

L A W S

OF THE

STATE OF NEW YORK,

PASSED AT THE

ONE HUNDRED AND SEVENTH SESSION

OF THE

LEGISLATURE.

BEGUN JANUARY FIRST, AND ENDED MAY SIXTEENTH, 1884,
AT THE CITY OF ALBANY.



ALBANY:
BANKS & BROTHERS, PUBLISHERS.
1884.

Chap. 276.

AN ACT in addition to and amendatory of the several acts relating to a supply of water in the city of Albany.

PASSED May 12, 1884 ; three-fifths being present.

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

Water commissioners to consider matters relative to increased supply of water.

SECTION 1. It shall be the duty of the water commissioners of the city of Albany to examine and consider all matters relative to procuring the necessary land, the erection thereon of suitable buildings, the procurement and placing therein of engines of equal or greater capacity and power than those now located near the river and pumping water therefrom for the use of the city, increasing the size or duplicating and extending any mains now in use, with such other changes, additions or improvements in the works as they may deem necessary in order to procure and maintain a full and adequate supply of water, and for that purpose they shall have power to employ engineers, surveyors and such other persons as may be necessary.

Plans, etc.

§ 2. The said commissioners may require to be made and from time to time adopt such plans as in their opinion shall be most feasible for the procurement of the land required, the erection of buildings, purchase of engines and mains, or the making of changes, additions or improvements in the works, and shall ascertain the probable amount of money required to carry the same, or any portion thereof, into effect; and they may make contracts for the performance of the same, or any portion thereof, with the owner of any lands, tenements, hereditaments, rights or privileges whatsoever which may be required, the execution, delivery or performance of any work and the purchasing of material.

Common council to raise funds by loan.

§ 3. The common council of the city, on the requisition of the commissioners specifying therein the amount required, rate of interest and time of payment, are hereby authorized and required to raise by loan from time to time by a sale at public auction, after ten days' notice in the city newspapers, by the chamberlain, a sum not exceeding in the aggregate four hundred thousand dollars, by an issue of "the water stock of the city of Albany," which shall bear an interest not exceeding five per cent per annum, and the principal be payable within forty years from the date of issue; and the sinking fund heretofore established for the payment of the water stock now outstanding shall constitute a fund for the payment of the loan herein authorized, and the annual contribution now made to said fund shall continue to be made until the stock issued under the authority of this act shall be paid.

Moneys, how to be applied.

§ 4. The moneys authorized to be raised by virtue of this act shall be applied and expended in carrying into effect the plans adopted from time to time by the commissioners, with such alterations and additions thereto as they may deem necessary, and for no other purpose whatsoever.

Power to enter upon lands, etc.

§ 5. 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 purpose of this act, as to the amount of compensation to be paid to such owner.

§ 6. In case of disagreement between the commissioners and the owner or representative of any property which may be required for any purpose specified in this act or affected by any operation connected therewith, as to the amount of compensation to be paid to such owner or representative, the commissioners shall have the right to acquire title to and use of the same according to and in pursuance of the provisions of the act entitled "An act to authorize the formation of railroad companies and to regulate the same," passed April second, eighteen hundred and fifty, and of the several acts amendatory thereof.

Proceedings to acquire title.

§ 7. It shall be the duty of the said commissioners to take charge of all the real estate which the city of Albany may have acquired under the provisions contained in chapter two hundred and thirty-five, laws of eighteen hundred and fifty, entitled "An act to provide for a supply of water in the city of Albany," passed April ninth, eighteen hundred and fifty, and the several acts in addition thereto or amendatory thereof, and also that which may be acquired under the provisions of this act, and the said real estate, or any portion thereof, shall not be sold or permitted to be used or occupied for any purpose other than the water-works of said city, without the concurrent action of the common council and the board of water commissioners.

Commissioners to take charge of real estate acquired.

§ 8. The commissioners may draw upon the chamberlain of the city for any sum in favor of and to be paid to the owner or owners of any land or other property acquired by virtue of this act, and in favor of and to be paid to any contractor or other person for services rendered, work performed or materials furnished. Such drafts shall specify the objects for which they are drawn, and the chamberlain shall pay the same out of any moneys in his hands applicable to the water-works of said city, when accompanied by a receipt of the contractor or other person in whose favor the same may be payable.

Drafts on chamberlain.

§ 9. The scale of rents heretofore established to be paid and charged annually for the supply of water, or for benefits resulting therefrom called "water rents," may, from time to time, be altered, modified and amended by the commissioners, either by increasing or diminishing said scale, or any portion thereof, or by extending the same to other descriptions of buildings, establishments or uses, and also the time or times of payments other than the rent charged against any building, but the rents shall be so fixed and kept that the aggregate amount collected therefrom annually (as near as practicable), shall be sufficient to pay for the current year the interest on the then existing water debt of the city, ordinary extensions of the works, maintenance, salaries and appropriations to the sinking fund.

Rents.

§ 10. In case the entire annual receipts for water rents shall in any year prove inadequate to carry into effect the requirements contained in the preceding section of this act, it shall be the duty of the common council of the city of Albany, and they are authorized and required to cause to be levied at the same time and in the same manner as other contingent expenses of said city are levied and collected, such sum or sums of money as the commissioners shall certify will be required to make good such deficiency.

Tax for deficiency

§ 11. The commissioners may make such rules and regulations, with penalties specified, as they shall deem necessary for the preservation, protection and management of the works, and the use and control of the water supplied, and which, after official notice in the selected

Rules, etc.

papers of the city, shall have the same force and effect as any ordinance enacted by the common council of said city.

§ 12. This act shall take effect immediately.

Chap. 277.

AN ACT to amend the Code of Civil Procedure.

PASSED May 12, 1884 ; three-fifths being present.

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

SECTION 1. Section one thousand and seven of the Code of Civil Procedure is hereby amended so as to read as follows :

Stenog-
rapher's
notes may
be treated
as judge's
minutes,
etc.

§ 1007. The notes of an official stenographer, or assistant stenographer, taken at a trial, when written out at length may be treated, in the discretion of the judge, as minutes of the judge upon the trial for the purposes of this article. When, by provision of law, a justice of the supreme court of this state, by his order, in writing, duly entered in a county clerk's office in the judicial district of said justice, apporitions the stenographer's salary among the several counties of said judicial district, or requires the duplication of any stenographic notes taken in said judicial district, no notice of the application for said order shall be adjudged necessary upon any board of supervisors in said judicial district, and the liability for compensation for such services shall be deemed fixed upon the performance of the work.

§ 2. This act shall take effect immediately.

Chap. 278.

AN ACT to provide for the proper removal of stable manure from the city of New York.

PASSED May 12, 1884 ; three-fifths being present.

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

SECTION 1. The board of health of the city of New York is hereby authorized to designate and set apart on the water-front on the east side of the city of New York one or more places of sufficient size for the temporary deposit of stable manure, north of Forty-second street.

§ 2. This act shall take effect immediately.