

L A W S

OF THE

STATE OF NEW YORK,

PASSED AT THE

NINETY-SEVENTH SESSION

OF THE

LEGISLATURE.

BEGUN JANUARY SIXTH AND ENDED APRIL THIRTIETH, 1874,
IN THE CITY OF ALBANY.



ALBANY:
HUGH J. HASTINGS, PUBLISHER.
1874.

fore made by them to the Hebrew Benevolent and Orphan Asylum Society of the City of New York, so as to permit and authorize said society to sub-let or lease the whole or any part of the premises so conveyed to said society to enable said society to, and said society may thereupon devote the rents, issues and profits arising therefrom to the maintenance and support of such society, and of the orphans, half-orphans and indigent children under its charge.

grant to Orphan Asylum.

§ 2. This act shall take effect immediately.

Chap. 252.

AN ACT to provide for supplying the village of Owego, in the county of Tioga, with water.

Passed April 25, 1874 ; three-fifths being present.

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

SECTION 1. For the purpose of supplying the village of Owego, Tioga county, with pure and wholesome water, the president and trustees of said village shall examine and consider all matters relative to such supply, and shall have power to employ engineers, surveyors, and such other persons, as may be necessary for that purpose, and shall adopt such plans as shall, in their opinion, be most feasible and best for procuring such supply of water, and which shall embrace proper distribution pipes and supplies for all streets and places which, in their opinion, shall be for the interest of said village. For said purpose, said president and trustees may purchase, take and hold any real estate, lands, tenements or hereditaments, water or water power, in the town of Owego, in the town of Tioga, and in the town of Nichols, in said county, for and in the name and behalf of said village, and by their agents or other persons employed, may enter upon the lands of any person or persons of Owego and Tioga and Nichols, and roadways of said towns which may be necessary for such purpose, and take the water from any ponds, springs, rivers, streams or lakes, in said towns, or either of them, and may divert and convey the same to the said village of Owego, and may construct, lay, and keep in repair any buildings, dams, reservoirs, aqueducts, pipes, conduits, or other works or machinery necessary or proper for said purpose, upon any lands, real estate, tenements and hereditaments, so entered upon, purchased, taken or held, and may, as aforesaid, enter upon any lands, streets, highways, roads, lanes and squares, in said town or village of Owego, leaving said lands, streets, highways, roads, lanes and squares in the same condition, as nearly as may be, as they were in before such entry ; and shall estimate and ascertain the probable amount of money necessary therefor, and the probable entire cost of such water-works when completed.

President and trustees, their powers, &c. in relation to supply of water.

May purchase real estate, &c

May enter upon lands.

Buildings, dams, reservoirs, &c.

Estimate of cost.

§ 2. Before entering, taking, or using any land or real estate for the purpose of this act, or the use or right of passage through the same, the said president and trustees shall cause a survey and map to be made of the same, on which the land and real estate of each owner, or occupant, shall be designated, which map shall be signed by the president and clerk of said village, and be filed in the office of the clerk of Tioga county. Said president and trustees, and any of their officers, agents or servants, may enter upon any lands for the purpose of making such survey and map, they doing no unnecessary damage.

Survey, map, &c., a condition precedent to right of entry.

When commissioners to appraise damages may be appointed.

Proceedings for appointment of commissioners.

Their qualifications.

Time and place of meeting. Guardian ad litem.

Official oath.

Proceedings by commissioners.

Their report.

Fees of special guardian. Compensation of commissioners.

By whom to be paid.

Notice of meeting for confirmation.

When the village becomes seized of property, &c., and village dis-charged.

§ 3. In all cases in which the president and trustees shall be unable to agree with the persons owning or having an interest in any real estate, lands, tenements or hereditaments, springs, water or water power required for the purposes of this act, or any or either of them, the Supreme Court, at any special term thereof held in the sixth judicial district, shall, on presentation of a petition duly verified, containing a description of the property proposed to be taken, and stating the use to which it is intended to be applied, after ten days' notice of presentation of such petition served, together with a copy thereof, on such persons, in the manner prescribed for the service of notice and copy petition by section fourteen of the act entitled "An act to authorize the formation of railroad corporations and regulate the same," passed April second, eighteen hundred and fifty, make an order appointing three disinterested citizens of the county of Tioga, or an adjacent county, 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 real estate, lands, tenements or hereditaments, water or water power, for the purposes of this act, and shall in such order fix the time and place for the first meeting of the commissioners; and in case any party to be affected by the proceedings is an infant, idiot, of unsound mind, and has no general guardian or committee, shall, in such order, appoint a special guardian or committee to attend to the interest of the person in the proceedings. Such commissioners shall take the oath required by the Constitution. Any of them may issue subpoenas and administer oaths to witnesses; a majority of them may adjourn the proceedings before them, from time to time. They shall view the premises described in the petition, and hear the proofs and allegations of the parties, and reduce the testimony, if any, taken by them to writing, and shall estimate and report to said court 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 the minutes of all evidence taken by them shall accompany their report. They shall also determine what sum ought to be paid to the general or special guardian or committee of an infant, idiot or person of unsound mind, for attending to their interest in such proceedings, and said commissioners shall each be entitled to five dollars, for services and expenses, for every day they are actually engaged in the performance of their duties, to be paid by the said president and trustees, except where the owners or persons interested in the property so to be taken fail to have awarded to them more than the amount of compensation offered them by said president and trustees before the appointment of the commissioners, and then to be paid by the said owners or persons interested, or by said president and trustees, to be deducted from the amount awarded. Ten days' notice, in writing, of the time and place of the presentation of said report shall be given to the parties interested. The 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.

§ 4. When the report of the commissioners shall have been confirmed by the said court, the said president and trustees may deposit, as said court, in the order of confirmation, may have directed, or pay to said owner or owners, or person or persons interested, or to such person or persons as the court may, in said order, have directed, the sum or sums mentioned in said report, in full compensation for the property so

required, and thereupon the said village of Owego shall become seized of the property, rights or privileges so acquired, and said president and trustees, and said village shall be forever discharged from all claim by reason of such appropriation or use.

§ 5. The said president and trustees shall have power, and it shall be their duty, to borrow, from time to time, for the purpose of this act, upon the credit of said village of Owego, a sum not exceeding in the whole fifty thousand dollars, and upon such terms of credit of not less than ten nor more than thirty years, as shall seem for the best interest of said village, and at a rate of interest not exceeding seven per cent. per annum; and to secure said loan said president and trustees are authorized to issue bonds of said village, signed by the president and clerk, and sealed with the seal thereof, which bonds shall be made of such amounts respectively as such president and trustees shall think expedient, and shall not be sold for less than par; and the money so borrowed on said bonds shall be appropriated by said trustees to the purposes expressed in this act, and to no other purpose whatever.

President and trustees may borrow money.

Rate of interest.

Bonds.

§ 6. The said president and trustees, and all persons acting under their authority, shall have the right to use the ground or soil of or under any highway, road or street in said towns of Owego, Tioga and Nichols, for the purpose of introducing water into and through all or any parts of said village of Owego, on condition that they shall cause the said highway, road or street to be restored to its former state, or to such state as not to have impaired its usefulness; and such right shall be continued for the purpose of repairing or relaying water pipes or making other necessary repairs, or renewals upon like conditions.

Right to use ground under highway, &c.

Condition

§ 7. The president and trustees of said village are hereby empowered and it shall be their duty to establish rules and regulations for and concerning the use, regulation and operation of said water-works, and may thereby impose penalties and forfeitures for any violation of such rules and regulations; but such penalties or forfeitures shall not in any case exceed fifty dollars. Said president and trustees shall establish a scale of rents to be charged and paid to said village from time to time by the owners or occupants of buildings in said village, for the supply of water, to be called water rents, apportioned to the different classes of buildings in said village in reference to their number of occupants, consumption of water, dimensions, exposure to fire, ordinary or extraordinary uses, for stores, dwelling-houses, shops, hotels, factories, stables or other purposes, and from time to time may either modify, amend, increase or diminish such rents; and said president and trustees or their agents shall be authorized at all proper 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. And it shall also be the duty of said president and trustees to construct and keep in order such hydrants and other works and fixtures as may seem to them necessary and proper for the use of water in the streets, lanes, and alleys of said village, and for the extinguishment of fires therein.

Trustees to establish rules, &c.

Penalties.

Water rents, how apportioned.

Hydrants, &c.

§ 8. The connection or supply pipes, leading from buildings or other private property to the distribution pipes, shall be inserted and kept in repair at the expense of the owners or occupants of said buildings or other property, and shall not be inserted or connected with the said distribution pipes until a permit therefor shall have been obtained from said president and trustees or their agent duly authorized to grant the same; and all such connecting or supply pipes shall be constructed in the manner directed by said president and trustees or their said agent.

Supply pipes.

Annual receipts for water rents, how applied.

§ 9. The entire annual receipts for water rents after deducting therefrom such sums as may be necessary to defray the expenses of repair of said water-works and extending the same, and other necessary expenses connected therewith, and the proper supply of water to said village, shall be applied toward the payment of the interest on the loans on bonds hereinbefore authorized, and also toward the creation of a sinking fund for the payment of the principal of said loan, as it shall become payable, which sinking fund shall be under the management of said trustees, and shall be invested from time to time, and as often as may reasonably be, in said bonds, or other bonds of said village or of the county of Tioga, or in stocks of the State of New York or of the United States, until the same shall be wanted for the payment of the interest or principal above specified.

Sinking fund.

Deficiency to be supplied by tax.

§ 10. In case the entire receipts for water rents, after making the deduction as above, in the last section provided, shall in any year not be sufficient to pay the interest for that year on the bonds hereinbefore authorized to be issued, or in case in any year when any of the principal of the loan secured by said bonds falls due, the amount of said receipts for water rents, after making such deduction, together with the sum in the sinking fund, shall not be sufficient to pay said interest and said principal so falling due, then it shall be the duty of said trustees to cause an amount sufficient to pay such deficiency to be assessed, levied and collected in addition to other taxes, on and from the taxable property of said village, at the same time and in the same manner as the other taxes of said village are assessed, levied and collected, and the amount so raised shall be applied to the payment of said interest or principal or both, or the deficiency thereof not otherwise provided for. And in case, upon the completion of said water-works, it should be found that any of the fire-engines or other machinery, apparatus or property for extinguishing fires, belonging to said village, shall, by reason of such water-works, become unnecessary, said trustees shall sell the same and apply the proceeds therefrom to the payment of such interest or principal, or pay the same into said sinking fund.

Fire engines, &c., may be sold.

Notice to be given inviting proposals.

§ 11. Said president and trustees, as soon as the plans for the construction of such water-works shall have been determined upon, shall give public notice for at least four weeks, and once in each week in two newspapers published in said village, and also in the State paper of the work required to be done in the construction of said water-works, giving the specifications therefore* and inviting proposals for the performance of such works or any part of the same, and for furnishing materials therefor or any part of the same, such proposals to be sealed and accompanied by such sureties for faithful performance and under such forfeiture as said president and trustees may deem expedient; and upon the acceptance of any such proposal such president and trustees may enter into and execute such contract as they may deem proper for the faithful performance of such work or the furnishing of such material. But said president and trustees may in their discretion reject any or all of such proposals as shall be for the interest of said village; said president and trustees may also appoint a superintendent of such water-works both for and during their construction* and their subsequent management, and prescribe his duties and powers, and who shall hold his office during the pleasure of, and whose compensation shall be fixed by, said president and trustees, and they may employ such agents and

Contract.

Superintendent of water-works may be appointed.

* So in original.

assistants as they may deem necessary to execute any of the duties required of them.

§ 12. The president and trustees of said village, or either of them, shall take no steps to carry out the provisions of this act beyond what is necessary to procure an estimate of the cost of said water-works as hereinbefore provided, and it shall not be lawful for them to do so until the same shall be approved by a majority of the voters of said village, voting by ballot at a special election to be called by said president and trustees, and held within two years after the passage of this act, by giving at least two weeks' notice before such election, by posting such notice in at least six public and conspicuous places in said village, and by publication in all the newspapers of said village for two weeks. The polls at such election shall be open during the same hours, and said election be in all things conducted as are the annual elections for trustees in said village. The ballots received at said election shall be indorsed "Water-works," and, in order to be canvassed, shall contain the words "In favor of bonding for water-works," or the words "Opposed to bonding for water-works." If a majority of the ballots canvassed shall contain the words "In favor of bonding for water-works," then the approval above mentioned shall be considered as having been obtained; otherwise not. A certificate of the result of said election shall be filed by the canvassers thereof in the office of the county clerk of Tioga county, and another like certificate in the office of the clerk of said village, and copied into his minutes, within five days after said election. In case, at the election so held, such approval shall not be obtained, it shall be lawful for said president and trustees, in like manner, to call a subsequent election, in all respects to be called, held and conducted as prescribed for said first election, and with the like effect; but no such subsequent election shall be held within one year of the time of holding said first election.

Approval of voters.

Notice of special election.

Election, how to be conducted.

Ballots.

Certificate of result to be filed.

Subsequent election may be called.

§ 13. This act shall take effect immediately.

Chap. 253.

AN ACT relative to the care and education of deaf mutes.

Passed April 25, 1874.

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

SECTION 1. Any parent, guardian or friend of any deaf mute child within this State, over the age of six years and under the age of twelve years, may make application to the supervisor of the town or city where such child may be, for a permit or order to place such child in the New York Institution for the Deaf and Dumb or in the Institution for the Improved Instruction of Deaf Mutes, or in any of the deaf mute institutions of this State, and it shall be the duty of such supervisor, if in his judgment the means of the child, or the parents or parent of such child, will not enable them to defray the expense in a public institution, to grant such permit or order and to cause said child to be received and placed in such one of the institutions of this State for the education of deaf mutes, as the said supervisor shall select.

Application by parent, guardian, &c.

Duty of supervisor.