall be citizens and inhabitants of the said city. Commissioners.

§ 2. It shall be the duty of the said commissioners to examine and consider all matters relative to supplying the city of New-York with a sufficient quantity of pure and wholesome water, for the use of its inhabitants. To examine.

§ 3. The said commissioners shall have power to employ engineers, surveyors and such other persons as in their opinion may be necessary to enable them to perform their duties under this act. To employ engineers.

§ 4. The said commissioners shall adopt such plan as in their opinion may be most advantageous for procuring such supply of water, and shall ascertain as nearly as may be, what amount of money may be necessary to carry the same into effect; and for such purpose they shall have power to make conditional contracts, subject to the ratification of the common council of the city of New-York, with the owner or owners of all-lands, tenements, hereditaments, rights or privileges whatsoever, which may be required according to such plan, for the purchase thereof at stated prices; which contracts shall be so drawn as to be binding upon the said owners respectively, in case the same shall be ratified by the said common council within two years from the passage of this act. To adopt plan.

§ 5. The said commissioners shall make a report of their proceedings under the foregoing sections of this act, containing a full statement and description of the plan adopted by them, an estimate of the expense thereof, together with an estimate of the probable amount of revenue to accrue to the city upon the completion of the work, with the reasons and calculations upon which their opinions and the said estimates may be founded, and all such other in- To report.

formation, connected with the object of their appointment, as they may deem important.

To common council.

§ 6. Such report shall be made and presented to the common council by the commissioners, together with all such conditional contracts as may have been made by them by virtue of this act, on or before the first day of January, which will be in the year one thousand eight hundred and thirty-six.

Plan, if approved, to be submitted to electors.

§ 7. In case the plan so adopted by the commissioners shall be approved of by the common council, they shall appoint a poll to be opened on the days upon which the next annual election for charter officers is by law appointed to be held, and the inspectors of said election shall provide a ballot-box with suitable lock and key, and the electors shall express their assent or refusal to allow the common council to proceed in raising the money necessary to construct the works as aforesaid, by depositing their ballots in the box provided for that purpose in their respective wards. And those electors who are in favor of granting the necessary power to the common council, shall each deposit a ballot containing the word "yes," written or printed thereon, and those who are opposed, shall each deposit a ballot containing the word "no," written or printed thereon. And a canvass and return of the votes shall be made by the inspectors of the election in the same manner as is now prescribed by law in regard to the canvass and return of votes for charter officers.

If adopted the work to be proceeded in.

§ 8. If a majority of the said electors are found to be in favor of the measure, it shall then be lawful for the common council to instruct the commissioners to proceed in the work; and it shall also be lawful for the common council to raise by loan from time to time, and in such amounts as they may think fit, a sum not exceeding two million five hundred thousand dollars, by the creation of a public fund or stock, to be called "The Water Stock of the city of New-York," which shall bear an interest not exceeding five per cent per annum, and shall be redeemable at a period of time not less than ten nor more than fifty years from and after the passage of this act.

Stock.

§ 9. It shall be lawful for the said mayor, aldermen and commonalty, to determine what shall be the nominal amount or value of each share of the said stock, and of what number of shares the same shall consist: and they are hereby authorized to sell and dispose of such shares at or above the par value thereof, either at public auction or private sale, or to raise the said sum of money by subscription for such stock in the mode in which the stocks of banking and insurance companies are usually subscribed for.

§ 10. The provisions of the act, entitled "An act to regulate the finances of the city of New-York," passed June 8, 1812, which are not repugnant to or incompatible with any provision in this act contained, shall apply to the said stock.

Act of June 8, 1812.

§ 11. The moneys to be raised by virtue of this act shall be applied and expended to and for the purpose of supplying the city of New-York with pure and wholesome water, according to the plan so adopted and ratified, with such immaterial alterations as may be necessary, and by and under the direction of the said commissioners.

Money how to be applied.

§ 12. The said commissioners are hereby authorized to enter upon any land or water, for the purpose of making surveys, and to agree with the owner of any property which may be required for the purposes of this act, as to the amount of compensation to be paid to such owner.

Land and water to be used.

§ 13. In cases of disagreement between the commissioners and the owner of any property which may be required for the said purposes, or affected by any operation connected therewith, as to the amount of compensation to be paid to such owner, or in case any such owner shall be an infant, a married woman, or insane, or absent from this state, the vice-chancellor of the first circuit may, upon the application of either party, nominate and appoint three indifferent persons to examine such property, and to estimate the value thereof, or damage sustained thereby, and to report thereon to the said court without delay.

Estimate of damages.

§ 14. Whenever such report shall have been confirmed by the said vice-chancellor, the said commissioners shall, within two months thereafter, pay to the said owner or to such person or persons as the court may direct, the sum mentioned in said report, in full compensation for the property so required, or for the damage sustained, as the case may be; and thereupon the said mayor, aldermen and commonalty shall become seised in fee of such property so required, and shall be discharged from all claim by reason of any such damage.

Amount to be paid.

§ 15. The said commissioners, in behalf of the said mayor, aldermen and commonalty, and all persons acting under their authority, shall have the right to use the ground or soil under any street, highway or road within this state, for the purpose of introducing water into the city of New-York, on condition that they shall cause the surface of such street, highway or road to be restored to its original state, and all damages done thereto to be repaired.

Ground under streets.

§ 16. If any person shall wilfully do or cause to be done, any act whereby any work, materials or property

Penalty.

whatsoever, erected or used, or hereafter to be erected or used, within the city of New-York or elsewhere, by the said mayor, aldermen and commonalty, or by any person acting under their authority, for the purpose of procuring or keeping a supply of water, shall in any manner be injured, such person, on conviction thereof, shall be deemed guilty of a misdemeanor.

Contracts.

§ 17. All contracts for materials, or for the construction of the work, shall be made in writing, and of each contract three copies shall be taken, which shall be numbered with the same number and endorsed with the date of the contract and with the name of the contractor, and a summary of the work to be done or materials furnished.

Where deposited.

§ 18. One of such copies shall be retained by the commissioners, another shall be deposited with the comptroller of the city.

Notice.

§ 19. Public notice shall be given of the time and place at which sealed proposals will be received for entering into contracts.

Sealed proposals.

§ 20. All sealed proposals for contracts, shall be for a sum certain as to the price to be paid or received, and no proposition which is not thus definite and certain, or which contains any alternative condition or limitation as to price, shall be received or acted on.

How to be made.

§ 21. No more than one proposition shall be received from any one person for the same contract, and all the propositions of the person offering more than one, shall be rejected.

Security.

§ 22. Every person who shall enter into any contract for the supply of materials or the performance of labor, shall give satisfactory security to the commissioners for the faithful performance of his contract, according to its terms.

Materials.

§ 23. All materials procured or partially procured under a contract with the commissioners, shall be exempt from execution; but it shall be the duty of the commissioners to pay the moneys due for such materials to the judgment creditor of the contractor under whose execution such materials might otherwise have been sold, upon his producing to them due proof that his execution would have so attached, and such payment shall be held a valid payment on the contract.

Drafts on city comptroller.

§ 24. The common council shall authorize the commissioners to draw upon the comptroller of the city for any sum in favor of and to be paid to the owner of any lands, waters, streams or property acquired by virtue of this act, and in favor of, and to be paid to any contractor, for any

sum due upon his contract, and also for their incidental expenses. Such drafts shall specify the objects for which they are drawn in the manner provided in the seventeenth section of this act, as nearly as may be; and the common council shall make it the duty of the comptroller to pay such drafts, in every case where a deed or other voucher is delivered to him, or a copy of a contract has been filed in his office, and a duplicate receipt of the contractor for such draft shall be presented therewith.

§ 25. They shall also require the comptroller to report to them a list of all the payments made by him upon the orders of the commissioners, once in every six months, and previous to such reports shall have the accounts of the commissioners and of the comptroller examined by the finance committee of the board of aldermen.

Comptroller
to report.

CHAP. 257.

AN ACT to amend an act entitled "*An act for the relief of the town of Rye.*"

Passed May 3, 1834.

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

§ 1. It shall be lawful for the trustees mentioned in the act entitled "*An act for the relief of the town of Rye,*" passed February the 9th, 1821, to loan any moneys, the proceeds of the lands referred to in said act, which they now have or hereafter may have upon bond and mortgage.

CHAP. 258.

AN ACT to annex part of the town of Ira to the town of Cato, in the county of Cayuga.

Passed May 3, 1834.

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

§ 1. That from and after the passage of this act, lot number seventy-three in the town of Ira, be annexed to the town of Cato, in the county of Cayuga.