

L A W S
OF THE
STATE OF NEW YORK

PASSED AT THE
NINETY-FIRST SESSION

OF THE
LEGISLATURE,

BEGUN JANUARY SEVENTH, AND ENDED MAY SIXTH, 1868,
IN THE CITY OF ALBANY.

VOL. II.



ALBANY:
VAN BENTHUYSEN & SONS' STEAM PRINTING HOUSE.
1868.

Chap. 744.

AN ACT to amend an act entitled "An act to provide for a supply of water in the village of Cohoes," passed April twelfth, eighteen hundred and fifty-six.

Passed May 8, 1868 ; three-fifths being present.

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

SECTION 1. It shall be the duty of the water commissioners of the village of Cohoes, immediately after the passage of this act, to take measures to obtain sufficient land, either adjacent to or in the vicinity of the present reservoir, for the purpose of enlarging the water works and increasing the supply of water for said village as hereinafter provided. And they are hereby authorized to do and perform all acts and exercise all the powers specified in sections seven, eight and nine of the act hereby amended, and are hereby directed to arrange with the Cohoes company for an ample supply of water.

Water commissioners to take measures to enlarge water works.

Powers of commissioners.

§ 2. It shall be the duty of said commissioners to cause estimates to be made, for building a reservoir upon land obtained as aforesaid, to contain not less than seven million gallons of water; for building, furnishing and putting into the pump-house a pump of at least double the capacity of that now in use in said works; for excavating the race and wheel pit; for putting in a water wheel, or wheels, of ample power to drive both pumps, with proper head gates, flumes and appurtenances; to prepare the pump-house for their reception and use, and for doing such acts and making such constructions as may be necessary to secure a supply of water at least three times that now afforded by the works; also to safely and securely lay at a depth of not less than six feet the pipes from said pumps to the reservoir, and connecting the old and new reservoirs; also to lay such new mains as may be necessary for supplying water to the distributing pipes, with all necessary gates and appliances; also for furnishing and putting in new fire hydrants in place of old ones.

Commissioners to prepare estimates for building reservoir.

Pump for pump house.

Excavation of race. Water wheels.

Water pipes.

New water mains.

New fire hydrants.

Commissioners to advertise for proposals therefor.

Regulations governing proposals.

Awarding of contracts.

Pipes ; when to be laid under Eric canal.

Trustees : to issue village bonds for expense of improvements.

When payable

Rate of interest.

When said estimates are completed, said commissioners shall advertise in the village newspapers, and in such other as they may deem fit, the time and place at which sealed proposals will be received for entering into contracts for either a part or the whole of the said work ; which advertisement shall specify such divisions of said works as they deem advisable to make separately ; also the time and place, when and where all plans and specifications can be seen and examined, and the time allowed for completing the work. All sealed proposals for contracts shall be for a sum certain as to price to be paid or received for the work, and no proposition not thus definite and certain shall be entertained, nor shall any more than one proposition be received from any one person for the same contract, nor shall any person be interested in more than one bid for the same work, nor shall any contract be assigned without the consent of the commissioners. Upon the day specified, said commissioners shall enter into contract with the lowest responsible bidder, who shall give security of two or more freeholders, in double the amount of said contract, for the faithful performance thereof ; but said commissioners are authorized to reject the bid of any person or persons if they deem it for the interest of the village so to do. They are, however, hereby directed to lay all necessary pipes across and under the Eric canal in said village before the opening of navigation on said canal, and to except the furnishing and laying such pipe from the estimate and contract, hereinbefore specified.

§ 3. The trustees of said village are hereby authorized and directed to issue the bonds of said village from time to time, as the same shall be certified by said commissioners to be required by the expense of such improvement, to an amount not exceeding fifty thousand dollars, the same to be payable, five hundred dollars each year for twenty years next succeeding the passage of this act, and two thousand dollars each year thereafter. Said bonds shall bear interest at seven per cent per annum, payable semi-annually, and shall be signed by the president and countersigned by the clerk of the village. The president of the village and the treasurer

of said board of water commissioners are hereby directed to negotiate and sell said bonds for the best price they can obtain for the same, not less than par, and said treasurer shall receive and hold all proceeds of bonds sold for the use of said commissioners in making such improvements, in manner hereinafter provided for. The clerk of said village shall keep an account of all bonds so issued, which bonds shall be numbered consecutively, with their date, amount, time of maturing, and the person to whom issued.

Bonds to be sold for not less than par.

Treasurer of water commissioners to receive proceeds. Village clerk to keep account of bonds.

§ 4. The said treasurer shall pay out, in manner as hereinafter provided, said moneys upon the warrant of said commissioners, signed by their president, and countersigned by their secretary, for any sum in favor of, and to be paid to the owner of any land acquired by virtue of this act, and in favor of and to be paid to any contractor for any sums due upon his contract, and in favor of and to be paid to any engineer or surveyor employed by them for said work, and for the expense of laying pipes under the Erie canal as directed in section two of this act. And for the payment of sums due and otherwise unprovided for upon any contract heretofore made for furnishing or laying new pipes, gates and hydrants. Such warrants shall specify, as near as may be, the objects for which they are drawn; those for the land shall be accompanied by a good and sufficient deed thereof, and those for sums due upon contract shall be accompanied by a certificate of the engineer, that such sums are due and payable, under the terms of the contract.

Money; how drawn from treasury.

For what purposes to be paid.

Warrants; what to specify.

§ 5. All moneys raised by virtue of this act, and all moneys which shall be received by said commissioners, by the superintendent of the water works, the collector of taxes, or any other person, for water rates, permits, fines, penalties, taxes, assessments, or any other source belonging or appertaining to the water works of said village, shall be immediately paid to the treasurer of the water fund, who shall receive and keep the same, and keep the account thereof, as herein provided. He shall immediately deposit the moneys, received by him under this act, in some solvent bank, to his credit as treasurer, and shall draw the same by check signed by him as such

Moneys raised by tax from water rates, fines, etc., to be paid to treasurer.

Moneys; how to be deposited.

Checks
and war-
rants; how
drawn.

treasurer; a separate check shall be made for the payment of each warrant drawn on him by said board of water commissioners, which check shall be made payable to the order of the person to whom the warrant is payable, and shall specify the number and date of each warrant, and that it is in full satisfaction thereof. Each warrant shall be drawn in pursuance of a separate resolution of said board, by their president, and countersigned by their clerk, and shall specify the particular fund from which it shall be paid, and shall be drawn payable to the order of the party entitled to receive the moneys; the original bill or claim shall be attached thereto, and also the affidavit of the party, that the claim is reasonable, honest and just, that all the articles charged for, or work done, have been so furnished or done, and were so in compliance with an order of said board; and that such money is wholly due, owing and unpaid, over and above all credits, and counter claims. Said commissioners shall confine their expenditures and contracts to the amount of money which shall be subject to their control for any specific object during the then current year, and shall not exceed the amount so provided. No liabilities shall attach to the treasurer in case of the subsequent insolvency of said bank of deposit, provided the same was at the time of such deposit in good standing and credit; said treasurer may transfer the deposit to any other solvent bank whenever ordered so to do by the board of water commissioners.

Appropriation of \$700 annually to sinking fund of water works loan.

Payment of interest on water bonds.

Payment to Cohoes company for use of water.

§ 6. From the moneys received by said treasurer from all sources, as provided in the preceding sections, except those specified in section three, he shall first appropriate to their respective funds the amount of seven hundred dollars, to be paid annually to the trustees of the sinking fund of the water works loan of the village of Cohoes; the amount of all interest accruing annually upon the bonds issued by said village on account of the water works; the amount annually to be paid to the Cohoes company for the use of water, and the amount of all bonds issued by said village as aforesaid, maturing during the then current year, the payment of which has not been provided for by said sinking fund. All other such moneys shall be credited to their respective funds,

as provided by this act. It shall be the duty of said board of water commissioners to issue their warrants for the payment of the claims herein specified, as the same shall become due and payable.

Principal of village bonds.

§ 7. The board of water commissioners shall as herein-after directed, establish a scale of annual rents, to be charged and paid semi-annually, for the supply of water, to be called water rents, and apportion the same among the different classes of buildings and uses in said village, as near as may be, according to the usual consumption of water by such different classes of buildings and uses for ordinary purposes. Such rents shall be apportioned as aforesaid among such buildings or properties as may use the water, or as shall be situated on lots adjoining any street or avenue in said village in which the distributing pipes are or may hereafter be laid. Said commissioners may also, in their discretion, grant permits for the use of water by factories and for other special purposes, on such terms and conditions as they deem best, and shall, as far as practicable, classify such special uses, and establish uniform rates therefor; but no permits shall be given which shall interfere with a sufficient supply of water for extinguishing fires and for ordinary uses. Said commissioners may revoke any special permit, when, in their judgment, it shall interfere with such supply, or when parties to whom the same is granted shall use the water in manner and amount not thereby contemplated. They shall also, on the request of the owner of property using the water and charged with water rents, and at his expense, or of their own motion, where they believe the water to be used improvidently or extravagantly, at their expense, attach metres of the most approved pattern and construction to the supply pipe of the premises, so as to register all water used thereon, and the rates charged therefor shall be according to their scale of charges in such cases. No charge shall be made for the use of water for extinguishing fires. All connecting and supply pipes for buildings or other places supplied with water, shall be laid at the expense of the owner or occupant of such property, under the supervision and direction of the superintendent, as he may be authorized by said

Water rents; how to be apportioned.

Permits for use of water by factories.

In what cases permits may be revoked.

Commissioners may attach water metres.

Water to be furnished for use at fires without charge. Connecting and supply pipes to be laid at ex-

pense of owner. Main pipes not to be tapped without permits.

Regulations applicable to existing permits

Commissioners to make an annual estimate of moneys required.

Sinking fund. Interest. Payment of bonds. Cohoes company. Salaries.

Labor, repairs and improvements.

Contingent expenses. Scale of water rents; what amount to produce.

Annual re-

commissioners; and no main pipe shall be tapped until a permit therefor be obtained from the superintendent, which permit shall express the purposes for which water may be used, and shall have printed thereon the rules and regulations for the use of water; and any cases of violation of said rules may be punished by cutting off the supply of water from said premises, except the supply for extinguishing fires. The same regulations and restrictions shall apply to the use of water under existing permits, as well as to those which shall be granted under this act.

§ 8. It shall be the duty of said commissioners, forthwith after the passage of this act, to make an estimate of the average annual amount required by them for the following purposes, which shall constitute the different funds into which the moneys received from all sources connected with or appertaining to said water works shall be divided, except that specified in section three.

1. For payments to the sinking fund.
2. For interest on the water loan of the village.
3. For payment of bonds otherwise unprovided for.
4. For use of water to Cohoes company.
5. For salaries of officers and labor performed in superintending and operating the water works.
6. For labor, material and expenses for repairs; and for the extension of the works, new hydrants, gates or other additions and improvements.
7. The contingent expenses authorized by law; and shall thereupon establish such a scale of water rents, as provided in the preceding section, as shall, according to their judgment, produce one half the aggregate amount so required as aforesaid. They may, from time to time, at least one month from the beginning of the fiscal year, alter, modify and amend such rates (not, however, affecting those of the current half year) that the amount received therefrom shall be as nearly equal as may be to the amount to be raised by general tax for the same purposes; and they shall so alter, modify and amend such rates as to make them equal as aforesaid whenever they shall produce a sum which shall exceed or fall short that raised by tax one-fifth of the last named amount.

§ 9. It shall be the duty of the board of water com-

missioners, immediately after the passage of this act, and between the first and fourth days of April in each year thereafter, to report to the village trustees showing as follows, in detail:

1. The amount assessed and charged during the preceding year for water rates, for permits and for other purposes, separately.

port to vil-
lage trust-
ees; what
to show.

Charges
for water
rates and
permits

2. The amount assessed in the general tax the preceding year.

General
tax assess-
ed.

3. The amount collected from each of the the above sources.

Amounts
collected.

4. The amount expended for salaries of officers and services in superintending and operating the works.

Expended
for sala-
ries.

5. The amount expended for labor, materials and expenses in repairs.

Expended
for labor,
etc.

6. The amount expended in extending works, putting in new hydrants, gates or other improvements.

Expended
for im-
prove-
ments.

7. The amount paid for contingent expenses, specifying to whom and for what purposes.

Contingent
expenses.

8. An estimate of the sums deemed desirable and necessary by said board for each of the purposes specified in section eight, for the next year.

Estimate
of expenses
for the
next year.

9. An estimate of the amount that will be realized from water rates and permits during the next year proportionally divided according to the preceding estimates among the different funds specified in section eight.

Estimate
of receipts
from water
rates, etc.

10. A statement of the amount necessary to be raised by tax for each of the purposes mentioned in section eight, in addition to the amount raised by water rates, to realize the whole amount required therefor as therein estimated. The trustees of the village shall cause said report and estimate to be published in full in one of the village newspapers once in each of the two weeks immediately preceding the annual village meeting.

Statement
of amount
to be raised
by tax.

Report and
estimates
to be pub-
lished.

§ 10. The estimate of sums recommended by the board of water commissioners as necessary to be raised by tax except the amount for the payment of the sinking fund, the payments of the interest on the water loan, the water rent to the Cohoes company, and the payment of the bonds, shall be submitted at the next annual village meeting by the trustees, and each item thereof passed upon sep-

Estimates
to be sub-
mitted to
village tax
meeting.

Power to call special tax meeting in 1868.

arately by the taxpayers then present entitled to vote for raising taxes, under the village laws. In case there shall not be sufficient time after the passage of this act for the publication of the report, as above provided, before the annual village meeting to be held in eighteen hundred and sixty-eight, and for the submission of the estimate to said meeting, as required in section eleven of this act, then a special village meeting shall be called by the village trustees for the purpose of voting upon such estimate, and the required publication shall be made for two weeks next preceding such special meeting.

Taxes and unpaid water rates; how collected.

§ 11. The aggregate amount of the sum so voted, together with the amount required for the purposes excepted in the preceding section, and all sums due for water rates and permits for the preceding year, and uncollected by the superintendent, shall be assessed and collected in the same manner and at the same time as village taxes, and shall, like State, county, and village taxes, be a lien and charge upon such buildings and lots. All street hydrants shall be furnished and put in by said water commissioners, who shall so far have charge of the same as to preserve them always in working order. All service and connecting pipes for the introduction of water into public buildings shall be charged to the village and the expense thereof paid to said commissioners as other claims against the village are now paid.

To be a lien upon lots and buildings.

Water commissioners to put in street hydrants. Service and connecting pipe to be charged to village.

§ 12. Any person who shall do or cause or permit to be done any act whereby any work, material, or property, whatsoever, erected or used within the village of Cohoes or elsewhere by said village or board of 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 or damaged, or any person who shall draw or permit to be drawn from any street hydrant except for fire purposes, any water without the express permission of the superintendent of said works or the board of water commissioners, or any person shall throw or cast, or permit to be thrown or cast any offensive or deleterious substance or thing, into or within the boundary fence of the property used by said commissioners for reservoirs or the approaches thereto, or allow any animal or fowl to enter thereupon,

Certain acts to be deemed a misdemeanor.

Injury to water works. Use of water from street hydrants. Casting offensive substances into reservoirs or approaches.

Injury by animals.

or any person who shall open or tap any street main to introduce a pipe therein or use the water therefrom without first having procured the permit from the superintendent, shall be deemed guilty of a misdemeanor and punished accordingly; and any person who shall allow the water to run to waste from any tap or vent, or shall use the same in a wasteful or negligent manner, or who shall use the water or permit the same to be used for purposes other than those specified in the permit, without such express permission as aforesaid, shall be liable to a fine of not less than five nor more than ten dollars for each day or part of a day it is so wasted or used; said fine to be collected by suit, in the name of said commissioners in a court of a justice of the peace in said village; or the supply of water may be cut off as hereinbefore provided, at the option of the said board.

Tapping of street mains.

Fine for wasteful use of water.

How recovered.

§ 13. All powers conferred upon the board of water commissioners by the act to which this is an amendment, or by any act amending the same, shall be possessed by them for the purpose of the proposed enlargement of work as herein provided, except as such powers are annulled or modified by this act, and all acts or parts of acts inconsistent herewith are hereby repealed.

Powers of water commissioners for purposes of proposed enlargement of work.

§ 14. Section twenty-two of the act hereby amended is hereby amended by adding to the end thereof as follows: "And said superintendent shall give such security for the faithful performance of his duties as may be required by said commissioners."

Superintendent of water works to give official security.

§ 15. This act shall take effect immediately.

Chap. 745.

AN ACT to confirm and render valid the official and corporate acts of the Northwestern Dispensary in the city of New York.

Passed May 8, 1868.

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

SECTION 1. All the official and corporate acts of the Northwestern Dispensary of the city of New York, a

Official acts of corpora-