

L A W S
OF THE
STATE OF NEW YORK,

PASSED AT THE

NINETY-FIFTH SESSION

OF THE

LEGISLATURE,

BEGUN JANUARY SECOND, AND ENDED MAY FOURTEENTH, 1872,
IN THE CITY OF ALBANY.

VOL. I.



ALBANY:
V. W. M. BROWN, PUBLISHER.
1872.

Chap. 179.

AN ACT to provide for supplying the city of Hudson, Columbia county, New York, with pure and wholesome water.

Passed April 6, 1872; three-fifths being present.

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

Common council to supply city with water.

SECTION 1. The common council of the city of Hudson are hereby authorized and empowered to supply the city of Hudson and the inhabitants thereof with pure and wholesome water, and to that end the common council shall have full power to employ engineers, surveyors, and such other persons as may be necessary for that purpose.

May adopt plans.

§ 2. The common council may adopt such plan or plans as in their judgment may be most feasible, and best adapted to supply the requisite quantity of water, and shall estimate or ascertain the probable amount of money necessary to be expended for that purpose, not exceeding in the whole the sum of one hundred and twenty-five thousand dollars.

To purchase and hold real estate necessary.

§ 3. The common council shall have power and they are hereby authorized to purchase, take and hold any real estate, property, rights, and interest which they shall by vote determine to be necessary for the purpose aforesaid, and for the city of Hudson to own, for the purpose aforesaid; and by their agents, or other persons employed by them, or appointed by this act, may enter upon the lands of any person or persons, which may be necessary for said purpose; and may, as aforesaid, enter upon any lands of said city, streets, highways, roads, alleys, lanes, and squares in said city and any lands, for the purpose aforesaid; and to do whatever shall be determined upon by said common council to carry out the purposes of this act.

Survey and map.

§ 4. Before taking or using any land or lanes, streets, alleys or squares, for the purpose of this act, or for any of the purposes in this act specified, the common council of said city of Hudson shall cause a survey and a

map to be made, of the streets, highways, roads, alleys, lanes, squares, and lands of said city, intended to be taken or to be used, or to be entered upon for any of said purposes; and of any and all lands intended to be taken, entered upon or used for any of said purposes; and upon the adoption of the same by the common council, the same shall be filed with the city clerk and clerk of said common council, and remain on file with said clerk. The said common council are, however, after its adoption, hereby authorized to add to, alter or amend said map, and file such additions, alterations and amendments with said clerk, to be by him kept on file with said original map; and for the purpose of making such original survey and map and any additions, alterations and amendments, the said common council, by any of their officers, agents or servants, and any and all persons acting under the provisions of this act, may enter upon any and all lands which the said common council shall determine to be necessary, or for the interest of the city of Hudson, to hold for the purposes of this act.

May alter and amend map.

§ 5. In all cases where the said common council shall be unable to agree with the persons owning or having an interest in any lands, tenements or hereditaments required by them for the purposes of this act, the Supreme Court, at any special term thereof, held in the third judicial department, shall, on the application of said common council, after ten days' personal notice, served on such persons, or where such notice cannot be personally served, within the State, or such persons are infants, or otherwise incapacitated from receiving personal notice, then by service in such manner as said court shall direct, appoint three disinterested citizens of the county of Columbia as commissioners, to determine the damage sustained by each of such persons, by reason of the taking or use of his or her lands, tenements or hereditaments for the purposes of this act. Such commissioners shall take the oath required by the constitution, and shall personally examine each parcel of land or other property proposed to be so taken or used, and shall estimate and report to said court at any

Title, how acquired.

Duty of commissioners.

term thereof, held within said district, the several sums which will be a just compensation to such owners or persons interested, respectively, for the appropriation to the purposes of this act, of any property, rights or privileges that may be so required, or for the title or use of any such property; and such commissioners may examine witnesses upon hearings before them, and all evidence so taken shall accompany their report. On the presentation of said report, the said court may confirm, alter or amend the same, or appoint new commissioners, who shall proceed in like manner with the first commissioners, and whose report shall be final, and shall be confirmed by said court. Said commissioners shall receive from said common council the sum of three dollars per day each, for each day employed by them, in performance of their duties as above stated, together with the amount which said commissioners shall certify as correct in their said report, for incidental expenses connected with their work, including the preparation of their report.

Compensation.

Money to be paid or deposited.

§ 6. When the report of the commissioners aforesaid shall have been confirmed by the said court, the said common council may deposit, as said court may direct, or pay to said owner, or person interested, or to such person or persons as the said court may direct, the sum or sums ordered to be paid, or at which it shall have been so confirmed, in full compensation, for the property so required and taken; and thereupon the said city of Hudson shall become seized in fee of the property, rights or privileges so acquired, and said common council and the said city of Hudson shall be discharged from all claim by reason of any such appropriation or use.

Common council may borrow money and issue bonds.

§ 7. The said common council of the city of Hudson shall have power, and it shall be their duty, to borrow, from time to time, for the purposes of this act, upon the credit of said city of Hudson, such sum or sums of money, not exceeding, in the whole, one hundred and twenty-five thousand dollars, and upon such terms of credit as shall seem for the best interest of said city of Hudson, and at a rate of interest not exceeding seven per cent. per annum, and to secure said loan, said com-

mon council shall have power to issue the bonds of said city, signed by the mayor and clerk of said city, and sealed with the seal thereof; which bonds shall be made of such amounts respectively, and payable at such time and times as said common council shall direct; but said bonds shall not be sold or disposed of at less than par, or the common council may issue the bonds of said city, executed as aforesaid, but not exceeding one hundred and twenty-five thousand dollars in amount, payable as they shall direct, and sell the same to the highest bidder, but not less than par, and the money so borrowed on said bonds, or realized by sale of said bonds, shall be appropriated by said common council to the purposes expressed in this act, and to no other purposes whatever: the bonds to be so issued for the purposes aforesaid shall be designated "Hudson city water bonds," and the fund or moneys so raised or realized, and all moneys raised, realized or collected, under and pursuant to the provisions of this act, shall be, and constitute, and be called "The water fund of the city of Hudson;" and shall be paid to the city treasurer, and by him placed to the the credit of "The water fund of the city of Hudson;" and shall be paid out only for the purposes of this act, so much thereof as may be necessary to secure the necessary or required land and privileges to build said water-works, and secure any rights, interests and privileges for the purposes of this act, and make all necessary surveys and plans and maps of the work to be done, shall be paid out only upon the order or resolution of the common council; and the balance and whatever shall thereafter be placed to the credit of said fund shall be drawn out only by the board of water commissioners hereinafter provided for, and only in manner as hereafter provided.

Name of bonds.

Proceeds, how expended.

Water commissioners.

§ 8. The common council, upon their determination to erect water-works and supply the city of Hudson with water, shall appoint three reputable resident freeholders of said city of Hudson as water commissioners, who, with the mayor and recorder of said city, shall be and constitute a board to be known by the title of "The board of water commissioners of the city of Hudson." The common council shall appoint one of said commis-

sioners for one year, one for two years, and one for three years, and who shall hold their office for the term for which each has been so appointed; and upon the expiration of the several terms of office, their places shall be forthwith filled by the common council of the city of Hudson by the appointment of a reputable resident freeholder of said city, and shall be for the term of three years, so that the term of office of one commissioner shall expire each year. And the said common council shall, whenever a vacancy or vacancies occur in said board, except by expiration of term of office, forthwith appoint a person or persons to fill such vacancy or vacancies for the unexpired term, who shall be a reputable resident freeholder of said city; but no one being at the time of such appointment a member of the common council shall be so appointed; and such commissioners, before entering upon the discharge of the duties of their office, shall take and subscribe the oath of office prescribed by the Constitution, and file the same with the clerk of said city; and if they, or either of them, shall neglect to do so for the period of ten days after his or their appointment, he or they shall be deemed and taken to have declined such appointment, and the said common council shall, forthwith, after such declination and refusal, proceed to make a new appointment or appointments, to fill the place or vacancy occasioned by such declination and neglect to file oath of office.

Vacancies, how filled.

Official oath.

§ 9. When the said common council shall have decided upon and completed their plans and surveys, and filed the same as hereinbefore provided, and shall have procured the necessary land for the purposes specified and contemplated by this act, and shall have decided upon and filed with the clerk of the said city their determination and decision as to how and in what manner the said city shall be supplied with water, what amount shall be supplied and from what source or sources, to what portions of said city, what sized pipes and what kind of pipes shall be laid, what reservoir or reservoirs shall be constructed, and what kind of engines and other apparatus are to be used, and the amount of money appropriated by them for the purposes specified in this act; then the said board of water commissioners of the city

of Hudson shall proceed to carry out the purposes and objects of this act, and of such determination and decision of the common council, as nearly as may be; and all necessary contracts shall be made by them in the name of said board; and they are hereby authorized to contract, and do all and any act in the name of said board that by said board shall be deemed necessary and proper to carry out and into effect the said determinations and decisions of the said common council and the purposes of this act. And the said board of water commissioners, and their agents, servants and employees shall have the power, and power is hereby granted to them, to enter in and upon any lands, waters, streets, alleys, highways or squares specified in the plan or map, or plans or maps, determined and decided upon by said common council as aforesaid, and build and construct and repair any buildings, reservoirs, aqueducts, docks, filters, apparatus, machinery, engines, pipes and works necessary or proper for the purpose hereinbefore stated and the purposes of this act, and make all necessary excavations, and lay and repair pipes and conduits upon any lands entered upon, purchased, taken or held by the said common council for the purposes of this act; but the said board shall restore all streets, alleys, squares and lands, as near as may be, to as good condition as before such work or excavation was commenced.

Commissioners to carry out plans of common council.

Power to enter upon lands.

§ 10. Said water commissioners shall also have and possess the power:

1. To appoint, by a resolution to be entered upon their minutes, an officer to be denominated "The superintendent of the water works of the city of Hudson," and all such other agents, as may be necessary, in order to carry into effect the purposes of this act, which said superintendent and other agents shall hold their offices during the pleasure of the said board of water commissioners, and receive such salary, or compensation, for their services as the said board of water commissioners shall fix or decide upon.

Superintendent, how appointed.

2. To make any and all necessary contracts to carry out the plan or plans of the common council, determined upon, or that may be determined upon, and filed in accordance with this act; and do, and cause to be

Powers of commissioners.

done, any and all acts that may be necessary, to take and force into, or lead into, and through the city of Hudson, for the use of said city and of the inhabitants thereof, a full and ample supply of water for all purposes, as contemplated by this act.

Officers of board.

3. To appoint one of their body president, also to appoint a suitable person or persons secretary and treasurer; and, in case of a vacancy, to fill such vacancy; such secretary and treasurer to hold his or their office during the pleasure of said board of water commissioners, and to give such security as the said board shall require; and the said board of water commissioners may establish rules and regulations for their own government and the government of their superintendents, agents and servants; and shall prescribe the duties of such superintendents, agents and servants.

Rules for use of water.

4. To make proper rules and regulations for the use of the said water; and to provide for the protection and preservation of said works, and all property connected therewith; and to enact proper penalties, not exceeding fifty dollars for each offense, for the violation of any of such rules and regulations; such rules and regulations, when made, to be published for six weeks in the city official papers; and such publication shall be notice to all persons for the purposes of this act. Such rules and regulations may be enforced, and the penalties enacted thereby collected, in the same manner, by said board of water commissioners, in the name of said board, as in the case of ordinances made by the common council of said city; and the observance of such rules and regulations may also be enforced by cutting off the use and supply of water. The penalties so collected by said board shall be paid to the treasurer of the city of Hudson to the credit of said water fund, for the use of said board of water commissioners for the purposes of this act.

Penalties payable to city treasurer.

Rents.

5. To establish a scale of annual rents, or fix the sum or sums of money to be paid by any corporation, or corporations, or individuals, that may be permitted by said board, to use the said water for manufacturing or railroad purposes; and collect such rents, or sum and sums of money fixed or agreed upon for the use of said

water, and pay the same over to the city treasurer, to the credit of said water fund, for the use of said board of water commissioners, for the purposes of this act.

§ 11. The said board of water commissioners shall have the control and superintendence of the construction of all the work to be done as aforesaid, by them; and the supervisory, directing and controlling power, in all matters relating to the preservation and continuance of the works authorized by this act; and of all works authorized or that may be authorized by the common council of Hudson under this act; and shall keep a record of their proceedings and doings, and of the moneys received and expended by them in a suitable book; and shall, on or before the first day of November, in each year thereafter, make a report of their proceedings and doings, and of the moneys received and expended by them, and of the state of the matters in their charge; and of the finances of the board, showing what moneys have been received by them and what moneys have been expended, and from what source received and how expended; and shall also estimate and certify what amount of money, if any, is necessary to be raised for the board to pay its debts or obligations; and to enable the said board to discharge its duties and fully carry out and into full effect, the object and purposes of this act; and also what amount of money is necessary to maintain and keep in good order said works and property, and furnish the supply of water required; and the common council of the city of Hudson shall cause to be levied and collected, in their then next annual levy and collection of taxes for the city of Hudson, the amount so estimated or reported to be necessary by said board, and cause the same to be paid to the city treasurer to the credit of said water fund, and to and for the use of said board of water commissioners, and to be drawn only upon the draft or order of said board, and for the purposes aforesaid; and such amount so levied and collected shall be levied and collected in addition to the amount authorized by the city charter to be levied and collected from the taxable property in said city; and shall be levied and collected as the ordinary taxes are levied and collected in said city.

General powers.

Tax to be levied.

Supply pipes to be inserted and kept in repair by owners or occupants.

§ 12. The connecting or supply pipes, leading from the distribution pipes to dwellings or other places, to which the same shall be permitted to be led by said board of water commissioners, shall be inserted and kept in repair at the expense of the owner or occupant of the building or place to which the same shall be permitted to be led, and no pipe shall be inserted or connected with the main pipe or distributing pipe, until a written permit therefor shall first be obtained from said board, a record of which permits shall be kept by said board, and all such connecting or supply pipes and fixtures shall be constructed under and according to the direction of the superintendent or authorized agent of said board; and such board and their agents shall be authorized at all times to enter into any building or place where water is used from supply pipes, to examine as to the amount of water used, and the manner of using it.

Willful injuries, how punished.

§ 13. If any person or persons shall willfully do or cause to be done any act, whereby any work, material or property whatsoever, erected or used within the city of Hudson or elsewhere, by the water commissioners or by any person acting under their authority, for the purpose of procuring, furnishing and keeping a supply of water, shall in any manner be injured, such person or persons, on conviction thereof, upon complaint of said board, shall be deemed guilty of a misdemeanor, and be punished accordingly.

Penalty for throwing offensive matter in reservoirs, etc.

§ 14. It shall not be lawful for any person to throw or deposit, or cause to be thrown or deposited, into any aqueduct, water-way, reservoir, or reservoirs constructed by or under the direction of said board, any animal, dead or alive, nor any other offensive matter or thing whatever; and any person offending against the provisions of this section, shall be deemed guilty of a misdemeanor, and upon conviction upon complaint of said board, shall be punished by a fine or imprisonment, or both, in the discretion of the court; such fine not to exceed one hundred dollars, and such imprisonment not to exceed the period of three months.

Commissioners not to re-

§ 15. The said water commissioners shall not receive any compensation whatever, for any services to be ren-

dered by them under the provisions of this act; but all reasonable and proper expenses incurred by them in executing their trusts as such commissioners, together with the salaries of the superintendent, agents, servants and employees, shall be paid by the treasurer of the city of Hudson, upon the certificate and order of said board of water commissioners, out of the water fund or moneys raised, collected, appropriated or set apart, under and pursuant to the provisions of this act for the purposes of this act. And the treasurer of the city of Hudson shall keep an account with the said board, showing all moneys received to or for the use of said board or from said board, and of all moneys paid to said board, or for or on account of said board; but he shall not pay any money to said board or for or on account of said board, except upon the order or draft of said board, which account with said board shall at all times be open to the inspection of said board, and said treasurer shall make a report thereof, on or before the first day of November of each and every year, to the common council of the city of Hudson; and as often as the common council of the city of Hudson shall require him to report to them; which report and reports shall show the situation and state of the said accounts, and of all moneys received by him, and of all moneys paid out by him.

ceive compensation.

Expenses to be paid.

Treasurer to make report.

§ 16. The said water commissioners may sue and be sued under the name of "The board of water commissioners of the city of Hudson" in any of the courts of this State; and the said water commissioners may do whatever shall by the said board be decided to be necessary to be done to secure the observance and performance of the provisions of this act, and to carry out and into full effect the purposes of this act. Any and all judgments recovered by said board, and any and all fines and penalties collected by said board, shall be for the benefit of the said city of Hudson; and any and all moneys so collected by said board, or that shall be paid to said board, in settlement of any claim or claims of said board, shall be paid over by said board to the treasurer of the city of Hudson to the credit of said water fund. Any and all recoveries, judgment or judg-

Legal proceedings.

ments against said board of water commissioners shall be deemed to be, and held to be, only a recovery and judgment against the said city of Hudson, and to be paid only by the said city of Hudson or levied and collected out of the property of the said city of Hudson, according to law. But any such judgment or recovery, and any and all proper claims, may be paid by said board out of said water fund, in the discretion of said board.

Amount
to be
raised
annually.

§ 17. The common council of the city of Hudson shall have the power, and shall raise annually, such amount of money by tax upon the whole taxable property of the city of Hudson, as shall be sufficient to pay the principal of any and all bonds issued under this act, that by the terms of said bonds shall become due and payable, together with the interest on all such bonds, and on all bonds unpaid; and shall pay the said bonds as they fall due and all interest due on said bonds; which amount so to be levied and collected shall be in addition to the amount that is now or shall be authorized by the charter of the city of Hudson, to be raised for other purposes. And the said common council shall also have the power to raise and shall raise, at the next annual tax levy, such amount as the said board of water commissioners shall report and certify to be necessary for the use of said board for the purposes of this act; and to pay any judgment and legal claim against said board; which amount so levied and collected shall also be in addition to the amount authorized by the charter of Hudson to be raised for other purposes.

§ 18. This act shall take effect immediately.

Chap. 180.

AN ACT to incorporate the Citizens' Plate Glass Insurance Company.

Passed April 6, 1872.

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

Corpo-
rators.

SECTION 1. John Gill, A. H. Willmount, Fanning Cable, David Kennedy, John Rae, B. V. B. Livingston, James