

L A W S

OF THE

STATE OF NEW YORK,

PASSED AT THE

ONE HUNDRED AND SEVENTH SESSION

OF THE

LEGISLATURE.

BEGUN JANUARY FIRST, AND ENDED MAY SIXTEENTH, 1884,  
AT THE CITY OF ALBANY.



ALBANY:  
BANKS & BROTHERS, PUBLISHERS.  
1884.

act for the incorporation of villages," is hereby amended by adding thereto an additional subdivision, to be numbered twenty-eight, as follows:

28. To regulate the landing within the village of boats while making excursions for pleasure, or the passengers therefrom, and in case the peace, order and quiet of the village shall require the same, to prohibit such landing of boats and passengers, and to prevent and prohibit any such passenger or passengers from coming into said village, or the entertainment and harboring of such passengers therein.

Landing of boats, etc.

§ 2. This act shall take effect immediately.

## Chap. 130.

AN ACT to amend chapter one hundred and sixty-two of the laws of eighteen hundred and seventy-three, entitled "An act to incorporate the Nyack Water-works Company."

PASSED April 12, 1884; three-fifths being present.

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

SECTION 1. Section eight of chapter one hundred and sixty-two of the laws of eighteen hundred and seventy-three, entitled "An act to incorporate the Nyack Water-works Company," is hereby amended so as to read as follows:

§ 8. For the purpose of supplying the inhabitants of the towns of Orangetown and Clarkstown, in the county of Rockland, and particularly the village of Nyack, situate in said towns, with pure and wholesome water, the said company may purchase any real estate necessary for that purpose, and by their directors, agents, servants or other persons employed, may enter upon the lands so purchased and which may be necessary for said purpose and may take the waters from any springs, ponds, fountains or streams thereon and convert and convey the same to and into and throughout said towns and village, and may lay and construct any pipes, conduits, aqueducts, wells, reservoirs or other works or machinery necessary and proper for said purpose upon any lands so purchased; and said corporation may as aforesaid enter upon any lands, streets, highways, roads, lanes or public squares through which they may deem it proper to carry the water from said springs, fountains, ponds, streams, wells and reservoirs, and lay out and construct any pipes, conduits, aqueducts or other works for that purpose, leaving the said lands, streets, highways, roads, lanes and public squares in the same condition, or as nearly as may be, as they were before said entry; but the said company shall not, within the said bounds of said towns or village, lay and construct said pipes, conduits, aqueducts or other work through any private garden, courtyard or building lot without the written consent of the owners thereof, except as hereinafter provided.

Company may purchase and hold real estate.

In all cases where the said company shall be unable to agree with the persons owning or having an interest in any lands, tenements and hereditaments situate in said towns or village, and required for the purposes of said company, the supreme court, at any special term thereof held in the judicial district in which said lands may be situated,

Proceedings to acquire title in case of non-agreement with owner.

shall, on the application of the said company, after ten days' written notice personally served on such persons, or where such notice cannot be personally served within this state, or where such persons shall be infants or otherwise incapacitated from receiving personal notice, then by service in such manner as the said court shall direct, appoint three disinterested citizens of the county in which the said lands are situated, who shall be freeholders, 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 said company; such commissioners shall take the oath required by the constitution of public officers, and shall personally examine each parcel of land or other property proposed to be taken or used, and shall estimate and report to said court, at any term thereof held in the said judicial district, the several sums which they shall decide to be a just compensation to such owners or persons interested respectively, for the appropriation, to the purposes of said company, of any property, right or privilege that may be so required, or for the title and use of any such property; notice of the first hearing before the commissioners shall be given to the persons interested, in such manner and form as the court shall direct; such commissioners may examine witnesses upon the hearings before them, and shall have power to administer oaths to such witnesses, and all the evidence they shall take shall accompany their report to the court. Ten days' notice in writing of the time and place of the presentation of the said report shall be given to the parties interested. On the presentation of such report the said court may confirm or amend the same or appoint new commissioners who shall proceed in like manner with the first commissioners, and whose report, subject to amendment by the court, shall be final and shall be confirmed by said court; but whenever the right or estate in land desired to be acquired is the right for the purpose of the storage, distribution or delivery of water, to lay pipes or mains in lands designated as a street, highway or road upon a map made by the authorities of any town or village or other competent authority, or used as a public highway or street, or as a turnpike or plankroad, the said company, after filing in the office of the clerk of the county of Rockland a map showing the streets, highways, roads, turnpike and plank roads desired to be used, may without any further notice and without giving notice of such application, save the publication in a newspaper to be designated by the said court of a notice stating the time and place of making such application, apply for the appointment of three commissioners to determine what damages ought to be paid to the owners of property abutting on the thoroughfares designated on said map. And the notice of the first hearing before the commissioners, when appointed, may be by advertisement or notice, and in such form and with such designation of the persons interested as the court may direct; and any party who shall not appear before such commissioners and file a notice of a proper place where notice may be served on him or them, shall not be entitled to any notice of the application to confirm the report of such commissioners. No appeal that may be taken from any order made in a proceeding instituted under the provisions of this act shall cause any stay of proceedings, nor shall any appeal be affected\* unless the party taking such appeal stipulates not to disturb the possession by the company of the easement affected by such appeal; and at any stage of such proceedings the court may authorize the said company to continue in possession and

Notice of  
first hearing.

\* So in original.

use of such real estate during the pendency and until the final conclusion of such proceedings, and may stay all actions or proceedings against the said company on account thereof, upon the payment into court by said company of a sum sufficient, or by giving security as the court may direct, to pay the compensation therefor when finally ascertained; and in every such case the party interested in such real estate may conduct the proceedings to a conclusion if the said company unreasonably delays or omits to prosecute the same. Such commissioners shall receive from the said company the sum of three dollars per day each for each day employed by them in the performance of their duties as above provided, together with the amount which the said commissioners shall certify, on their oaths, as correct in their said report for incidental expenses connected with their work, including the preparation of such report.

Compensation of commissioners.

§ 2. This act shall take effect immediately.

## Chap. 131.

AN ACT to amend chapter two hundred and ninety-one of the laws of eighteen hundred and seventy, entitled "An act for the incorporation of villages."

PASSED April 12, 1884; three-fifths being present.

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

SECTION 1. Section four of title four of chapter two hundred and ninety-one of the laws of eighteen hundred and seventy, entitled "An act for the incorporation of villages," is hereby amended to read as follows:

§ 4. The trustees shall have power to raise money for an extraordinary expenditure for any village purposes by assessment and tax, by submitting a resolution stating the amount to be raised, the specific object for which, and whether the same is to be raised in one sum or in annual installments, and if in annual installments, the number thereof and the amount of each, to the annual election, or to a special election, of the legal electors entitled to vote on such questions, to be held as in this act directed. The trustees shall have power to appoint such special election, designating time and place. If the majority of the ballots cast have on them the word "yes," then the trustees may raise the amount voted, as stated in such resolution, without further action by such electors; and when the resolution adopted provides for raising the same in installments, the trustees may issue certificates of indebtedness or bonds of the village for the amount of such installments, payable respectively when such installments are to be raised, with interest not exceeding six per cent per annum, and may apply the same or the proceeds thereof to the objects specified in such resolution. Said certificates or bonds shall be executed by the president of the board of trustees, and the treasurer of said village, and unless the same shall be delivered in payment of the extraordinary expenditure for which they are issued, shall be sold by the trustees of said village to the highest bidder at public sale, notice of which sale shall be given by publishing the same in a newspaper published in said village at

Power to raise money; resolution to be submitted, etc.

Bonds, how executed.