

L A W S
OF THE
STATE OF NEW-YORK,
PASSED AT THE
EIGHTIETH SESSION
OF THE
L E G I S L A T U R E ,

BEGUN JANUARY SIXTH, AND ENDED APRIL EIGHTEENTH, 1857, IN THE
CITY OF ALBANY.

VOL. I.



ALBANY :
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.....
1857.

manner now required by law in other cases of the collection of taxes, except that if the supervisor of said town neglect or refuse to approve and file said bond within the time required by law, the said bond may be approved and filed by the county judge of said county; and said collector shall thereupon proceed in the collection of said taxes as in other cases, and the provisions of article one, title three, chapter thirteen, part one of the Revised Statutes shall apply to the collection of said taxes, and to said assessment roll and warrant, and to said collector and his proceedings, rights, duties and obligations in the collection of said taxes, and the remedies against him, or on his bond, for neglect or default, so far as the same are applicable.

Bond may be approved by county judge.

Provisions to apply to said collection.

§ 4. This act shall take effect immediately.

Chap. 22.

AN ACT to provide for the supply of the city of Brooklyn with water.

Passed February 11, 1857, three-fifths being present.

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

SECTION 1. The holders of the stock issued by "the Nassau water company," other than the city of Brooklyn, may file in the office of the clerk of the city of Brooklyn, a written consent that the city of Brooklyn may purchase their said stock at the par value thereof, with seven per cent. interest from the date of such issue; and the city of Brooklyn shall thereupon pay to the said stockholders, or their assigns, such par value with the interest as aforesaid; whereupon all the contracts, property and rights of the said company, of every nature and description whatsoever, shall vest absolutely in the city of Brooklyn, and the city of Brooklyn shall assume and be charged with all the outstanding contracts, debts and liabilities of the said company.

Stockholders to file a written consent.

City to pay said stockholders.

Contracts to vest in city of Brooklyn.

§ 2. There shall be a board of water commissioners, consisting of seven members, to supervise the construct-

Board of water commissioners.

ing of the works for supplying the city of Brooklyn with water, and to complete the same, under and according to a contract for that purpose entered into between "the Nassau water company" of the one part, and Henry S. Welles, and Charles F. Welles, jr., doing business under the firm name of "Henry S. Welles & Co.," of the other part, bearing date the tenth day of June, eighteen hundred and fifty-six; and the said commissioners are hereby vested with all the powers, and are authorised to perform all the duties requisite or necessary in and about the construction and completion of the said water works as aforesaid, and which they might exercise and perform for such purpose, if they constituted the board of directors of the said company, and no transfer of the rights of the said company had been made to the city of Brooklyn. No alteration increasing the cost of the said works under the said contract, shall be made by the said commissioners, without the assent of the common council of the said city.

Powers of said commissioners.

No alteration of contract to be made.

Names of directors.

When to enter on their duties.

How long to hold office.

Vacancies how filled.

Commissioners to execute bonds.

Bond when filed.

§ 3. The present directors of the said company, namely: John H. Prentice, William Wall, Daniel Van Voorhis, James Carson Brevoort, Nicholas Wyckoff, Thomas Sullivan, and Nathaniel Briggs, are hereby constituted and appointed said water commissioners. They shall enter upon their duties as commissioners, when the city of Brooklyn shall become vested with the contracts, property, and rights of said company, as aforesaid, and shall hold office until said water works are completed as contemplated by the said contract, but they shall receive no compensation for their services. In case any vacancy shall happen by reason of the death or resignation of any commissioner, the board of commissioners shall nominate some person to fill such vacancy, to be approved by the mayor of said city; and in case of a disapproval by said mayor, they shall continue to nominate until his approval is obtained. Each commissioner shall execute a bond to the city of Brooklyn, with two sureties, to be approved by a justice of the supreme court in the first or second district, in the penal sum of twenty thousand dollars, conditioned that he shall faithfully perform his duties, and account for all moneys which shall come into his hands, as such commissioner. Such bond shall be filed in the office of the said city clerk.

§ 4. The board of commissioners shall elect one of its members president, and another secretary; and may make such by-laws, rules and regulations for the transaction of its business, and for the government of its officers, agents, and employees as shall be convenient, and not contrary to law. A majority of the commissioners shall constitute a quorum for the transaction of business.

President and secretary how elected.

Quorum.

§ 5. The proceedings to acquire land and water and interest therein, and to extinguish claims for damages, which are authorised by the act incorporating the said company, may be taken in like manner by the said commissioners, but in the name and on behalf of the city of Brooklyn.

Proceedings how taken.

§ 6. All legal proceedings under the act incorporating the said company, which shall be pending when the contract, property, and rights of the said company shall be vested in the city of Brooklyn, as herein provided, may, at the option of the commissioners, be continued in the name of the said company, or be prosecuted by them to completion in the name of the city of Brooklyn.

Pending proceedings how vested.

§ 7. The said commissioners may draw upon the comptroller of the city of Brooklyn, for any sum in favor of, and to be paid to the owner of any lands, streams, or property acquired or affected by virtue of this act, and in favor of, and to be paid to any contractor for any sum due on his contract, and also to be paid for any charges and expenses incurred by them in the performance of their duties. Such drafts shall specify the objects for which they are drawn, and shall be paid by the said comptroller on their presentation.

Commissioners to draw for certain sums.

Drafts to specify objects.

§ 8. The action of the common council of the city of Brooklyn, adopted on the fourth day of June, eighteen hundred and fifty-six, and approved by the mayor thereof, on the ninth day of June, eighteen hundred and fifty-six, in relation to the manner of supplying the said city with water, and authorising the subscription by the city of Brooklyn, of the sum of thirteen hundred thousand dollars to the stock of the said company for that purpose, and the subscription of said stock by the mayor of said city; and the issuing of city bonds in payment thereof, in conformity with such action, are hereby ratified and confirmed, and the bonds issued in payment of such subscrip-

Action of common council confirmed.

City to
issue new
bonds.

tion are hereby declared to be binding upon the city of Brooklyn. And the said city shall issue new bonds in place of any bonds issued on account of such subscription, in the form provided in the next section of this act, upon the surrender by the holders thereof of the bonds issued on account of such subscription.

Bonds how
to be
issued.

§ 9. The bonds of the said city, for the additional amount of two millions nine hundred thousand dollars, and such further amount as shall be necessary to pay the interest on the said bonds already issued, and hereafter to be issued, until such interest shall be met by the income of the water works and taxation, as hereinafter provided, shall be issued by the mayor, comptroller, and clerk of the said city, in the manner heretofore done by them in regard to the other bonds of the said city, from time to time as the same shall be required, for the purposes of this act, payable in not less than twenty-five, nor more than forty years; bearing interest at the rate of six per cent. per annum, payable half-yearly, on the first day of July and January in each year; and the said bonds, issued and hereafter to be issued, and the proceeds of the sale thereof, shall constitute the fund for paying the cost of constructing and completing the said water works.

Rate of in-
terest.

Bonds may
be sold.

§ 10. The said bonds, issued and hereafter to be issued as aforesaid, may be sold by the said commissioners, at public or private sale, and the proceeds of such sale shall be by them paid over to the treasurer of said city. The commissioners, with the concurrence of the said mayor and comptroller, may pledge the said bonds for money borrowed temporarily, at a higher rate of interest, if they shall deem the necessities of the work to require it.

Commis-
sioners
may pledge
said bonds.

City pro-
perty
pledged.

§ 11. The property of the city of Brooklyn, including the water works, reservoirs, lands, ponds, streams, right of way, pipes, and hydrants, are hereby pledged for the payment of the bonds issued and hereafter to be issued, as aforesaid, with interest.

Certain
sum to be
added to
general
tax.

§ 12. There shall be added to the general tax, for the city of Brooklyn, at large, in the year eighteen hundred and fifty-eight, and yearly thereafter, and levied and collected therein, such sum of money in each of said years, as shall be necessary to pay any deficiency which the net income of the water works, after paying the annual ex-

penses thereof, shall be insufficient to pay of interest for any such year, or any such bonds, and the further sum of fifty thousand dollars, which is hereby directed to be paid to the commissioners of the sinking fund of the said city, and held and managed by them for the full and final redemption of said bonds, and for no other purposes. It shall be the duty of the mayor and comptroller of said city, to estimate and ascertain the amount of such deficiency, and transmit a statement of the same in each year to the board of supervisors of the county of Kings, in time to have such account included in the general tax of the said city for that year; and it shall be the duty of the supervisors to cause such account to be included in such general tax.

Duty of mayor and comptroller.

Duty of supervisor.

§ 13. The lands which shall be occupied by the said water works, in Kings and Queens counties, shall be taxed at the value of the land, exclusive of any improvements thereon; and all such improvements shall be exempt from taxation.

Certain lands to be taxed.

§ 14. All acts and parts of acts inconsistent with this act, are hereby repealed.

§ 15. This act shall take effect immediately.

Chap. 23.

AN ACT to amend an act entitled "An act to incorporate Leffert's Park association," passed July eighteenth, eighteen hundred and fifty-three.

Passed February 13, 1857, three-fifths being present.

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

SECTION 1. The second section of the act entitled "An act to incorporate Leffert's Park association," is hereby amended by adding to the end of the second section thereof as follows:

The trustees shall also have power and authority to execute its bonds to the extent of twenty thousand dol-

Trustees to issue bonds.