

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

O N E H U N D R E D A N D T E N T H S E S S I O N

O F T H E

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

B E G U N J A N U A R Y F O U R T H , A N D E N D E D M A Y T W E N T Y - S I X T H , 1 8 8 7 ,
I N T H E C I T Y O F A L B A N Y .



ALBANY :
BANKS & BROTHERS, PUBLISHERS.
1887.

The amounts herein appropriated shall be paid by the Treasurer from the respective funds, as specified and the salaries named shall be established and fixed by this act for the several officers for whom they are designed ; but the Comptroller shall not draw his warrant for the payment of the several amounts heretofore named, except for salaries and other expenditures and appropriations, the amounts of which are duly established and fixed by law, until the persons demanding them shall present to him a detailed statement thereof, in items, and shall make all reports required of them by law ; and if such account shall be for services, it must show when, where and under what authority they were rendered ; if for expenditures, when, where and under what authority they were made ; if for articles furnished, when and where they were furnished, to whom they were delivered, and under what authority ; and if the demand shall be for traveling expenses, the account must also specify the distance traveled, the place of starting and of destination, the duty or business, and all the dates and items of expenditure. But no payments shall be made to any salaried State officer or commissioner, except to Commissioners of the Land Office, commissioners having in charge the construction of the Capitol and the trustees of public buildings for personal expenses incurred by him while in the discharge of his duties at Albany. All accounts must be verified by an affidavit, to the effect that the account is true, just and correct, and that no part of it has been paid, but is actually and justly due and owing. On all accounts for transportation, furniture, blank and other books, purchased for the use of office, binding, blanks, printing, stationery, postage, cleaning, and other necessary and incidental expenses a bill duly receipted must also be furnished, and it shall be the duty of the Treasurer to report annually to the Legislature the details of these several expenditures. No manager, trustee or other officer of any State, charitable or other institution receiving moneys, in whole or in part, from the State treasury for maintenance or support shall be interested in any purchase or sale made by any of said officers for any of said institutions.

Appropriations, how paid.

Duty of Comptroller as to drawing warrants.

Detailed statement required.

Personal expenses, provisions as to.

Accounts, how verified and receipted.

Annual report of State Treasurer to Legislature.

Trustees, etc., of certain State institutions, not to be interested in purchases, etc.

Chap. 196.

AN ACT to amend chapter four hundred and ninety of the laws of eighteen hundred and eighty-three, entitled " An act to provide new reservoirs, dams and a new aqueduct, with the appurtenances thereto, for the purpose of supplying the city of New York, with an increased supply of pure and wholesome water. "

PASSED April 23, 1887 ; three-fifths being present.

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

SECTION 1. Section twenty-four of chapter four hundred and ninety of the laws of eighteen hundred and eighty-three, entitled " An act to provide new reservoirs, dams and a new aqueduct, with the appurtenances thereto, for the purpose of supplying the city of New York with an increased supply of pure and wholesome water, " is amended so as to read as follows :

Term
"real
estate"
defined.

To in-
clude
certain
lands for
railroads,
streets or
public
uses.

Proceed-
ings to
acquire
lands for
railroads,
etc.

Substitu-
ted routes
and maps
thereof.

Appeals.

Duty of
commis-
sioners of
appraisal.

§ 24. The term, "real estate," as used in this act, shall be construed to signify and embrace all uplands, lands under water, the waters of any lake, pond or stream, all water rights or privileges, and any and all easements and incorporeal hereditaments, and every estate, interest and right, legal and equitable, in lands or water, including terms for years, and liens thereon by way of judgment, mortgages or otherwise, and also all claims for damage to such real estate. It shall also be construed to include all real estate (as the term is above defined) heretofore or hereafter acquired or used for railroad, highway or other public purposes, providing the persons or corporations owning such real estate, or claiming interests therein, shall be allowed the perpetual use, for such purposes, of the same or of such other real estate to be acquired for the purposes of this act as will afford practicable route or location for such railroad, highway or other public purpose, and in the case of a railroad commensurate with and adapted to its needs; and provided, also, that such persons or corporations shall not, directly or indirectly, be subject to expense, loss or damage, by reason of changing such route or location, but that such expense, loss or damage shall be borne to the city of New York. In case any real estate so acquired, or used for public purposes, is sought to be taken or affected for the purposes of this act there shall be designated upon the maps referred to in the fifth and sixth sections thereof; and there shall be described in the petition, hereinbefore referred to, such portion of the other real estate shown on said maps and described in said petition, as it is proposed to substitute in place of the real estate then used for such railroad, highway or other public purposes. Provided, that wherever the aqueduct commissioners, or their committee on real estate, have heretofore located on any map filed in the office of said commission, a substituted route for any railroad, the same shall not be subsequently changed without the assent of such company. The supreme court at the special term to which said petition is presented, or at such other special term as the consideration thereof may be adjourned to, shall either approve the substituted route or refer the same back to the aqueduct commissioners for alteration or amendment and may refer the same back, with such directions or suggestions as the said court may deem advisable, and as often as necessary, and until the said commissioners shall determine such substituted route as may be approved by the court; an appeal from any order made by said court at special term, under the provisions of this section, may be taken by any person or corporation interested in and aggrieved thereby to the general term and Court of Appeals, and shall be heard as a non-enumerated motion. The commissioners of appraisal, hereinbefore referred to, in determining the compensation to be made to the persons or corporations owning such real estate, or claiming interest therein, shall include in the amount of such compensation such sum as shall be sufficient to defray the expenses of making such change of route and location and of building said railroad or highway. The said commissioners of appraisal shall suggest in their report, and the court in the order confirming such report shall determine, subject to review by the general term, what reasonable time after payment of the awards to said persons or corporations shall be sufficient within which to complete the work of making such change, and neither the said mayor, aldermen and commonalty of the city of New York, nor the aqueduct commissioners, shall be entitled to take possession or interfere with the use for the aforesaid purposes of such real estate, before the expiration of such time. This time may be subsequently extended by the court (subject to review as aforesaid)

upon sufficient cause shown. After the expiration of the time so determined or extended no use shall be made of said real estate which shall cause pollution to the water in said reservoir or interfere with its flow.

Pollution of water prohibited.

§ 2. Section thirty-six of said act is hereby amended so as to read as follows :

§ 36. The city of New York is hereby required to build and construct such highways and bridges as may be made necessary by the construction of any reservoir in the county of Westchester or the county of Putnam under this act, and to repair and forever maintain such additional highway bridges as may be made necessary by the construction of such reservoir or reservoirs, and in case any bridge or highway thus constructed shall cross any railroad it shall do so above or below the said railroad and not upon the same level as the same.

Putnam and Westchester counties, cost of certain bridges in, how paid.

Railroad crossings.

§ 3. Section thirty-eight of said act is hereby amended so as to read as follows :

§ 38. The commissioner of the department of public works of the city of New York is hereby authorized and empowered to enter into a contract or contracts at any time after this act takes effect, with the board of water commissioners of the village of Sing Sing, for supplying said village with water from the proposed Quaker Bridge dam on the Croton river, after the said proposed new dam shall be constructed, on such terms, as may be agreed upon by and between the said commissioner of public works and the said board of water commissioners of said village of Sing Sing.

Sing Sing, water supply for village of.

§ 4. This act shall take effect immediately.

Chap. 197.

AN ACT to amend chapter four hundred and one of the laws of eighteen hundred and eighty, entitled "An act to amend chapter two hundred and thirty-one of the laws of eighteen hundred and seventy-two, entitled 'An act to provide for supplying the village of Peekskill with water and authorizing the issue of bonds therefor, and to create a board of water commissioners,'" and in relation to unpaid water-rates and taxes in village of Peekskill.

PASSED April 25, 1887; three-fifths being present; without the approval of the Governor.*

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

SECTION 1. Section five of chapter two hundred and thirty-one of the laws of eighteen hundred and seventy-two, passed April sixteenth, eighteen hundred and seventy-two, as amended by chapter four hundred and one of the laws of eighteen hundred and eighty, entitled "An act to amend chapter two hundred and thirty-one of the laws of eighteen hundred and seventy-two, entitled 'An act to provide for the supplying the village of Peekskill with water, and authorizing the

* Not returned by the Governor within ten days after it was presented to him, and became a law without his signature. [Art. IV, Sec. 9, Constitution of the State of New York.]