

# L A W S

OF THE

## STATE OF NEW YORK.

VOL. I,

PASSED AT THE

### ONE HUNDRED AND FIFTEENTH SESSION

OF THE

## LEGISLATURE,

BEGUN JANUARY FIFTH, 1892, AND ENDED APRIL TWENTY-FIRST, 1892,  
IN THE CITY OF ALBANY; AND AT AN EXTRAORDINARY SES-  
SION, BEGUN ON APRIL TWENTY-FIFTH, 1892 AND  
ENDED ON APRIL TWENTY-SIXTH, 1892.



MAR 21 1892

ALBANY:  
UNIVERSITY OF IOWA  
HARRIS & BROTHERS, PUBLISHERS.  
1892.



to be paid to the city treasurer, who shall place the same in and to the credit of said contingent fund.

Proceedings for taking lands hereafter in sewer district.

§ 9. The same proceedings in all respects shall be taken and had for the taking of lands for the purposes of, and the construction of sewers hereafter within said sewer district, that are now or may be hereafter required to be taken and had for the construction of sewers within the city of Auburn by the provisions of its charter, except that the aggregate cost thereof, including interest upon the bonds issued therefor, shall be borne and paid wholly by the lots or parcels of land situate within said district, apportioned thereon according to the valuation thereof in the assessment-roll for the year in which said sewer is, or sewers are constructed, and added to the city tax in such equal annual installments, as near as may be, as the common council shall direct, and shall be collected in the manner and form hereinbefore provided for such addition and collection of the expense or cost for the sewer now directed to be constructed.

Application of act.

§ 10. The provisions of this act shall apply exclusively to and govern the constructions of all sewers and all matters connected therewith hereafter constructed and built within the sewer district hereby created, except as herein otherwise specifically provided.

§ 11. This act shall take effect immediately.

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## CHAP. 479.

### AN ACT to supply the city of Auburn with water.

APPROVED by the Governor May 4, 1892. Passed, three-fifths being present.

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

Water commissioners, appointment and terms of.

SECTION 1. The common council of the city of Auburn is hereby authorized and directed to appoint three persons, no two of whom shall resided in the same ward, to be water commissioners of said city, to hold office, one until the Monday after the first Tuesday in March next after such appointment, one until the Monday after the first Tuesday in March in the second year after such appointment, and the other until the Monday after the first Tuesday in March in the third year after such appointment; and the said common council on the first Monday after the first Tuesday in March next after such appointment, and annually thereafter, shall appoint one person to be a water commissioner of said city for the term of three years, such term to commence on the day of such appointment. No person shall be eligible for such appointment unless he is an elector and taxpayer of said city. Neither the mayor or any member of the common council while in office shall be eligible to the office of water commissioner. A water commissioner may be removed from office for official misconduct, by the common council, by a concurring vote of eight members elected thereto; but notice of the charges against him and an opportunity to be heard in his defense shall be first given him. A removal from the city of any water commissioner, or his failure to take the oath of office within the time prescribed in this act, or his resignation, if accepted by the common council, shall create a vacancy in his office. If a vacancy shall occur in the said office before the expiration of the term, the common

Eligibility to office.

Removals for cause.

Vacancies.

council shall appoint some eligible person to such office for the residue of the unexpired term.

§ 2. Every water commissioner, before entering upon the duties of his office, and within ten days after notice of his appointment, shall take and subscribe the constitutional oath of office before and file the same with the city clerk. The said water commissioners, for the first year after the commencement of the construction of water-works as hereinafter prescribed, shall each receive such salary as the common council shall fix and determine, which shall not exceed five hundred dollars, and shall be fixed before any appointment of commissioners shall be made, provided, however, that no salary shall be fixed or paid, unless a system of water-works shall be actually constructed, and the purchase of existing water-works shall not be held to be a construction, within the meaning of the term as used in this section. After such first year, the said commissioners shall not be entitled to receive any compensation for their services, but such expenses as they incur in the discharge of their duties, which the said common council shall deem necessary and reasonable, shall be paid to them.

Oath of office.

Salary for first year.

Expenses thereafter.

§ 3. The said commissioners shall annually elect one of their number president, who shall hold office, as such, until the Monday after the first Tuesday in March then next ensuing. Said commissioners and each of them shall hold their office until the appointment and qualification of their successors. The said commissioners shall appoint annually an officer who shall be known as superintendent of the water-works, who shall hold office until the Monday after the first Tuesday in March next after his appointment and until his successor is appointed, and who shall be paid a salary to be fixed by said commissioners before such appointment, not exceeding fifteen hundred dollars per annum, and his duty shall be to devote his whole time and services under the direction of the commissioners, to the construction and management of the water-works and such other service connected therewith as the said commissioners shall direct. Said superintendent may be removed from office for official misconduct, after notice to him and an opportunity to be heard, by the concurring vote of a majority of said commissioners.

President.

Superintendent of water-works.

Removals for cause.

§ 4. It shall be the duty of said water commissioners to examine and consider all matters relative to supplying the city of Auburn with a sufficient quantity of good and wholesome water, and for that purpose they shall have power to employ engineers, surveyors and such other persons, as they shall deem necessary for that purpose, and they shall adopt such plans, as in their judgment, shall be most expedient for procuring such supply of water, which shall embrace the proper distributing of main pipes for a supply to all the streets in said city, so far as said commissioners shall deem the same expedient and also the furnishing and placing such numbers of street hydrants for supplying water for the extinguishment of fires as they shall deem advisable, and they shall make an estimate of the probable amount of money necessary to carry such plans into effect. Such plans may consist of or embrace the purchase of any water-works, with the pipes, machinery, appliances and other property, or any part thereof, now in use and operation for supplying water in said city.

Employment of engineers, etc.

Plans for procuring supply.

Estimate of cost.

Purchase of water-works.

§ 5. The said commissioners shall make a report to the common council of said city, containing a distinct and full description of the plan adopted by them and their estimate of the expense thereof. Said common council shall vote upon the question of the adoption of any plan so reported, which votes shall be taken by yeas and nays and en-

Report to council.

Approval and adop-

tion of plan  
by same.

Water-  
works com-  
pany may  
convey to  
city.

Issue of  
water  
bonds.

Record  
thereof.

Sale of  
bonds.

Disposition  
of pro-  
ceeds.

City treas-  
urer to ex-  
ecute bond.

Entry upon  
lands, etc.,  
to make  
surveys.

Agree-  
ments with  
land-own-  
ers.

Appoint-  
ment of  
commis-  
sioners of  
appraisal.

tered in the minutes. If the common council shall approve of and adopt such plan, by a concurring vote of eight members exclusive of the mayor, the water commissioners shall proceed to execute the same, and not otherwise. If the plan so adopted consists in the purchase of any water-works now in use in said city, or any portion thereof, such water-works company shall thereupon be authorized to convey to the corporation of the city of Auburn all their property, rights and interests included in the plan adopted.

§ 6. Upon the approval and adoption of any such plan, it shall be the duty of the common council to raise by loan, from time to time as needed, a sum not exceeding, in the whole, five hundred thousand dollars, and for that purpose they shall issue the bonds of said city, to be known and designated as "water bonds," in sums of five hundred and one thousand dollars each with interest payable semi-annually at a rate not exceeding four per centum per annum, to be signed by the mayor and city clerk of said city. Said bonds shall be payable in sums of twenty-five thousand dollars in each year, commencing thirty years from their date. A record of all the bonds so issued shall be kept in the office of the city clerk of said city, and such bonds before being negotiable shall be countersigned by the president of the water commissioners. The common council shall dispose of all bonds issued under this act, at public auction, after giving at least three weeks previous public notice, and shall award the same to the highest bidders, but at not less than par and accrued interest.

§ 7. All moneys received from the sale of such bonds shall be paid to and deposited with the city treasurer of the city of Auburn, who shall place the same in a special fund, to be known as "the water fund," and shall be applied and expended under the direction of the said commissioners, to and for the purpose of supplying the city of Auburn with pure and wholesome water, according to the plan so adopted as aforesaid, and such alterations as may be made by said commissioners and ratified by the common council, and for no other purpose whatever. Before receiving such money or any portion thereof, said city treasurer shall execute a bond to the city of Auburn, in such penal sum, and with such sureties and containing such conditions as the common council shall direct, the amount of such bond to be not less than double the sum received from the sale of said bonds, and said sureties to be approved by the mayor. The common council may require said city treasurer to execute additional bonds at any time when additional sums of money received from the sale of such bonds shall be deposited with him, and when the assessment rolls for water rents is placed in his hands for collection as hereinafter provided.

§ 8. The said commissioners are hereby authorized to enter into or upon any land or water for the purpose of making surveys; and they are also authorized to agree with the owner of any property, real or personal, which in their judgment may be required for the purposes of this act, or which may be injuriously affected by any operation connected with the same, as to the amount or compensation to be paid to such owners. And such commissioners may agree with any owner or owners for the purchase of any lands or easement in the same, or for the taking of any water, and all such agreements and conveyances shall be made and taken in the name of the city of Auburn.

§ 9. In case of disagreement between the commissioners and the owner of any such property, rights or easement, as to the amount of compensation to be paid, or in case any such owner shall be an infant, insane, absent from the state, unknown or the owner of an uncertain

or contingent interest, the supreme court, at any special term in the seventh judicial district, or the county court of Cayuga county, at any special term thereof, upon the application of such commissioners after ten days' personal notice to such owners, to be served upon an infant or insane person in the same manner as a summons in a civil action in the supreme court is required by law to be served upon them, or where such notice can not be served within the state, or the party in interest is unknown, after three weeks' notice of such application shall have been published in all the daily newspapers of the city of Auburn, shall appoint three disinterested persons as commissioners to ascertain and appraise the compensation to be made to such owners, who, upon being duly sworn faithfully and impartially to discharge their duties, shall examine the said property, take such evidence as may be offered before them, and estimate, determine and report to the said court appointing them 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, right or easement which may be so required, or for the temporary use thereof.

Duties of commissioners.

§ 10. The said water commissioners may, after the final completion and making of said report, after publishing a notice for three successive weeks in the official newspaper published in said city of Auburn of their intention so to do, present the same for confirmation to the court in which the proceedings were instituted. No other papers shall be read by either party upon the application to confirm said report than the evidence and objections taken before said commissioners, which shall accompany said report. Only such persons who shall have filed written objections shall be heard upon such application. The court may confirm the said report in whole or in part. In case such report shall not be confirmed by said court, as to one or more or all of such owners or parties interested, the court shall without notice appoint the same or three other disinterested persons as commissioners of estimate, who shall proceed with reference to the owners or parties interested as to which said report shall not be confirmed in all respects as above specified, and the report of such commissioners shall be treated as final and shall be confirmed by the court. When such report shall have been confirmed by said court, the said commissioners may deposit or pay to such owners or to such other person or persons as the court shall direct, the sums mentioned in said report as and for full compensation for the property so required and upon furnishing satisfactory proof thereof to the said court, an order shall be made stating the said proceedings and such payment or deposit which order shall be prima facie evidence in all courts of the facts therein recited, which shall be recorded in the records of deeds in the clerk's office of Cayuga county, and thereupon the city of Auburn shall become and be seized in fee, of the property and rights so acquired, and shall be discharged from all claims and demands by reason of the appropriation and use thereof.

Confirmation of report after notice.

Deposit or payment of awards.

Order of court and effect thereof.

§ 11. Public notice shall be given by the said commissioners for at least thirty days, in one or more of the daily newspapers of said city, of the times and places at which sealed proposals will be received for entering into contracts for any materials or work, the estimated value of which shall exceed two hundred dollars, and all sealed proposals for contracts shall be for a sum certain as to the price to be paid, and no proposal which is not thus definite and certain or which shall contain any alternative condition or limitation as to price shall be received or acted upon, and no more than one proposition shall be made or

Sealed proposals for contracts.

received from any one person for the same contract, and no proposal or contract shall be assigned without the written consent of the commissioners indorsed thereon. Any or all proposals so received may be rejected by said commissioners if in their judgment the same are not for the best interest of the city.

**Award of contracts.**

§ 12. All contracts shall be awarded to the lowest responsible bidder, and every person who shall enter into any contract for the supply of materials or performance of any work, shall be required to give satisfactory security to said commissioners for the faithful performance of his contract.

**Triplicate contracts.**

§ 13. All contracts for the purchase of materials, or for the performance of any work, the cost of which shall exceed two hundred dollars, shall be made in writing, and of each of said contracts there shall be three originals executed by the parties, one of which shall be given to the contractor, one to the city treasurer of said city and one retained by said commissioners.

**Interest in contracts, etc., prohibited.**

§ 14. No commissioner or member of the common council of said city shall be interested, directly or indirectly, in any contract, purchase or work done under this act, under penalty of forfeiture of his office, and in addition thereto he shall be deemed guilty of a misdemeanor and all such contracts shall be void.

**General powers and duties of commissioners.**

§ 15. It shall be the duty of the said commissioners to superintend the construction of the work, keep a record of all their proceedings in suitable books, and keep a register of the names of all persons furnished with water, together with the rates charged therefor, and they shall have and exercise a general supervisory and controlling power and direction in all matters relating to the preservation and continuance of the work authorized by this act, and of all lands, property and rights acquired thereunder.

**Drafts upon city treasurer.**

§ 16. The commissioners shall draw upon the city treasurer for any and all sums of money, that shall be due to any person as compensation for any lands, water, easement, rights of property acquired under the provisions of this act, or to any contractor, laborer, employe, or other person for materials or services furnished under the provisions of this act, such drafts shall be signed by such commissioners and shall be payable to the order of the person to whom the money is owing, and shall specify the objects as near as may be, for which they are drawn, and it shall be the duty of the city treasurer to pay such drafts provided he has the money in his hands applicable therefor, in every case in which a contract has been filed with him, or in which a deed or other voucher is delivered to him, and a receipt of the person to whom the draft is payable for the money so paid shall be presented therewith.

**How made out.**

**Duty of treasurer.**

**Use of highways for laying pipes, etc.**

§ 17. The said commissioners and persons acting under their authority, shall have the right to use the ground or soil under any street, highway or road in the county of Cayuga for the purpose of laying pipes and conduits and introducing water into and through any portion of the city of Auburn, and maintaining and keeping the same in repair, on condition that they cause the surface of said street, highway or road to be restored to its former state, or to such a state as shall not unnecessarily have impaired its usefulness.

**Restoration of surfaces.**

**Extension of pipes.**

§ 18. After the completion of said works according to the plan adopted as aforesaid, and when required so to do by the common council, it shall be the further duty of 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 of said city; superintend the laying

of the same; keep a correct account of the expense thereof and make a detailed report thereof to the common council as soon as the extended work shall be completed, which expense shall be paid by the city treasurer on order of said commissioners out of the money collected for water rents.

§ 19. The said water commissioners shall make such by-laws, rules and regulations, and the common council shall enact such ordinances for the preservation, protection and management of said water-works, and the use and control of the water, as they shall deem advisable. Said ordinances shall have the same force and effect as any ordinance enacted by said common council, and such common council shall impose such fines, penalties and punishments for the violation or infringement thereof, as they are now authorized to impose for the violation of any ordinance which they are now authorized to enact under the charter of said city.

By-laws, rules and ordinances.

§ 20. If any person shall willfully do or cause to be done any act whereby any work, materials or property whatsoever erected or used by said city, or by said commissioners, or by any person acting under their authority, for the purpose of procuring or furnishing water shall in any manner be injured, such person shall be deemed guilty of a misdemeanor and upon conviction be punished accordingly.

Penalty for injury to property, etc.

§ 21. Said commissioners shall procure and set hydrants for the supply of water for the extinguishment of fires, of such kind, and in such manner and at such places in the public streets of said city as the common council shall direct. The connecting or supply pipes leading from the mains or distributing pipes to dwellings or other private property, shall be inserted, laid and kept in repair by and at the expense of the owner or occupants of the premises, and shall not be inserted or connected with the main pipe until a permit therefor shall be obtained from said commissioners or superintendent; and all such connecting or supply pipes and fixtures shall be constructed, laid and placed under and according to the direction of the superintendent.

Hydrants.

Connecting or supply pipes, how inserted, etc.

§ 22. The said commissioners shall establish a scale of annual rents to be charged and paid annually for the supply of water or for benefits resulting therefrom, to be called "water rents or rates," which shall be apportioned to the different classes of buildings and vacant lots in said city, with reference to their dimensions, values, exposures to fires, ordinary uses for dwellings, stores, shops, stables and other purposes, number of families or occupants, or consumption of water as near as may be practicable, and according to the judgment and discretion of said commissioners; and may from time to time alter, amend, modify, 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 after the second year of operation of said water-works, that the annual aggregate amount collected therefrom (including the special rates hereinafter provided), shall be at all times equal to at least six per centum of the then existing water debt of said city, over and above all expenses of repairs, maintenance, management and salaries.

Scale of annual water rents.

Alteration, etc.

Rents, how regulated.

§ 23. Such regular water rents or rates shall be collected from the owners or occupants of all such buildings respectively, as shall be situated upon lots contiguous to any street, avenue or public lane, alley or square, in said city, in or through which the distributing pipes or mains shall be laid, and also from the owners of vacant lots situate in like manner, from benefits resulting from the introduction of water in said city, and said regular rates shall be like state and county taxes,

Collection of water rents.

Lien of rents.

Rate for city.	a lien and charge upon such houses, buildings and lots as is herein provided. Said commissioners may also establish a rate or sum which shall be paid by the city of Auburn annually for water used by it for fire purposes and in city buildings.
Additional rents for hotels, etc.	§ 24. Hotels, factories, livery stables and other buildings, establishments and trades which consume large 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 city treasurer, before any permit to use said water shall be given. No
Rents, etc., kept as special fund.	permit shall be given for longer than one year at a time. All water rents and special rates shall be paid to the city treasurer, and by him kept as a special fund from which is to be paid all expenses for maintaining and operating said water-works.
Rules, etc., for use of water.	§ 25. The rules and regulations for the use of the water shall be printed on each permit and distributed to each house or building supplied therewith, which shall be notice to the owners or occupants thereof. Any penalty established by said commissioners for any viola-
Recovery of penalties.	tion of such rules may be recovered in an action at law instituted by said commissioners or the said superintendent, in the name of the city of Auburn; and the observance of said rules may also be enforced by
Cutting off supply.	cutting off the supply of water.
Fiscal year.	§ 26. The said commissioners shall, by by-law, establish a day on which shall commence each fiscal year. For the purposes of this section the first fiscal year shall consist of that period of time between the day when the said commissioners shall determine to commence the supply of water for said city, and the day they shall designate as aforesaid as
Rents, etc., when liens.	the day in which the fiscal year shall commence. All water rents or rates shall be from the commencement of each fiscal year liens upon the property upon which the same shall be assessed or charged. At
Annual ward assessment-rolls.	least twenty days before the commencement of each fiscal year, said commissioners shall make out an assessment-roll for each ward in said city, in which there shall be set down in three separate columns according to their best information:
	First. In the first column the name of the owner or occupant of any building or lot chargeable with water rents or rates under the provisions of this act.
	Second. In the second column the number of the building or lot to be assessed for such water rents or rates, if it have any, or its location and boundaries, or such description thereof as shall identify the same.
	Third. In the third column the amount of the water rent or rate assessed upon such building or lot and all special rates that may from any cause be then unpaid thereon. After the completion of said assessment-rolls and before their delivery to the city treasurer as aforesaid, said commissioners shall give five days notice by publication in a daily paper in said city, of the fact that said assessment-rolls are made and that the same can be seen and examined at the commissioners' office, and that at the time appointed in said notice, which shall not be less than ten days from the first publication of said notice, they will hear the objections of parties interested. At the time and place so appointed the commissioners shall hear objections and may adjourn from time to time, not exceeding in all five days for that purpose. At the time fixed by the published notice, or upon any adjourned day, the said commissioners may correct, change or alter any of the amounts in said assessment-rolls, either by increasing, diminishing or omitting the same altogether, according to the justice of said case. The said com-
Notice of hearing objections thereto.	
Hearing and correction of rolls.	

missioners shall, when the said assessment-rolls are completed, annex thereto a warrant under their hands and seals, directed to the city treasurer commanding him to collect from the several persons and corporations named in such assessment-rolls, within ninety days after the same shall be delivered to him, the several sums mentioned in the last columns of such rolls, opposite their respective names, and shall deliver said assessment-rolls and warrant to said city treasurer at least three days before the commencement of said fiscal year. All water rents or rates may be paid to the city treasurer without any charge for collecting the same, for ninety days after said treasurer shall have given public notice of receiving the assessment-rolls in all the daily newspapers published in said city, which notice it shall be his duty to give by publishing the same in all of the daily newspapers of said city, for one week commencing on the first day of said fiscal year. At the expiration of said ninety days, and upon the giving of bonds by the constables of said city, for the faithful discharge of their duties as collectors of water rents, in such form, penalty or security as shall be approved by the mayor and city treasurer, the said assessment-rolls with a warrant to collect the same, issued by the city treasurer in manner and form as provided by section ninety-four of the charter of said city of Auburn, for the collection of unpaid taxes, shall be delivered by said city treasurer to any constable or constables of said city, having executed the bond herein provided for, who shall collect and pay over all the unpaid water rents therein contained, to the city treasurer, within the time required by law, and shall charge and collect for his fees in addition to the water rents so collected by him, five per centum of the amount collected by him of any person or corporation. Said constables shall proceed in the same manner and shall have the same power and authority for the collection of water rents as is prescribed by said charter for the collection of taxes by them.

Warrant for collection of rents.

Payments to city treasurer after notice.

Warrant for collection of unpaid water rents.

Proceedings for collection of same.

§ 27. All water rents or rates which shall remain unpaid at the expiration of four months from the time of the first publication of the aforesaid notice by the city treasurer of his receipt of the assessment-rolls, shall have added to them one per centum of their amount for each month that the same shall remain unpaid after the said four months, the collection of which shall be enforced with the original assessment. The collection of any such assessment shall be enforced by a sale of the building or lot assessed. Notice of sale shall be given by the city treasurer; the notice of sale shall be in all respects the same and shall be given in the same manner and the same proceedings for\* a sale shall be had, and the building or lot shall be sold in the same manner and upon the same terms and conditions of sale, and the same conveyance given and the same title acquired by the purchaser as are prescribed by law for the sale of lands for unpaid taxes in said city. The city treasurer shall on the first day of each month and at such other times as he may be requested, report to said commissioners all payments of water rents and special rates made or collected during the preceding month.

Percentage added to unpaid rents.

Sale of buildings or lots for unpaid rents.

Monthly report of payments of rents.

§ 28. The annual receipts for water rents, after deducting therefrom such sums as may be necessary to defray the expenses of operating said water-works and ordinary repairs to the same and extension thereof and the salaries and wages of officers, agents and other employes, shall be applied towards the payment of the interest on the aforesaid water loan; and any surplus to the payment of the principal thereof as the

Annual receipts, how applied.

\* So in the original.

**Tax for payment of water loan and interest.**

same shall become due, and it shall be the duty of the common council of said city to raise by tax upon the real and personal estate within the district supplied with water in the mode now provided by law for the raising of taxes for the payment of the general expenses of said city, all such sums as shall be necessary to pay the aforesaid water loan and the interest on the same as the same shall become due after deducting all money on hand applicable thereto. Any surplus money remaining in the hands of said city treasurer received from said water rents or rates or from another source for water so furnished the city of Auburn and residents therein after the payment of the interest upon said water loan, and the expenses of operating and maintaining said water-works, in any one year, may be invested by said water commissioners either in the bonds of the United States or of the state of New York or any bond of the city of Auburn. Any bond purchased under the provisions of this act shall be stamped as belonging to said water loan, and the interest thereon shall be collected by the city treasurer and placed to the credit of said loan. Any bonds so purchased shall be held by the city treasurer as custodian thereof and may be negotiated at any time by said water commissioners, if the avails thereof are necessary for the payment of interest upon said water loan, or the payment of the expenses of operating and maintaining said water-works in any subsequent year.

**Investment of surplus receipts.**

**Bonds purchased.**

**Annual report of receipts and expenditures.**

§ 29. The said commissioners, on the first Monday in March in each year, shall deliver to the mayor of said city, to be presented to the common council, a report in detail of all moneys expended by them during the preceding year and the purposes for which said moneys were expended, the receipts for water rents and from all other sources during the same period; the amount of money on hand and invested as herein provided for and an estimate of the cost and expense of operating the works for the succeeding year. The said commissioners shall also, whenever required by the common council, make such other report as shall be by it demanded, and shall, if required, appear before said common council or any committee appointed by it and exhibit their records, books, vouchers and other papers, and give such explanation thereof and information relating thereto as shall be requested.

**Further reports and exhibition of records, etc.**

**Vote upon city ownership, etc.**

§ 30. At the general election to be held in said city on the first Tuesday after the first Monday in November, eighteen hundred and ninety-two, unless prior to that time a special election shall be ordered by the common council of said city, the voters in said city qualified to vote, and registered as voters at said general election, or special election if ordered, may vote a written or printed ballot in either of the following forms: "in favor of city ownership and control of the water supply," or "against city ownership and control of water supply," such ballots shall be indorsed "city," and shall be deposited, when voted, in a separate ballot box, which shall also be marked "city;" the inspectors shall on the evening of such election, and without adjournment, count and certify the number of negative and affirmative votes in the several election districts, and file such certificates within twenty-four hours thereafter with the clerk of Cayuga county, who shall thereupon and within twenty-four hours after such filing ascertain the whole number of affirmative and negative votes given at such election, either general or special, as the case may be, and a written statement and declaration thereof shall be recorded by him in a book or books, in which other election canvasses are recorded. All the provisions of law relating to elections, and to the registration of voters now in force at general and municipal special elections so far as

**Forms of ballots.**

**Duty of inspectors.**

**Canvass and record by county clerk.**

**Laws applicable to election.**

the same are applicable, apply to the said election required to be held under this act.

§ 31. The common council of the city of Auburn, is hereby authorized and directed to order a special election prior to said general election in November, eighteen hundred and ninety-two, if said council shall determine it to be proper and expedient so to do, and in case the common council determines to hold said special election all the provisions of law relating to special elections and the registration of voters now in force shall apply to and govern said special election.

Special city election.

§ 32. The city clerk of the city of Auburn shall cause to be printed at least fifteen thousand of each of said ballots which shall be distributed to the inspectors of the several election districts of said city for use at the election, proportionate to the vote of said district at the general or special election next preceding such election, either general or special as the case may be, at least three days prior to the election herein provided for, and it shall be the duty of the inspectors to have at least half of each kind of said ballots so furnished them at the polls at such election, either general or special, for distribution on election day.

Ballots, how printed and distributed.

§ 33. The city clerk of the city of Auburn shall cause a proper notice of said election herein provided for, to be published once a day for at least one week prior to said election in each of the daily papers published in said city, and shall also cause three copies of said notice to be posted in conspicuous places in each ward of said city, at least one week prior to said election.

City clerk to publish and post notices of election.

§ 34. This act shall take effect immediately but none of the powers herein given to said water commissioners, or to said mayor and common council, (except as to the election herein provided for) shall be exercised by them or either of them until or unless a majority of all the votes to be given at the election herein provided for shall be in favor of city ownership and control of the water supply.

Act, when to take effect.

Powers, when to be exercised.

## CHAP. 480.

AN ACT to provide for the building of a stone dam across the Mohawk river at Little Falls, and making an appropriation therefor.

APPROVED by the Governor May 5, 1892. Passed, three-fifths being present:

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

SECTION 1. The superintendent of public works is hereby authorized to construct under contract at such location below the present wooden dam as may be decided upon by himself and the state engineer and surveyor, a stone dam across the Mohawk river at Little Falls.

Construction of dam.

§ 2. This dam shall be built in two sections, one extending from the southerly shore of the Mohawk river to the southerly shore of Goat island and the other extending from the northerly shore of Goat island to the northerly shore of the Mohawk river. It shall be built upon plans and specifications prepared and approved by the state engineer and surveyor.

Dam, how built.

§ 3. The sum of fifteen thousand dollars, or so much thereof as may be necessary, is hereby appropriated out of the money in the treasury not otherwise appropriated for the purposes specified in this act to be

Appropriation.