

L A W S
OF THE
STATE OF NEW YORK,

PASSED AT THE
NINETY-SIXTH SESSION

OF THE
LEGISLATURE.

BEGUN JANUARY SEVENTH AND ENDED MAY THIRTIETH, 1873,
IN THE CITY OF ALBANY.



ALBANY:
WEED, PARSONS AND COMPANY, PRINTERS.
1873.

CHAP. 753.

AN ACT authorizing the adjudication and settlement of certain claims, arising out of the defalcation of the late treasurer of Yates county, with this State and the said county.

PASSED June 13, 1873; three-fifths being present.

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

SECTION 1. The lieutenant-governor, attorney-general and controller shall be and they are hereby constituted and appointed commissioners to adjust, settle or compromise the claims of this State against the county of Yates, arising out of defalcations of the late treasurer of said county, upon such terms and conditions as the said commissioners shall deem just, and the settlement so made by such commissioners shall be final and conclusive between the State and said county of Yates.

Commissioners to settle with Yates county.

§ 2. This act shall take effect immediately.

CHAP. 754.

AN ACT to define and restrict the powers of the board of water commissioners of the city of Rochester.

PASSED June 13, 1873; three-fifths being present.

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

SECTION 1. Section one of an act entitled "An act to supply the city of Rochester with pure and wholesome water," passed April twenty-seven, eighteen hundred and seventy-two, is hereby amended by adding to said section as follows: Provided, however, the term of office of the said water commissioners shall not extend beyond the first day of October, eighteen hundred and seventy-six.

Proviso of term of office.

§ 2. Section four of said act is hereby amended by striking from said section the words "certificates or written obligations," and the words "certificates or obligations" whenever they occur in said section. Section twenty-four of chapter seven hundred and seventy-one of the laws of eighteen hundred and seventy-two is also amended by striking therefrom the following: The said commissioners may contract with the trustees of any village, through which such pipes may be laid, to supply such village with water, and in case such contract shall be in any instance made, the village authorities are hereby authorized to levy and collect the expense thereof annually with their annual tax for other purposes upon the property liable to taxation in said village.

Contract with villages to supply them with water. Commissioners to enter upon and use waters of Hemlock and Canadice lakes.

§ 3. The board of water commissioners of the city of Rochester, appointed under the provisions of act chapter three hundred and eighty-seven of the laws of eighteen hundred and seventy-two, are hereby authorized to enter upon control and use, as the agents of the city of Rochester, the waters of Hemlock lake and Canadice lakes, situated in the county of Livingston, for the purpose of procuring a water supply for the said city of Rochester, and shall also have the power to raise the surface of water in said lakes not to exceed two feet, and to draw down the said water below low-water mark not to exceed eight feet;

also the right to take such measures and make such constructions as shall be necessary to secure said waters for the purpose intended, and to protect the same from improper obstructions or pollution from any cause; also, to perform any and all acts relating thereto, which may be necessary for the purposes for which said commissioners are appointed, all of the above powers hereby granted to be exercised with due regard to the rights of owners of property adjacent thereto or dependent thereon. And the city of Rochester shall be liable to pay to such owners any and all damages which may be caused to said property by the performance of said act or the exercise of the powers hereby granted.

City to
pay
owners.

Bonds to
be con-
sidered
by treas-
urer, etc.

§ 4. All bonds of the city of Rochester made to provide means for the construction of water works for the said city of Rochester, on demand and under direction of said board of water commissioners, shall be countersigned by, remain until sold in the custody of, and be sold or negotiated by the treasurer of the city of Rochester, and all moneys resulting from the sale thereof shall remain in the custody of said treasurer of the city of Rochester, and all expenditures made, or obligations assumed, for the payment of money by said board of water commissioners shall be paid by said treasurer upon vouchers audited, approved and signed by said board of water commissioners, or a majority thereof, and countersigned by the mayor, and all vouchers relating to payments of salaries to employees, or for work under contract, shall also be certified to be correct by the engineer of said board of water commissioners. The said city treasurer shall keep separate accounts of all bonds issued for the purposes described, and of all the moneys received from the sale thereof, and also of all moneys paid upon the vouchers of said board of water commissioners, the said books of account to be open to the inspection of any tax payer of said city at all reasonable times, and said board of water commissioners are hereby authorized to pay to the said city treasurer the sum of five hundred dollars per annum in full compensation for the services required by this act. All interest which may accrue on said moneys so deposited shall be placed to the credit of said water fund.

Receiv-
ing by
treasur-
er.

Interest.

Commis-
sioners
and
treasur-
er to
execute
bonds.

§ 5. Before any water bonds of the city of Rochester are issued under the direction and authority of the said board of water commissioners, each commissioner shall execute to the city of Rochester a bond for faithful performance of the duties of his office, signed by at least two responsible sureties in the penal sum of twenty-five thousand dollars; and the city treasurer shall also execute to the said city a bond in the penal sum of fifty thousand dollars for the faithful performance of his duty as custodian of the water fund of said city, signed by at least two responsible sureties, who shall each justify in the sum of fifty thousand dollars. The said bonds, both of the commissioners and city treasurer, shall be placed on file in the office of the county clerk of Monroe county, the sufficiency of the security in the several bonds to be determined upon and approved by the mayor of said city.

Where to
be filed.

Commis-
sioners
may pur-
chase
works,
etc., of
Rochester
water
works
company.

§ 6. In case the board of water commissioners shall construct water-works for the supply of water from Henlock and Canadico lakes, they may, if they shall deem it for the best interest of the city, buy and with the consent of the owners, purchase such portions as the said board may desire of the water rights, rights of way, lands, pipes, hydrants and other property formerly purchased or constructed by the Rochester water-works company, for the aforesaid purpose of supplying the city of Rochester with water; and the city shall acquire title thereto, at a

price to be determined upon by and between the owners thereof and the said board of water commissioners, and in case said parties shall not be able to agree, then by three commissioners to be appointed by any court of record in the seventh judicial district.

§ 7. The said board shall keep a full record of its proceedings in a book to be provided by them for that purpose, which shall at all reasonable times be open for the inspection by the tax payers. And the said board of water commissioners shall, on the first day of July and January in each year, make a report in writing to the common council of all proceedings had by them and liabilities incurred. And when the office of said board of commissioners shall have ceased, the said books of its record and proceedings shall be delivered to the city clerk and kept in his office.

Record of proceedings.

Report to common council.

§ 8. This act shall take effect immediately.

CHAP. 755.

AN ACT supplemental to the act entitled "An act to re-organize the local government of the city of New York," passed April thirty, eighteen hundred and seventy-three.

PASSED June 13, 1873; three-fifths being present.

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

SECTION 1. The police force of the city of New York, shall consist of one superintendent of police, four inspectors of police; captains of police not exceeding in number one to each fifty of the total number of patrolmen; sergeants of police not exceeding four in number to each fifty of the total number of patrolmen; doormen of police not exceeding two in number to each fifty of the total number of the patrolmen; surgeons of police to the number authorized by law; and patrolmen to the number of two thousand one hundred. The board of police shall appoint all the members of the police force, and may remove the superintendent of police by resolution. The board of police shall have power to increase the police force by adding to the number of patrolmen from time to time, but such increase shall not exceed one hundred in any one year.

Police force of which to consist.

Increase of.

§ 2. The board of police shall have power to fix the salaries and compensation of all clerks appointed by said board, and of all employees whom they may be authorized to appoint, subject however as to the gross annual amount of said salaries to the revision of the board of apportionment, as provided in section twenty-eight of chapter three hundred and thirty-five of the laws of eighteen hundred and seventy-three. Promotions of officers and members of the police force shall be made by the board only on grounds of meritorious police service, and superior capacity, and shall be as follows: sergeants of police shall be selected from among patrolmen assigned to duty as roundsmen; captains from among sergeants; and inspectors from among captains.

Salaries of clerks to be fixed by board.

Promotions.

§ 3. No person shall be appointed patrolmen who shall be at the date of such appointment over thirty years of age, or who shall have been convicted of any crime; nor shall any person who shall have been a member of the force and resigned, or been dismissed therefrom be re-appointed, except by the concurring vote of all the commissioners comprising the board, to be taken by yeas and nays, and recorded in the

Qualifications of police-men.