

L A W S

OF THE

STATE OF NEW YORK,



PASSED BY THE

ONE HUNDRED AND EIGHTEENTH SESSION

OF THE

LEGISLATURE,

BEGUN JANUARY SECOND, 1895, AND ENDED MAY SIXTEENTH,
1895, IN THE CITY OF ALBANY.

VOL. II — PART II.



ALBANY:
JAMES B. LYON, PRINTER.
1895.

association, underwriter, person or partnership engaged in the business of fire insurance in the city of Brooklyn, Long Island, the statement provided for in the last preceding section of this act. Such demand may be delivered personally at the office of such corporation, agent, association, underwriter, person or partnership, or at the residence of the proper officer of such corporation, agent, association, underwriter, person or partnership, and every corporation, agent, association, underwriter, person or partnership who shall, for thirty days after such demand, neglect to render the account, shall forfeit fifty dollars for the use of the corporation created by this act; and he shall also forfeit, for their use, twenty-five dollars in addition for every day he shall so neglect after the expiration of the said thirty days; and such additional penalty may be computed and recovered up to the time of the trial of any suit for the recovery thereof, which penalty may be sued for and recovered, with costs of suit, in any court of record within this State having jurisdiction, by and in the name of the corporation hereby created.

Demand therefor.

Penalty for neglect.

Recovery of penalties.

§ 9. The corporation created by this act shall possess the general powers and be subject to the restrictions and liabilities prescribed in chapter six hundred and eighty-seven of the laws of eighteen hundred and ninety-two, which is chapter thirty-five of the general laws, known as the general corporation law.

General powers and liabilities.

§ 10. This act shall take effect immediately.

Chap. 1018.

AN ACT to provide for the sanitary protection of the sources of water supply of the city of Rochester by the acquisition by said city of real property and interests therein necessary for that purpose, and by the abatement and removal of sources of pollution.

Accepted by the city.

BECAME a law June 14, 1895, with the approval of the Governor. Passed, 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 lawful for the city of Rochester to acquire, in the manner hereinafter stated, title to any real property, including lands under water, and any interest or easement therein, in the counties of Livingston and Ontario, included

Acquisition of lands and rights.

within a line drawn around the shores of Hemlock lake, situated in said counties, and two hundred feet distant from high-water mark, that may be necessary, for the sanitary protection of the sources of the water supply of such city and the abatement of sources of pollution thereof.

Application
for commis-
sioners to
contract for
purchase.

§ 2. Within twenty days after this act takes effect the executive board of said city shall apply to a special term of the supreme court for the appointment of three disinterested persons, residents of said city, to contract for the purchase of such real property, interest or easement therein. Such commissioners shall receive five dollars for each day actually employed in such service, and shall call upon the city engineer and corporation counsel and other officers of said city for such assistance as may be required. A vacancy in the office of a commissioner, on the application of the commissioner or commissioners in office, or of any person interested, may be filled by the court which originally appointed the commissioners. In case said commissioners are unable to contract for the purchase of such real property, interest or easement therein, they shall apply to the supreme court on behalf of said city, under the condemnation law, for the acquirement of such real property, interest or easement therein, and all proceedings for the condemnation of such real property, interest or easement therein shall be as provided in the condemnation law. If it shall be necessary for the purposes of this act, such commissioners may take any highway or portion of a highway within the limits described in section one, but they shall reconstruct any such highway in a manner satisfactory to the highway commissioners of the town in which it is located, and so as not to materially interfere with the public travel; and may acquire the necessary land therefor, by agreement with the owners thereof, or if unable to so agree, by condemnation.

Compensa-
tion.

Vacancies
in office.

Proceedings
in case of
new agree-
ment.

Use of
highways.

Abatement
or removal
of source of
pollution.

§ 3. Pending the acquisition of such real property, or any interest or easement therein, the board of health of said city, in addition to any other remedies provided by law for the sanitary protection of water supplies, or the suppression of nuisances is hereby authorized by its duly constituted agents to enter upon any real property which said city is authorized to acquire under section one of this act, and order the abatement or removal of any actual source of pollution or defilement of the water supply

of said city, and, if such order is not complied with after twenty-four hours' written notice, to summarily abate or remove the cause of any such pollution or defilement, and the expense of such abatement or removal shall be a debt recoverable by said city of all persons maintaining it or assisting in its maintenance.

§ 4. For the purpose of securing the payment of the purchase-price of said real property or paying any awards made by commissioners of appraisal, or any judgment recovered, damages sustained, costs or expenses incurred pursuant to this act, the common council of said city is authorized and it is hereby directed to issue the bonds of said city, to be known as the "Watershed bonds of the city of Rochester," to run for a period not exceeding fifty years, at a rate of interest not exceeding four per centum per annum, and in an amount not exceeding the sum of two hundred thousand dollars. Said bonds shall be sold, signed, sealed and countersigned as provided for the additional water-supply bonds of said city. None of said bonds, however, shall be sold at less than par. The proceeds of said bonds shall be paid into the city treasury, and shall be paid out from time to time upon the order of the commissioners appointed under section one to the persons entitled thereto, pursuant to this act. Said common council shall raise annually by tax upon the real and personal estate subject to taxation in said city, as a sinking fund for the redemption of said bonds, a sum which will pay the interest when due on said bonds and equal the principal at their maturity. Pending the sale of any of said bonds, said common council may borrow money for the purposes of this act upon the promissory note or notes of said city.

Issue and sale of watershed bonds.

Proceeds of sale.

Tax for interest and principal.

§ 5. The several banks, including the savings banks within the said city of Rochester, the Rochester Trust and Safe Deposit Company and the Security Trust Company of said city, are hereby authorized to receive and keep on deposit at interest any moneys raised by the sale or for the payment of bonds pursuant to section four, and each and every bank or company receiving such deposits as aforesaid shall execute and give to said city a bond with sufficient surety conditioned to save said city harmless from any loss by reason of such deposits, said bonds to be approved by the mayor.

Depositories of funds.

To execute bond.

§ 6. This act shall take effect immediately.