

L A W S
OF THE
STATE OF NEW YORK,

PASSED AT THE
SEVENTY-NINTH SESSION

OF THE
LEGISLATURE,

BEGUN JANUARY FIRST, AND ENDED APRIL NINTH, 1856,
IN THE CITY OF ALBANY.



ALBANY:
J. MUNSELL, 78 STATE STREET.

1856.

Chap. 177.

AN ACT to provide for a supply of water in the village of Cohoes.

Passed April 12, 1856, three-fifths being present.

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

Water commissioners and their appointment.

§ 1. Alfred Wild, Charles H. Adams, Henry D. Fuller, William F. Carter, Joshua Bailey and Truman G. Younglove, are hereby appointed water commissioners of the village of Cohoes, who on entering upon the duties of their office, shall respectively draw by lot two for six years, two for four years, and two for two years, and that every two years thereafter the trustees of said village shall appoint two commissioners to fill such vacancy; and in case of a vacancy in the office of any commissioner by death, resignation or removal (except Alfred Wild who is a non-resident of said village, and in case of his death or resignation), the same shall be supplied by the vote of two-thirds of the board of trustees of said village, provided they fill the same within two months of the time of such vacancy, but if said trustees shall fail or neglect so to do, the said vacancy shall be filled by a vote of a majority of the remaining commissioners, and the person so appointed shall be a freeholder in said village, and they shall hold their places by the same tenure as the persons herein named, and vacancies among the persons so appointed shall be supplied in 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 the president of said village, and file the same in the office of the clerk of the county of Albany. The president of the village shall be ex-officio a member of said board of water commissioners.

Vacancies, how filled.

Oath of office.

Engineers, surveyors, etc.

§ 2. It shall be the duty of said commissioners to examine and consider all matters relative to supplying the village of Cohoes 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, or said commissioners may adopt the surveys, plans, and specifications already prepared by or under the direction of the Cohoes water works company, for the purpose of supplying said village with water.

§ 3. The 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 and supply pipes for all such streets now improved and built upon as said commissioners shall deem advisable or necessary, 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 contracts with the owner or owners, whether individuals and corporations, of all lands, tenements, hereditaments, rights or privileges whatever, which may be required for the purpose, and the like contracts for the work of any part thereof, or the supply of any necessary material.

Distribution
of supply
pipes.

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

Report of
trustees.

§ 5. It shall be the duty of the trustees of said village, and for the purpose of creating a public fund or stock to be called "The water loan of the village of Cohoes," they are hereby authorized and directed to issue and deliver to the water commissioners from time to time as the same may be required by them, the bonds of the village executed by the president and countersigned by the clerk of said village, to an amount not exceeding the sum of sixty thousand dollars, which shall bear an interest not exceeding the rate of seven per cent per annum, and payable at some time within thirty years from the time of issuing the same, and it shall be the duty of said commissioners to sell and dispose of the said bonds on the best terms they can obtain therefor, for the purpose of obtaining means necessary to defray any or all of the expenses or liabilities which may be incurred under the provisions of this act, and they shall proceed with said work as fast as sufficient means can in their opinion be obtained therefor.

The water
loan of the
village of
Cohoes.

§ 6. The moneys to be raised by virtue of this act, shall be applied and expended to and for the purpose of supplying the village of Cohoes with pure and wholesome water according to the plans so adopted as aforesaid, with such alterations as may be made by the said commissioners, and for no other purpose whatever.

Moneys,
how applie

§ 7. The said commissioners are hereby authorized to

Powers of commissioners.

enter in and upon any lands for the purpose of making surveys, and to agree with the owner or owners to purchase or lease the property real and personal, which may be required for the purposes of this act, as to the amount of compensation to be paid to such owner, and the said commissioners may make an agreement with the Cohoes company, for a supply of water from the canals or other waters of said Cohoes company, for any of the purposes which may be required by the provisions of this act.

Three disinterested persons appointed in case of disagreement.

§ 8. In case of disagreement between the commissioners and the owner, other than said the Cohoes company, 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 when such notice can not be served in the state, after three weeks' notice of such application published in all the newspapers of the village of Cohoes, 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 shall be a just compensation to such owners respectively for the appropriation to the purposes of this act, or any property which may be so required, or for the temporary use of any property.

To report to the court.

Confirmation of report.

§ 9. Whenever such report shall be 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 village of Cohoes shall become seized in fee of the property so acquired, and shall be discharged from all claims by reason of any such appropriation or use.

Injuries

§ 10. If any person shall wilfully do or cause to be done any act, whereby any work, material or property whatsoever, erected or used, within the village of Cohoes or elsewhere, by the said village, or by the said water 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 shall be deemed guilty of a misdemeanor and punished accordingly.

§-11. All contracts for the 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 Contracts, how made. 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 and materials furnished, one of which copies shall be given to the contractor; one to the treasurer of the water fund, and one retained by the said commissioners.

§ 12. Public notice shall be given in all newspapers printed in said village, and in such others as the commissioners shall direct, of the time and place at which sealed proposals will be received for entering into contracts, for such part of the work or for such material as the said commissioners shall deem advisable to be let in that manner, to the lowest responsible bidder, which may be necessary for the construction of said water works; 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 and 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. Public notice for sealed proposals.

§ 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. Security to be given

§ 14. It shall be the duty of the 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 trustees of the village of their proceedings generally, and of the state of the matters in their charge, whenever required by said trustees, so to do. Superintendence of the work.

§ 15. The said commissioners shall draw upon the treasurer of the water fund hereinafter named, for any sum in favor of and to be paid to the owner of any land, waters, Money, how paid.

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, and in favor of and to be paid to any person or corporation for labor, or for rent, or for any of the incidental expenses incurred under the provisions of this act, such drafts shall be signed by the president of said water commissioners, and countersigned by their secretary, and shall specify the object for which they are drawn as near as may be, and it shall be the duty of the treasurer 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.

Annual report.

§ 16. The said commissioners shall annually, or at any time if required by the trustees of the village, report to them 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 trustees shall require.

Commissioners may use the soil under streets, &c.

§ 17. The said commissioners in behalf of the said village, and all persons acting under their authority, shall have the right to use the ground or soil under any street, highway or road, lanes or alleys within the county of Albany, for the purpose of introducing water into and through any portion of the village of Cohoes, on condition, that they shall cause the surface of said street, highway or road, lanes or alleys to be relaid and restored to its usual state, and all damage thereto to be repaired.

No compensation allowed.

§ 18. The said water commissioners shall not, nor shall either of them be entitled to receive any compensation for their services as such commissioners, but such incidental expenses as they may incur in the discharge of their duties which shall be reasonable and necessary, shall be paid to them.

Pipes to be extended through streets.

§ 19. After the completion of the said works according to the plans adopted by them, it shall be the further duty of the water commissioners to cause the line of pipes for the said water works to be extended through such of the public streets, lanes or alleys of said village which may be improved or built upon, as they shall deem advisable, and superintend laying down of the same, and to keep a correct account of the expenses therefor, and return the same to the village trustees, as soon as the extended work shall have been completed, the expense of all of which shall be paid by the treasurer of the water fund on the order of said water

commissioners, out of the money collected from the water rates, and the said commissioners shall make such 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, which shall be ratified and approved by the said village trustees, and when so ratified and approved, shall have the same force and effect as any by-law or ordinance by them enacted, and the same shall not be altered or enacted by the said commissioners without the approval of said village trustees.

§ 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 seven hundred dollars per annum to a sinking fund for the payment of the principal of said loan or loans, as it shall from time to time become due and payable, which sinking fund shall be controlled and managed by a board of trustees as hereinafter provided; provided that in case the annual receipts shall, after deducting therefrom the sums necessary to defray the ordinary expenses and the expenses for the repairs and extending the water works, the salaries of officers and agents and payment of interest on loans as above in this section provided, exceed said sum of seven hundred dollars, the whole of such excess shall be applied to the sinking fund.

§ 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 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, it shall be and is hereby made the duty of the board of trustees of said village of Cohoes, and they are hereby authorized and directed to cause to be levied and collected from and against all the taxable property in said village, at the same time and in the same manner as other contingent expenses of said village are assessed, levied and collected, such sum or sums of money as may be certified by said board of water commissioners to be necessary to make good such deficiencies, and the same shall be appropriated to such interest and the sinking fund.

LAWS OF NEW YORK.

Superintend.
of water
works ap-
pointed.

§ 22. The said water commissioners shall appoint an officer, who may be removed by them at their pleasure, who shall be known as the superintendent of the water works, who shall be competent to discharge such duties and who shall be paid such salary as the commissioners may determine, not exceeding the sum of seven hundred dollars per annum, payable quarterly, whose duty it shall be to devote all necessary time and services under the general advice and direction of the commissioners, to the construction, care and management of the water works, and such other duties as are connected therewith, or with other business of the village as the commissioners may direct.

Scale of an-
nual rents.

§ 23. The said commissioners shall establish a scale of annual rents to be charged and paid annually for the supply of water, to be called "water rents," and apportion to the different classes of buildings in said village (and also upon vacant lots), in reference to their dimensions, value, expenses of fire, ordinary use for dwellings, stores, factories, shops, private stables, livery 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 description of buildings, establishments or uses; but the rents shall be so fixed 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 village, over and above all expenses of repairs, salaries and appropriations to the sinking fund.

How collect-
ed.

§ 24. Such regular water rents shall be collected from the owners or occupants of all such buildings respectively (and also from the owners of vacant lots where the owners are known, or from the lots, in case the owners are unknown), which shall be situated upon lots adjoining any street or avenue in said village in which the distributing pipes are or may be laid and from which they can be supplied with water, provided, however, that the water rent for such vacant lot or lots shall not be less than fifty cents nor more than one dollar each; and said regular rents and charges upon vacant lots shall be like state, county and village taxes, a lien and charge upon such houses, buildings and lots and vacant lots as is herein provided.

Report of
rent charged
and unpaid
to be annu-
ally reported

§ 25. The water commissioners of the village of Cohoes shall annually, on the first day of April, report and certify to the village trustees, at their annual meeting, the amount

of water rent charged and unpaid during such year, against any building and lot or vacant lot, with the name of the owner or-occupant (or if unoccupied and the owner unknown they shall state the same as unknown owner), of such lot, and the said board of trustees shall set down in a column to be prepared for that purpose in the assessment rolls, opposite the name of such owner or occupant or unknown owner, the respective sums, in dollars and cents, then remaining unpaid, as the water rent for the year, on account of such building and lot or vacant lot, and in their warrant they shall direct the collection of the said water rents, in the manner provided by law, and that the sums so collected be paid to the treasurer of the water fund. 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 village purposes of the village of Cohoes, and in all respects the like proceedings shall be had by the collector of taxes, and the village trustees of said village as is or may be provided by law for the collection of taxes in the said village.

§ 26. Before the water commissioners of the village of Cohoes shall lay down any pipes for the supply and distribution of water in any part or section of a street, lane or alley, in said village, where the Cohoes company have laid their pipes for supplying and distributing water, they shall purchase by agreement from said Cohoes company, at a price not exceeding the cost of the same to said Cohoes company, and if said parties fail to agree with regard to the prices to be paid to the Cohoes company there shall be three referees appointed to appraise the same, one by the Cohoes company, one by the said commissioners and one by the village trustees, all their said water pipes, street mains, service pipes, hydrants or gates, so laid down and in use for supplying said village with water, which agreement shall be final and conclusive, and the said Cohoes company shall thereupon be authorized to convey to the village of Cohoes the property so agreed to be purchased. But nothing in this act contained, shall interfere with or impair the corporate rights of said Cohoes company.

The pipes
&c. of Co-
hoes compa-
ny to be pur-
chased.

§ 27. The connecting or supply pipes leading from the dwellings, factories, or other places supplied with water, other than fire hydrants belonging to the village, to the distribution pipes, shall be inserted and kept in repair at the expense of the owners or occupants of the buildings or places supplied with water as aforesaid, and shall not be inserted

Expense of
supply pipes,
how paid.

or connected with the main pipe, until a permit therefor shall be obtained from the superintendent or other person having charge thereof, and all such connecting or supply pipes and fixtures, shall be constructed under and according to the directions of the superintendent or his agent.

Rules and regulations to be printed.

§ 28. 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 owner or occupant, and shall authorize the recovery by process of law in the name of the village 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.

Treasurer of the water fund appointed.

§ 29. The said commissioners shall appoint a treasurer of the water fund (who may also act as secretary to their board, or they may appoint some other person as secretary) and who may be one of their own number; and he shall be allowed such sum as a compensation for his services as may be determined upon by said commissioners, and said treasurer shall give such security for the faithful performance of his duties as may be required by said commissioners. And all moneys which may be received by said water commissioners upon a sale of any of the bonds of said village as aforesaid, or any moneys which may be received or collected by the superintendent of said water works, or by any other person connected therewith for account of water rates or otherwise, or any moneys which may be collected by the collector of taxes for said village for account of the water rates as aforesaid, or any moneys which may be collected by any officer of said village or of said water works, for any fines that may be imposed by the ordinances or by-laws of said village which may be made for the preservation, protection and management of said water works, and use and control of the water therefrom, shall be immediately paid to the treasurer of the water fund, by the persons respectively collecting or receiving the same.

Interest on bonds, when to be provided.

§ 30. It shall be the duty of said water commissioners at all times to provide the funds, or see that the same are provided, to pay all interest upon the bonds of the village aforesaid at least two weeks in advance of the time when, and as often as the same shall become due and payable.

Trustees of the sinking fund.

§ 31. Hugh White, of the town of Waterford, Edward E. Kendrick, of the city of Albany, and Egbert Egberts, of the village of Cohoes, shall be constituted the board of trustees of the sinking fund of the water-works loan of the village.

of Cohoes, and who shall be a body corporate. The treasurer of the water fund of said village shall on or before the first day of October in each year, pay over to the said board of trustees the sum of money so as aforesaid directed to be appropriated to a sinking fund for the payment of the water debt of said village. The said board of trustees shall on the receipt of said money, provided the same can not be immediately applied to the payment of the bonds or liabilities of said village on account of said water debt, deposit the same in one or more solvent specie paying banks of said village or of the city of Albany, provided such banks will pay interest for the use thereof at the rate of six per cent per annum, but in case neither of said banks will take such moneys at such rate of interest, then it shall be the duty of said board of trustees, with the consent of the water commissioners aforesaid, to make such other investment of said moneys as they shall deem best for the interest of said village. The said board of trustees shall apply the said moneys to the payment of the water debt of said village, and the board shall annually, on the first day of January, submit to said water commissioners a detailed statement of all moneys received by them as such trustees during the preceding year from all sources, and the payments made by them on account of the indebtedness of said village for the water loan, and shall at such time surrender, for the purpose of being canceled, such bonds or evidences of debt as may have been paid or redeemed by them. The said trustees shall not receive any compensation for their services as such, but such incidental expenses as they may incur in the discharge of their duties which may be reasonable and necessary, shall be paid to them; and said trustees may be removed by the supreme court of the third district at any general term thereof, upon proper application and two weeks' personal notice thereof, for official misconduct, and in case of any vacancy in said board of trustees by resignation, death or removal, such vacancy shall be filled with a vote of two-thirds of said water commissioners.

§ 32. The trustees of said village of Cohoes shall cause to be raised by tax to be levied and collected from and against all the taxable property in said village at the same time, and in the same manner that other contingent expenses of said village are collected in the year one thousand eight hundred and fifty-six, such sum of money as shall be certified by said water commissioners to said village trustees as sufficient to

Expenses of surveys, etc., how raised.

defray the expenses incurred by individuals in procuring surveys, maps, plans and specifications for the Cohoes water works company for the construction of a water works in said village, together with all necessary expenses connected therewith not exceeding the sum of six hundred dollars, and said money when collected shall be paid by the collector of village taxes to the treasurer of the water fund. The accounts for such expenses shall be paid by the treasurer of the water fund upon the draft of said water commissioners, in the same manner as near as may be as is provided in the fifteenth section of this act.

§ 33. The act entitled "An act to incorporate the Cohoes water works company," passed April tenth, one thousand eight hundred and fifty-five, is hereby repealed.

§ 34. This act shall take effect immediately.

Chap. 178.

AN ACT to satisfy the claim of the heirs of Henry Satterly, a soldier of the revolution, to bounty lands.

Passed April 12, 1866, three-fifths being present.

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

Appropriation.

§ 1. The treasurer shall pay, on the warrant of the comptroller, to such persons as the comptroller shall certify are the heirs at law of Henry Satterly, deceased, a private soldier, in the line of this state, in the army of the revolution, the sum of six hundred dollars, in full of all claim of such heirs to bounty lands, founded upon the services of the said Henry Satterly, provided that upon due investigation the comptroller is satisfied the claim is just and equitable.

§ 2. The comptroller shall, before drawing such warrant, be satisfied that the persons in whose favor it is drawn are all the heirs at law of the said Henry Satterly, and shall endorse a certificate to that effect upon the warrant. The money so to be drawn, shall be distributed among the said heirs, according to their respective rights as such.