

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. 234.

AN ACT *authorizing the building of bridges over the Erie and Oswego canals in the city of Syracuse.*

Passed April 9, 1850, "three-fifths being present."

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

§ 1. Whenever the common council of the city of Syracuse, shall by resolution duly entered upon their minutes, release the state from all liability to rebuild the bridge across the Erie canal at the foot of Lodi street, and also from all liability to maintain a wagon bridge across such canal at the intersection of Franklin-street, and shall serve a duly certified copy of such resolution on the acting canal commissioner upon the middle section of the Erie canal, the canal commissioners shall be authorized to construct and maintain a suitable bridge over the Erie canal at the foot of McBride-street, and also a similar bridge at the foot of Townsend-street, and also a common road bridge to be built without side-walks over the Oswego canal at the intersection of Division-street, all in said city of Syracuse, provided the canal board shall be of the opinion that any or either of such bridges should be so constructed and maintained at the expense of the state.

Bridges at foot of McBride and Townsend streets in what condition to be built.

§ 2. The expense of such bridges shall be paid from any moneys in the hands of the commissioners of the canal fund, appropriated to the ordinary repairs of the canals.

Cost how paid.

§ 3. This act shall take effect immediately.

Chap. 235.

AN ACT *to provide for a supply of water in the city of Albany.*

Passed April 9, 1850, "three-fifths being present."

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

§ 1. James Stevenson, Erastus Corning, John Townsend, John Taylor and Robert E. Temple are hereby appointed water commissioners of the city of Albany, who shall respectively hold their offices until removed by the common

Water commissioners appointed.

council of the said city as hereinafter provided; and in case of a vacancy in the office of any commissioner by death, resignation or removal from the said city, the same shall be supplied by a vote of two-thirds of the members elected to the said common council, and the persons so appointed shall hold their places by the same tenure as the persons herein named, and vacancies among the persons so appointed shall be supplied in the like manner. Before entering upon the duties of their appointment, the persons herein named or so appointed shall take the oath of office prescribed by the constitution of this state, before some judge of a court of record or some member of the common council of the said city, and file the same in the office of the clerk of the county of Albany.

Duty and powers of commissioners.

§ 2. It shall be the duty of the said commissioners to examine and consider all matters relative to supplying the city of Albany with a sufficient quantity of pure and wholesome water, and for that purpose they shall have power to employ engineers, surveyors and such other persons as may be necessary for said purpose.

Plans to be adopted and expenses estimated.

§ 3. The said commissioners shall adopt such plans as in their opinion may be most feasible for procuring such supply of water, and which shall embrace proper distribution pipes and supply for all streets now paved in said city; and shall ascertain the probable amount of money necessary to carry the same into effect, and for that purpose they shall have power to make conditional contracts, to become valid when ratified by the common council of said city with the owner or owners, whether individuals or corporations, of all lands, tenements, hereditaments, rights or privileges whatsoever, which may be required for the purpose, and the like conditional contracts for the execution of the work or any part thereof, or the supply of any necessary material.

Plans and expenses to be reported to common council.

§ 4. The said commissioners shall make a report to said common council, containing a description of the plan adopted by them, their estimate of the expense thereof, the probable amount of revenue, when completed, with their reason and calculations for their said estimates and opinions, and also the conditional contracts made by them under this act.

Loan of \$600,000 authorized.

§ 5. It shall then be the duty of the common council, and they are hereby authorized, to raise by loan, from time to time, a sum not exceeding in the whole (\$600,000,) six hundred thousand dollars, by the creation of a public fund or stock, to be called "The Water Stock of the city of Albany," which shall bear an interest not exceeding six per cent per annum,

and be payable at some time within twenty years from the time of issuing any such stock; and it shall be the duty of the said common council, when sufficient means in their opinion can be provided as they may be needed, to direct the prosecution of the said work.

§ 6. The monies to be raised by virtue of this act shall be applied and expended to and for the purpose of supplying the city of Albany with pure and wholesome water, according to the plan so adopted and ratified as aforesaid, with such alterations as may be made by the said commissioners, and ratified by the said common council, and for no other purpose whatsoever.

Money how applied.

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

Survey and purchase of land.

§ 8. In case of disagreement between the commissioners and the owner of any property which may be required for 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, or married woman or insane or absent from this state, or unknown or the owner of a contingent or uncertain interest, the supreme court, at any general term in the third district, shall, upon the application of either party, after ten days personal notice, or where such notice cannot be served within the state, after three weeks notice of such application, published in all the daily newspapers of the city of Albany, nominate and appoint three disinterested persons to examine such property, who upon being duly sworn faithfully and impartially to discharge their duties, shall estimate and report to the said court the several sums which will be a just compensation to such owners respectively for the appropriation to the purposes of this act, of any property which may be so required, or for the temporary use of any property.

Proceedings in case of disagreement as to value of land taken.

§ 9. Whenever such report shall have been confirmed by said supreme court, the said commissioners may deposit or invest as said court may direct, or pay to 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, and thereupon the said mayor, aldermen and commonalty of the city of Albany shall become seised in fee of the property so acquired, and shall be discharged from all claim by reason of any such appropriation or use

Damages how paid.

Penalty for injuring water works. § 10. If any person shall wilfully do or cause to be done any act whereby any work, materials or property whatsoever, erected or used, within the city of Albany or elsewhere, by the said common council or by the said commissioners, 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 and punished accordingly.

Contracts how made. § 11. All contracts for materials or for the construction of the work shall be made in writing, and of each contract there shall be three originals executed by the parties which shall be numbered with the same number and endorsed with the date of the contract, the name of the contractor, and a summary of the work to be done or materials furnished, one of which copies shall be given to the contractor, one to the chamberlain of said city and one retained by the said commissioners.

Public notice of proposals. § 12. Public notice shall be given in one or more newspapers, as the said commissioners shall direct, of the time and places at which sealed proposals will be received for entering into contracts; and 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 shall be received or acted on, and no more than one proposition shall be made by or received from any one person for the same contract, and no proposal or contract shall be assigned without the consent of the commissioners and the common council.

Security to be given by contractors. § 13. Every person who shall enter into any contract for the supply of materials or the performance of any work, shall give satisfactory security to the said commissioners for the faithful performance of his contract, according to its terms.

Duty of commissioners. § 14. It shall be the duty of the said commissioners to superintend the construction of the work, keep a record of their proceedings in a suitable book, keep a register containing the names of all persons furnished with water, and they shall have and exercise a general supervisory and controlling power in all matters relating to the preservation and continuance of the work authorized by this act, and shall make a report to the common council of their proceedings generally, and of the state of the matters in their charge, whenever required by the common council so to do.

Disbursements of § 15. The common council shall authorize the commissioners to draw upon the chamberlain of the city for any sum

in favor of and to be paid to the owner of any land, 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. Such drafts shall specify the objects for which they are drawn as near as may be, and the common council shall make it the duty of the chamberlain to pay such drafts, in every case where a deed or other voucher is delivered to him, or a contract has been filed with him, and a duplicate receipt of the contractor for such draft shall be presented therewith. money how made.

§ 16. The said commissioners shall semi-annually, or at any time, if required by the common council, report to the common council a general exhibition of the state of the work including a full detail of the amount expended in the progress of the work, and all such matters in relation to their acts in the premises as the said common council shall require; and the said commissioners in case of misconduct, may be removed by a vote of two-thirds of all the members of the said common council. Commissioners to report semi-annually.

§ 17. 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 the county of Albany, for the purposes of introducing water into and through any portion of the city of Albany, on condition that they shall cause the surface of said street, highway or road to be re-laid and restored to its usual state, and all damages done thereto to be repaired. Streets may be used.

§ 18. The said commissioners shall not be entitled to receive any compensation for their services, but such incidental expenses as they may incur in the discharge of their duties, which the common council shall deem reasonable and necessary, shall be paid to them. Commissioners to receive no pay.

§ 19. After the completion of said works according to said plan, and when required by the common council so to do, it shall be the further duty of the said commissioners to cause the line of pipes for the said water works to be extended through any of the public streets, lanes or alleys in said city and superintend the laying down of the same, and to keep a correct account of the expenses therefor, and return the same to the common council, as soon as the extended work shall have been completed, the expense of all which shall be paid by the chamberlain on the order of the said commissioners, out of the money collected from the water rates; and the said commissioners shall make such by-laws or regulations Line of pipes when extended.

By laws and regulations.

for the preservation, protection and management of the said water works, and the use and control of the water, as may be deemed advisable, and which, when ratified or approved by the common council, shall have the same force and effect as any law or ordinance by them enacted, and the same shall not be altered or amended by the said commissioners without the approval of the said common council.

Receipts for water rates how applied.

§ 20. The entire annual receipts for water rates, after deducting therefrom such sums as may be necessary to defray the ordinary expenses of repair of said water works, and of extending the same, and salaries of officers and agents, shall be applied towards the payment of the interest on the loan or loans, and also to the appropriation of five thousand dollars per annum to a sinking fund for the payment of the principal of the said loan or loans, as it shall from time to time become due and payable, which sinking fund shall be controlled and managed by the board of trustees having charge of the sinking fund for the payment of the present debt of the city of Albany, and in the same manner as provided by "An act authorising the city of Albany to raise money by tax, and regulating the expenditure thereof, and for other purposes," passed March 27th, 1848.

Deficiencies how made good

§ 21. In case the entire annual receipts for water rates, after deducting therefrom such sum or sums as may be necessary to defray the ordinary expenses and repairs of the said works, and of extending the same, shall not be sufficient in any one or more years to pay the interest on the said loan or loans, and also the annual appropriation for the sinking fund as above provided for, it shall be and is hereby made the duty of the board of supervisors of the county of Albany and they are hereby authorized to cause to be levied and collected from and against all the taxable property within the lamp and watch districts, at the same time and in the same manner as other contingent expenses of said city are assessed, levied and collected, such sum or sums of money as may be certified by the said common council to be necessary to make good such deficiencies, and the same shall be applied to the payment of such interest and appropriation to the sinking fund.

Superintendent of water works.

§ 22. The said commissioners shall nominate, and the common council appoint an officer who shall be known as the superintendent of the water works, who shall be a competent civil engineer, and who shall be paid a salary of one thousand five hundred dollars per annum, payable quarterly, and his duties shall be to devote his whole time and services under the general advice and direction of the commissioners,

to the construction, care and management of the water works and such duties connected therewith, or with other business of the city, as the commissioners or common council shall direct.

§ 23. The said commissioners, with the assent of the common council, shall establish a scale of annual rents to be charged and paid annually for the supply of water, to be called "water rents," and apportioned to the different classes of buildings in said city, in reference to their dimensions, values, exposures to fires, ordinary uses for dwellings, stores, shops, private stables and other common purposes; number of families or occupants, or consumption of water as near as may be practicable, and from time to time alter, modify, amend and increase or diminish such rents in said scale, and extend it to other descriptions of buildings, establishments or uses: but the rents shall be so fixed and kept, that the aggregate annual amount collected therefrom shall be at all times equal to at least five per cent on the then existing water debt of the city, over and above all expenses of repairs, salaries and appropriations to the sinking fund.

Scale of
water rents.

§ 24. Such regular water rents shall be collected from the owners or occupants of all such buildings respectively, which shall be situated upon lots adjoining any street or avenue in said city, in which the distributing pipes are or may be laid, and from which they can be supplied with water, and said regular rents shall be like state and county taxes, a lien and charge upon such houses, buildings and lots as is herein provided.

Water rents
how col-
lected.

§ 25. Hotels, factories, stables, livery stables, and other buildings, establishments and trades which consume extra quantities of water, shall pay, in addition to the rents established by the scale aforesaid, such sums as the commissioners shall direct, which shall be paid in advance to the chamberlain before any permit to use said water shall be given.

Rents of
hotels, fac-
tories, &c.

§ 26. The water commissioners of the city of Albany shall annually report and certify to the board of supervisors of the county of Albany, at their annual meeting, the amount of water rent charged during such year against any building, with the name of the owner and occupant thereof, and the said board of supervisors shall set down in a column to be prepared for that purpose in the assessment rolls, opposite the name of such owner or occupant, the respective sums in dollars and cents to be paid as the water rent for the year on account of such building, and in their warrant they shall direct the collection of the said water rents in the manner pro-

Annual re-
ports of rents
and mode of
collection.

vided by law, and that the sums so collected be paid into the treasury of the city of Albany. The said water rents so charged, shall be collected in the same manner as is or may be prescribed by law for the collection of taxes for city purposes of the city of Albany, the like notices shall be given by the receiver of taxes of the said city, and also the like release for prompt payment shall be made, and in all respects the like proceedings shall be had by the said receiver of taxes and the county treasurer of the county of Albany, as is or may be provided by law for the collection of city taxes in the said city.

Rights of
Albany
water works
company to
be purchased

§ 27. Before the water commissioners of the city of Albany, shall lay down any pipes for the supply and distribution of water in any part or section of a street in said city, where the trustees and company of the Albany water works have laid their pipes for supplying and distributing water, they shall purchase by agreement, or acquire by appraisal as herein provided, of said water works company, all their property, interests and rights under their charter, at a price not to exceed the par value of the stock of said company, which agreement when ratified and confirmed by the common council of said city, shall be final and conclusive, and the said trustees and company of the said Albany water works, shall thereupon be authorized to convey to the corporation of the city of Albany, all their property, rights and interests so agreed to be purchased; in case of disagreement between the commissioners and the said company, as to the amount of compensation to be paid for such property, rights and interests, the same proceedings shall and may be had to ascertain the amount of such compensation, not exceeding such par value as aforesaid, as are herein provided in respect to land or water required for the purposes of this act with the like effect, and until such agreement be made, or such compensation be ascertained, and paid or be secured to be paid to the satisfaction of the said company, no water pipes shall be laid down by said commissioners in any part or section of a street where the Albany water works company have laid pipes for supplying and distributing water, but nothing in this act contained, shall be so construed as to prevent the commissioners from crossing any street in said city with their works, under the authority conferred on them by this act. The corporation of the city of Albany, upon acquiring such property, rights and interests as aforesaid, shall possess the same power to charge and receive a compensation for the use of the water, which is now possessed by the Albany water works company, until the completion of the works contem-

plated by this act. The preceding provisions of this section shall be inoperative, unless the Albany water works company shall, within sixty days after the passage of this act, serve upon the clerk of the common council of the city of Albany, a notice in writing, that they accept and agree to the provisions contained in this act.

§ 28. The connecting or supply pipes leading from the dwellings to the distribution pipes, shall be inserted and kept in repair at the expense of the owners or occupants of the buildings, and shall not be inserted or connected with the main pipe until a permit therefor shall be obtained from the superintendent or chamberlain, or other person having charge thereof, and all such connecting or supply pipes and fixtures, shall be constructed under and according to the direction of the superintendent or his agent.

Supply pipes how to be kept in repair.

§ 29. The rules and regulations for the use of the water shall be printed on each permit and distributed to each house or building supplied with water, and shall be notice to the owners and occupants, and shall authorize the recovery by process of law in the name of the mayor, or the superintendent, of any penalty established by said commissioners for any violation of said rules, and the observance of said rules may also be enforced by cutting off the use and supply of water.

Rules and regulations how published.

§ 30. This act shall take effect immediately.

Chap. 236.

AN ACT to authorize the consolidation of the Tonawanda Railroad Company and the Attica and Buffalo Railroad Company into a single corporation, and prescribing the powers of such corporation.

Passed April 9, 1850, "three-fifths being present."

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

§ 1. The Tonawanda Railroad Company and the Attica and Buffalo Railroad Company are hereby authorized to consolidate or amalgamate themselves into a single corporation, in manner following :

Union how made.

1. The directors of said two corporations may enter into an agreement under the corporate seal of each, for the con-