

CHARTER

OF THE

NASSAU WATER COMPANY,

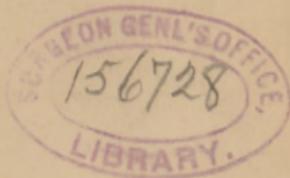
Incorporated April 12, 1855,

FOR THE PURPOSE OF SUPPLYING THE CONSOLIDATED

CITY OF BROOKLYN

WITH

PURE AND WHOLESOME WATER.



BROOKLYN:

PRINTED BY THE STANDARD PRESS,

CORNER FULTON AND PINEAPPLE STREETS.

1869.

AN ACT

TO INCORPORATE THE NASSAU WATER COMPANY.

Passed April 12, 1855.

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

SECTION 1. John Vanderbilt, Benjamin D. Silliman, William Kent, Joseph B. Varnum, Henry Ruggles, Andrew Carrigan and John Randall, and all such persons as are or may hereafter be associated with them, are constituted a body corporate, by the name of the Nassau Water Company. Corporators.

§ 2. The capital stock of said Company shall be three millions of dollars, to be divided into shares of fifty dollars each, and the said Company are hereby empowered to increase their capital stock at any time, to a sum not exceeding six millions of dollars. Capital Stock.

§ 3. A majority of the persons named in the first section of this act shall meet at some convenient place in the city of Brooklyn, on the fifteenth day of April, instant, (or such other day as they may select,) and shall proceed to receive subscriptions to its capital stock, in such manner as they shall direct, and may adjourn such meetings from time to time, until the whole amount of such capital Time of Meetings.

stock shall be subscribed. The stock shall be considered personal property, and shall be assignable and transferable on the books of the company.

Directors,
when and how
to be chosen.

§ 4. The concerns of said corporation shall be managed by seven directors, who shall be stockholders, and who shall hold their offices for one year, and until others are chosen in their places. The directors shall be chosen annually, on the first Monday of May, at such place in said city as the directors for the time being shall appoint. The first election shall be made on the first Monday of May, eighteen hundred and fifty-six. Three weeks' notice of such election shall be given by a publication, at least once a week, in two newspapers published in said city. Each stockholder shall be entitled to one vote upon each share of stock held by him or her for at least ten days previous to an election. Voting shall be by ballot, and may be in person or by proxy.

President, etc.,
to be elected, and
by-laws made.

§ 5. The directors shall annually appoint a president, secretary, and such other officers as they shall deem necessary, who shall hold their offices until others are appointed in their places, and they shall make and ordain such by-laws and regulations as they may deem necessary and proper for the management of their business, and for accomplishing the purpose of the corporation.

Subscriptions to
Stock,
when to be paid.

§ 6. The directors may require payment of subscription to the capital stock, at such times and in such proportions as they may see fit, under the penalty of forfeiting all stock and previous payment thereon, and may sue for and recover all such subscriptions. Notice of the time and place of said payments shall be published for

four weeks previous to said time, at least once a week, in two newspapers published in said city.

§ 7. The persons named in the first section shall be the first directors, and shall hold their offices until the said first Monday of May, eighteen hundred and fifty-six, and until others are chosen in their places. In case of vacancy in the direction, by reason of the death or resignation of any director, or of his ceasing to be a stockholder, it may be filled by the remaining directors until the next annual election, or until some other person shall be elected to fill the same. The directors herein named may appoint three persons, who shall be stockholders, to be inspectors of the first election, after which, the stockholders shall choose three such inspectors at the annual elections. If no inspectors are chosen, the directors may appoint three, from time to time. The directors may remove all officers appointed by them, and appoint others in their places, and fill all vacancies in the offices. If at any time an election of directors shall not take place on the day appointed by this act, the corporation shall not for that cause be dissolved, but an election may be held on another day, in such manner as shall be prescribed by the directors, or provided for by the by-laws.

First Directors,
term of office of.

Powers of
Directors.

§ 8. For the purpose of supplying the consolidated city of Brooklyn and its vicinity with pure and wholesome water, said company may purchase, take and hold any real estate necessary for the purpose, and by its agents, directors, servants or other persons employed, may, on making compensation therefor, in the manner provided for in this act, enter upon the lands of any person or persons which may be necessary for that purpose, and may

Company
authorized to
purchase
real estate.

take the water from any springs, ponds, wells, fountains, streams, or other sources, and divert and convey the same to said city, and may lay and construct any pipes, conduits, aqueducts, canals, wells, reservoirs, or other works or machinery necessary or proper for said purposes, upon any lands so entered upon, purchased, taken or held. 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, rivers, streams, wells, reservoirs, or other sources, and lay and construct therein any pipes, conduits, aqueducts, canals or other works for that purpose, and construct sewers or drains therein, by agreement with the said city corporation for the purpose of carrying off said water, leaving the said lands, streets, highways, roads, lanes, or public squares in the same condition, as nearly as may be, as they were before said entry. But said company shall not enter upon or dig into any street, avenue, lane, or public square of the city of Brooklyn, for the purpose of laying pipes or conduits therein, until permission from the common council of the city of Brooklyn for that purpose shall be first had and obtained.

Surveys and
Maps to be made.

§ 9. Before entering, taking or using any land for the purposes of this act, the directors of this company shall cause a survey and map to be made of the lands intended to be taken or entered upon for any of the said purposes, and by which the land of such owner or occupant, intended to be taken or used, shall be designated, and which map shall be signed by the surveyor or engineer making the same, and by the president of said company, and be filed

in the office of the clerk of the county of Kings. The company, by any two of its officers, agents or servants, may enter upon any lands for the purpose of making any examination and of making said survey and maps.

§ 10. In case the said company cannot agree with the said owners and occupiers of any land or water, intended to be taken or used, as aforesaid, for the purchase thereof, the directors may apply to the supreme court at any term or session thereof held in the second judicial district, or to the county court of said county of Kings, for the appointment of three commissioners by whom the compensation to be paid for the damages suffered, or to be suffered by any person or persons, by reason of taking said lands and water and constructing any of the works of said company, shall be ascertained and determined, and in case of the death, resignation, refusal or disability to act of any of said commissioners, the court may appoint others in their places. The commissioners shall cause a notice of at least twenty days, of the time and place of their meeting, to be served upon such of the owners of the said land and water as can be found in this state, which may be served personally, or in their absence from their dwellings or places of business, by leaving the same thereat, with some person of suitable age, and in case of any legal disability of such owner to act, thereupon, serving notice in like manner upon his guardian or person appointed to act for him as hereinafter directed, and in case any of said persons cannot be found in this state, such notice shall be given by publishing the same for six weeks successively in two newspapers published in the said city, and if any of said owners shall be married women, insane, infants, or

Duty of Commissioners in case of disagreement with property owner.

idiots, the said court shall appoint some suitable person to attend in their behalf before the said commissioners, and take care of their interests in the premises. The commissioners may issue subpoenas to compel the attendance of witnesses to testify before them, and they or any of them may administer the usual oaths to such witnesses. They shall make a written report of all their proceedings, containing the testimony taken by them, and showing the sum awarded to each owner or any other person, and return the same to said court to be filed on record. The company shall pay to each commissioner the sum of three dollars per day for every day necessarily spent by him in the performance of his duty under this act, and to each witness sworn and testifying, and if not sworn and testifying, who the commissioners shall certify were properly and necessarily subpoenaed, the sum of one dollar per day, and four cents per mile travel in going and returning, if living more than three miles from the place of meeting.

Right of Appeal.

§ 11. The said company, or any party to the proceedings of the commissioners, may appeal from any award or determination of the commissioners, provided the party appealing shall, within ten days after such award or determination shall be made, give written notice of the appeal to the other party or parties interested in the same, and the said court shall examine the report of the commissioners, and if their proceedings in the case have been irregular, the court may set the same aside, and order new proceedings and appraisements, and the said court may make such orders in reference to the proceedings of the commissioners and of notices to be given to parties as may not be inconsistent with this act, and as the nature of the case

and the interests of the parties may require, and the said commissioners shall again examine the case, and their decision then made shall be final. If at any time after an attempted or actual ascertainment of compensation under this act, or any purchase of lands or water for the use of said company, the title acquired to all or any part of said land or water shall fail or be deemed defective, the said company may proceed anew to perfect such title, by procuring an ascertainment of the compensation proper to be made to any person or persons whose title, claim or interest in, or lien upon such lands, shall not have been compensated and extinguished according to law, and by making payment thereof in the manner heretofore provided, as near as may be.

§ 12. Upon the payment or legal tender of the compensation, determined as before provided, the said company shall be entitled to enter upon for the purposes contemplated by this act, all the lands, waters and real estate for which such compensation shall be paid or tendered as aforesaid, and to hold and use the same for the said purposes, to them and their successors forever. If any person to whom any compensation shall be awarded, or who shall be entitled to the same by virtue of said award, cannot be found, or shall refuse to receive the sum awarded to him, then the said payment may be made by depositing the amount of the said award to the credit of said person, in such bank as may be appointed by said court, a certificate of such deposit, signed by the cashier of said bank, shall be published by said company in two newspapers published in said city, for four weeks successively immediately after said deposit. If the person to whom compensation is

Right to enter on land after payment of compensation.

awarded, or who is entitled to receive the same as aforesaid, be under legal disability as aforesaid, payment may be made to his guardian, or person appointed as aforesaid by the said court, and if said guardian or person appointed cannot be found, then by deposit in bank as aforesaid.

Title to land
vested in
Company.

§ 13. The said company shall also take and hold, for the purposes contemplated by this act, all the lands, waters and real estate which they shall in any way legally enter upon and take by virtue thereof, to them and their successors forever.

To conform to
regulations of
Common Council

§ 14. In laying pipes and conduits, and constructing or erecting works in the streets, lanes and public squares of the city of Brooklyn, the company shall conform to such regulations as the Common Council of said city shall prescribe.

To establish rules
for government
of persons using
water.

§ 15. The said directors of said company may establish rules and regulations for and concerning the conduct of all such persons as shall use the water from their works, so far as respects the preservation and use, and restraining the waste thereof, and may thereby impose penalties and forfeitures for any violation of said rules and regulations, so that such penalties and forfeitures shall not in any case exceed ten dollars, which penalties may be recovered, with costs, in the name of the company, before any justice of the peace of the said city. Said rules and regulations shall be published for three successive weeks in two newspapers published in said city, and a copy of said rules and regulations, certified by the president or secretary of said company, with affidavits of the publication of the same, made by any one of the publishers of said

papers, or by a foreman in their offices, shall be received as evidence in all courts and places.

§ 16. The said company shall furnish water to the city of Brooklyn, for the purpose of extinguishing fires, and for other public use, upon such terms as may be agreed upon between them; and in case of disagreement, the compensation for the use of said water for the extinguishment of fires shall be determined by the appraisal of three disinterested men. And the said company may make any agreements, contracts and leases for the sale, use and distribution of waters, as may be agreed upon between said company and any person or persons, associations and corporations, which agreements, contracts, grants and leases, shall be valid and effectual in law.

To furnish water to City.

§ 17. Any person who shall maliciously or wilfully destroy or injure any of the works or property of said company, or who shall maliciously or wilfully commit any act which shall injuriously affect, or tend thus to affect, the water of said company, shall be guilty of a misdemeanor.

Misdemeanor.

§ 18. The corporation hereby created shall possess the powers and be subject to the provisions of title three, chapter eighteen, of the first part of the revised statutes.

Certain powers granted.

§ 19. All stockholders of this company shall be severally and individually liable to the creditors of said company, to an amount equal to the amount of stock held by them respectively, for all debts and contracts made by said company, until the whole amount of the capital stock

Stockholders made liable.

fixed and limited by the directors of the company, shall be paid in, and a certificate thereof shall have been made and recorded in the clerk's office of Kings county.

Certificate of
Capital Stock.

§ 20. The president and a majority of the directors, within thirty days after the payment of the last instalment of the capital stock, shall make a certificate of the amount of the capital fixed and paid in, which certificate shall be signed and sworn to by the president and a majority of the directors, and shall within thirty days be recorded in the Clerk's office of Kings county.

§ 21. The stockholders of said company shall be jointly and severally liable for all the debts that may be due and owing to all their laborers and servants, for services performed for said company.

Liabilities of
Guardians, etc.

§ 22. No person holding stock in said company as executor, administrator, guardian or trustee, and no person holding such stock as collateral security, shall be personally subject to any liability as a stockholder of said company, but the person pledging the said stock shall be considered as holding the same, and shall be liable as a stockholder accordingly, and the estates and funds in the hands of such executor, administrator, guardian or trustee shall be liable in like manner and to the same extent as the testator or intestate, or the ward or person interested in such fund would have been, if he had been living and competent to act, and held the stock in his own name. Every such executor, administrator, guardian or trustee, shall represent the shares owned by him as such executor, administrator, guardian or trustee, at all meetings of the

company, and may vote as a stockholder, and every person pledging his stock as aforesaid, may in like manner represent the same and vote accordingly.

§ 23. No stockholder shall be personally liable for the payment of any debt contracted by said company, unless a suit for the collection of said debt, shall be brought against said company within six years after the debt shall have become due, and no suit shall be brought against any stockholder for any debt so contracted, until an execution against the company shall be returned, unsatisfied in whole or in part.

Stockholders not liable after certain time.

§ 24. If the said directors shall at any time after the organization of said company, determine to increase the capital stock as herein provided, the books of subscription for said additional stock, shall be opened in the same manner as provided in section three of this act, and the said directors may require payment of the subscription to the said additional stock, in the same manner as is provided in section six of this act.

Increase of Capital Stock.

§ 25. The corporation of the city of Brooklyn is hereby authorized to subscribe to the capital stock of said company, to an amount not exceeding thirteen hundred thousand dollars, and to issue and sell its bonds in payment therefor.

City authorized to subscribe to Capital Stock.

§ 26. If the corporation of the city of Brooklyn shall, at any time within twenty years after the passage of this act, make provision for repayment to the stockholders of the said company, for the amount of capital stock actually paid in and expended by them, together with twenty per

City of Brooklyn authorized to purchase Water Works.

cent. premium on the amount thus actually paid in and expended by said company, and assume the outstanding debts and contracts of said company, then the said water works, together with all lands, fixtures and appurtenances, shall vest in and become the property of the city of Brooklyn. And the corporation of the said city of Brooklyn is hereby authorized to make such purchase, and to issue and sell its bonds in payment therefor.

Water Rates.

§ 27. The said company shall furnish water to the citizens of Brooklyn, whenever its pipes are laid, at a price not exceeding the rates now charged for Croton water by the city of New York.

Tax on Capital Stock.

§ 28. No taxes shall be assessed on the capital stock or property of this company, until it shall have earned seven per cent. per annum on its capital paid in.

City of Brooklyn authorized to sell lands.

§ 29. The corporation of the city of Brooklyn is hereby authorized to sell to the said company, any of its lands, streams and water privileges, in the counties of Kings and Queens, upon such terms and conditions as may be agreed upon by the respective parties.

Rights of City not to be interfered with.

§ 30. Nothing in this act contained shall be so construed as to interfere with the rights, privileges, powers and immunities, now held by the city of Brooklyn.

Brooklyn Water Company purchase of property of.

§ 31. It shall be lawful for the corporation hereby created, at any time hereafter, to take or purchase all the interest, property and effects of the Brooklyn Water Company, or any part thereof, at such price and upon such terms as may be agreed upon by the respective par-

ties. And the said Brooklyn Water Company are hereby authorized and empowered to convey, by deed or otherwise, to the corporation hereby created, all their property, effects, rights, privileges and immunities, or any part thereof; and upon the same being so conveyed, they shall absolutely vest in the corporation hereby created.

§ 32. The said company may open and keep offices in Brooklyn and New York.

Offices.

§ 33. This act shall take effect immediately.

AN ACT

TO PROVIDE FOR THE SUPPLY OF THE CITY OF BROOKLYN
WITH WATER.

Passed February 11, 1857—three-fifths being present.

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

SEC. 1. The holders of the stock issued by "The Nas-
sau Water Company, other than the city of Brooklyn,"
may file in the office of the Clerk of the city of Brook-
lyn, a written consent, that the city of Brooklyn may
purchase their said stock, at the par value thereof, with
seven per cent. interest, from the date of such issue ; and
the city of Brooklyn shall thereupon pay to the said
stockholders, or their assigns, such par value, with the
interest as aforesaid ; whereupon all the contracts, prop-
erty and rights of the said company, of every nature and
description whatsoever, shall vest absolutely in the city
of Brooklyn, and the city of Brooklyn shall assume and
be charged with all the outstanding contracts, debts and
liabilities of the said company.

City of Brooklyn
may
purchase stock.

§ 2. There shall be a Board of Water Commissioners,
consisting of seven members, to supervise the construct-
ing of the works for supplying the city of Brooklyn with
water, and to complete the same, under, and according to

Board of Water
Commissioners
organized.

Powers of.

a contract for that purpose entered into between "The Nassau Water Company" of the one part, and Henry S. Welles, and Charles F. Welles, Jr., doing business under the firm name of "Henry S. Welles & Co.," of the other part, bearing date the tenth day of June, eighteen hundred and fifty-six; and the said Commissioners are hereby vested with all the powers, and are authorized to perform all the duties requisite or necessary in and about the construction and completion of the said water works, as aforesaid, and which they might exercise and perform for such purpose if they constituted the Board of Directors of the said company, and no transfers of the rights of the said company had been made to the city of Brooklyn. No alterations increasing the cost of the said works under the said contracts shall be made by the said Commissioners without the assent of the Common Council of the said city.

Names
and duties of.

§ 3. The present Directors of the said company, namely, John H. Prentice, William Wall, Daniel Van Voorhis, James Carson Brevoort, Nicholas Wyckoff, Thomas Sullivan, and Nathaniel Briggs, are hereby constituted and appointed said Water Commissioners. They shall enter upon their duties as Commissioners when the city of Brooklyn shall become vested with the contracts, property and rights of said company as aforesaid, and shall hold office until said water works are completed, as contemplated by the said contract, but they shall receive no compensation for their services. In case any vacancy shall happen by reason of the death or resignation of any Commissioner, the Board of Commissioners shall nominate some person to fill such vacancy, to be ap-

proved by the Mayor of said city; and in case of a disapproval by said Mayor, they shall continue to nominate until his approval is obtained. Each Commissioner shall execute a bond to the city of Brooklyn, with two sureties, to be approved by a Justice of the Supreme Court, in the first or second districts, in the penal sum of twenty thousand dollars, conditioned that he shall faithfully perform his duties and account for all moneys which shall come into his hands as such Commissioner. Such bond shall be filed in the office of the said City Clerk.

§ 4. The Board of Commissioners shall elect one of its members President, and another Secretary, and may make such by-laws, rules and regulations for the transaction of its business and for the government of its officers, agents and employees, as shall be convenient and not contrary to law. A majority of the Commissioners shall constitute a quorum for the transaction of business.

Officers, and regulations of.

§ 5. The proceedings to acquire land and water and interest therein, and to extinguish claims for damages, which are authorized by the act incorporating the said company, may be taken in like manner by the said Commissioners, but in the name and on behalf of the city of Brooklyn.

§ 6. All legal proceedings under the act incorporating the said company, which shall be pending when the contract, property and rights of the said company shall be vested in the city of Brooklyn, as herein provided, may, at the option of the Commissioners, be continued in the name of the said company, or be prosecuted by them to completion in the name of the city of Brooklyn.

Legal proceedings, in whose name to be taken.

Funds to be drawn from Comptroller.

§ 7. The said Commissioners may draw upon the Comptroller of the city of Brooklyn for any sum in favor of and to be paid to the owner of any lands, streams, or property acquired or effected by virtue of this act, and in favor of and to be paid to any contractor, for any sum due on his contract, and also to be paid for any charges and expenses incurred by them in the performance of their duties. Such drafts shall specify the objects for which they are drawn, and shall be paid by the said Comptroller on their presentation.

Action of Common Council confirmed.

§ 8. The action of the Common Council of the city of Brooklyn, adopted on the fourth day of June, eighteen hundred and fifty-six, and approved by the Mayor thereof, on the ninth day of June, eighteen hundred and fifty-six, in relation to the manner of supplying the said city with water, and authorizing the subscription by the city of Brooklyn, of the sum of thirteen hundred thousand dollars to the stock of the said company, for that purpose, and the subscription of said stock by the Mayor of said city, and the issuing of city bonds in payment thereof, in conformity with such action, are hereby ratified and confirmed, and the bonds issued in payment of such subscription are hereby declared to be binding upon the city of Brooklyn; and the said city shall issue new bonds in place of any bonds issued on account of such subscription in the form provided in the next section of this act, upon the surrender by the holders thereof of the bonds issued on account of such subscription.

Bonds of city to be issued.

§ 9. The bonds of the said city for the additional amount of two millions nine hundred thousand dollars,

and such further amount as shall be necessary to pay the interest on the said bonds already issued and hereafter to be issued, until such interest shall be met by the income of the water works and taxation, as hereinafter provided, shall be issued by the Mayor, Comptroller and Clerk of the said city, in the manner heretofore done by them in regard to the other bonds of the said city, from time to time, as the same shall be required for the purpose of this act, payable in not less than twenty-five, nor more than forty years, bearing interest at the rate of six per cent. per annum, payable half yearly, on the first days of July and January in each year; and the said bonds issued and hereafter to be issued, and the proceeds of the sale thereof, shall constitute the fund for paying the cost of construction and completing the said water works.

§ 10. The said bonds issued and hereafter to be issued, as aforesaid, may be sold by the said Commissioners at public or private sale, and the proceeds of such sale shall be by them paid over to the Treasurer of said city. The Commissioners, with the concurrence of the said Mayor and Comptroller, may pledge the said bonds for money borrowed temporarily, at a higher rate of interest, if they shall deem the necessities of the work to require it.

How to be disposed of.

§ 11. The property of the city of Brooklyn, including the water works, reservoirs, lands, ponds, streams, right of way, pipes and hydrants, are hereby pledged for the payment of the bonds issued and hereafter to be issued as aforesaid, with interest.

Security for payment of.

General tax to be
levied for
deficiencies.

§ 12. There shall be added to the general tax for the city of Brooklyn, at large, in the year eighteen hundred and fifty-eight, and yearly thereafter, and levied and collected therein, such sum of money in each of said years as shall be necessary to pay any deficiency which the net income of the Water Works, after paying the annual expenses thereof, shall be insufficient to pay off interest for any such year, or any such bonds, and the further sum of fifty thousand dollars, which is hereby directed to be paid to the Commissioners of the Sinking Fund of the said city, and held and managed by them for the full and final redemption of said bonds, and for no other purposes. It shall be the duty of the Mayor and Comptroller of said city to estimate and ascertain the amount of such deficiency, and transmit a statement of the same, in each year, to the Board of Supervisors of the county of Kings, in time to have such account included in the general tax of the said city, for that year; and it shall be the duty of the Supervisors to cause such account to be included in such general tax.

Taxes,
how to be levied.

§ 13. The lands which shall be occupied by the said Water Works in Kings and Queens counties, shall be taxed at the value of the land, exclusive of any improvements thereon, and all such improvements shall be exempt from taxation.

§ 14. All acts and parts of acts inconsistent with this act, are hereby repealed.

§ 15. This act shall take effect immediately.

STATE OF NEW YORK, }
Secretary's Office. }

I have compared the preceding with the original law on file in this office, and do hereby certify that the same is a correct transcript therefrom and of the whole of the said original law.

Given under my hand and seal of office, at
 the city of Albany, the eleventh day of
 [L. s.] February, in the year one thousand eight
 hundred and fifty-seven.

N. P. STANTON,

Dep. Secretary of State.

At a meeting of the Board of Directors of the Nassau Water Company, held April 11th, 1857, it was, on motion,

Resolved, That the Nassau Water Company accepts and consents to the Act entitled "An Act to provide for the supply of the city of Brooklyn with Water," passed February 11th, 1857, and consents to the transfer of its contracts, property and right, pursuant to the provisions and conditions thereof.

On motion, the following notice to the city of Brooklyn, in accordance with the Act of February 11th, 1857, was directed to be filed in the office of the clerk of the city:

To the City of Brooklyn and Common Council of said City:

The undersigned, the holders of the Stock issued by "The Nassau Water Company, other than the city of Brooklyn," consent that the city of Brooklyn may purchase their said stock at the par value thereof, with seven per cent. interest from the date of the issue thereof, pursuant to an Act of the Legislature of the State of New York, entitled "An Act to provide for the supply of the city of Brooklyn with Water," passed February 11th, 1857.

BROOKLYN, April 11th, 1857.

SHARES ISSUED.

John H. Prentice.....	<i>Five Shares.</i>
J. Carson Brevoort.....	<i>Ten</i> "
Daniel Van Voorhis.....	<i>One Share.</i>
Wm. Wall.....	<i>One</i> "
Nicholas Wyckoff.....	<i>One</i> "
Thos. Sullivan.....	<i>One</i> "
Nathaniel Briggs.....	<i>One</i> "

On motion, the following communication was directed to be sent to the Common Council of the city of Brooklyn:

The stockholders of the "Nassau Water Company, other than the city of Brooklyn," have filed in the office of the City Clerk of the city of Brooklyn, a written consent that the city of Brooklyn may purchase their stock at the par value thereof, and interest, pursuant to the "Act to provide for the supply of the city of Brooklyn with water," passed February 11th, 1857.

The Directors are prepared to execute their official bonds, and enter upon their duties as Commissioners under the said act, as soon as the city shall take the legal steps to consummate the transfer to the city of the contracts, rights and property of the Nassau Water Company.

Besides the consent above referred to, the said Directors have adopted a resolution consenting to a transfer of the said contracts, property and rights pursuant to the said act.

(Signed,)

JOHN H. PRENTICE,

President Nassau Water Company.

BROOKLYN, April 11th, 1857.

CITY CLERK'S OFFICE, }
Brooklyn, July 9th, 1857. }

SIR:—You are hereby notified that at a meeting of the Common Council, held on Monday, June 22d, 1857, a resolution, of which the annexed is a copy, was adopted:

Acceptance of
transfer.

Resolved, That the city hereby accepts the transfer of the outstanding stock of the Nassau Water Company, made by the filing of a notice thereof in the office of the City Clerk, as authorized by an Act passed February 11th, 1857, and that warrants be issued by the proper city officers, to the several persons making such transfer, for the par value of said stock, with interest, as prescribed by said Act.

AFFIRMATIVE.

Ald. Cashow,	Rowe,	McMahon,
Russell,	Van Brunt,	Woglom,
O'Neil,	Spader,	Wilson,
Lowber,	Bogart,	Smith,
Pierson,	Shaw,	Preston,
Dorlon,	Fithian,	Scholes,
Doherty,	Walsh,	Jenkins,
Clarke,	Vail,	Del Vecchio,
	Bannon.	

NEGATIVE.

Ald. Colahan,	Walter,	Kalbfleisch,
Ralphs,	Palmer.	

Adopted JUNE 22D, 1857.

Attest,

S. J. BURR,

Assistant Clerk, &c.

Sale of Stock.

The undersigned, the holders of all the Capital Stock issued by "The Nassau Water Company, other than the city of Brooklyn," hereby, each for himself, sells and transfers to the city of Brooklyn, the shares now stand-

ing in their names, with the number held by each individual opposite their respective names, being in all twenty shares.

BROOKLYN, 2d July, 1857.

John H. Prentice.....	<i>Five Shares.</i>
J. Carson Brevoort.....	<i>Ten</i> “
Daniel Van Voorhis.....	<i>One Share.</i>
Nathaniel Briggs.....	<i>One</i> “
Nicholas Wyckoff.....	<i>One</i> “
Wm. Wall.....	<i>One</i> “
Thomas Sullivan.....	<i>One</i> “

Witness, Thomas R. Lush.

BOARD OF WATER COMMISSIONERS

OF THE CITY OF BROOKLYN.

JULY 9TH, 1857.

Present—John H. Prentice, J. Carson Brevoort, Nicholas Wyckoff, Wm. Wall, Daniel Van Voorhis, Nathaniel Briggs and Thomas Sullivan, viz: the persons named in the law passed February 11th, 1857, entitled “An Act to provide for the supply of the city of Brooklyn with Water,” which law having been read,

Organization
Board of
Commissioners

On motion, Mr. Wall was chosen temporary Chairman, and J. Carson Brevoort, temporary Secretary.

On motion, John H. Prentice, Esq., was unanimously elected President of the Board, and J. C. Brevoort was unanimously elected Secretary of the same.

At the meeting of 13th July, the following communication was directed to be sent to the Mayor and Common Council:

The undersigned would respectfully represent, that, in pursuance of the requirements of the Act of the Legislature of the State of New York, passed February 11th, 1857, entitled "An Act to provide for the supply of the city of Brooklyn with Water," they have filed the required securities in the office of the Clerk of the city of Brooklyn, and organized as Water Commissioners, having elected as their officers, John H. Prentice, President, J. Carson Brevoort, Secretary, and have appointed A. W. Craven of New York, Consulting Engineer, Jas. P. Kirkwood, Chief Engineer, and Moses Lane and Samuel McElroy, Assistant Engineers, with a full corps of Assistants, all in full working operation, as organized by the Nassau Water Company.

JOHN H. PRENTICE,

WM. WALL,

NICHOLAS WYCKOFF,

J. CARSON BREVOORT,

NATHANIEL BRIGGS,

THOS. SULLIVAN,

DANIEL VAN VOORHIS.

CONTENTS
AN ACT

IN RELATION TO SEWERAGE AND DRAINAGE IN THE CITY
OF BROOKLYN.

ENACTED BY THE SENATE AND ASSEMBLY OF THE STATE OF NEW YORK.

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

Pages 31-32 missing

Section 1. The Board of Health, as provided for in an act entitled "An Act to provide for the supply of the city of Brooklyn with water," passed the seventh day of February, one thousand eight hundred and fifty-seven, shall be and are hereby authorized and empowered under this act, and shall be a power to determine first a plan of drainage and coverage of the whole of said city upon a regular system, for the purpose of thoroughly draining and carrying off the water and dirt sewage to be carried off by sewers, for the health and convenience of the inhabitants of said city. The plan shall show the location and direction, and the flow of each drain and sewer, whether under or above, and its depth below the surface and capacity, and shall show drains and sewers, and shall also provide for any necessary and proper for the purpose of providing a complete and entire plan of such drains and sewers; they shall have access for all their purposes to all maps, records, and documents in the

AN ACT

IN RELATION TO SEWERAGE AND DRAINAGE IN THE CITY OF BROOKLYN.

Passed April 15, 1857—three-fifths being present.

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

SECTION 1. The Board of Water Commissioners, as provided for in an act entitled "An Act to provide for the supply of the city of Brooklyn with water," passed the eleventh day of February, one thousand eight hundred and fifty-seven, shall be and are hereby constituted the Commissioners under this act, and shall have power to devise and frame a plan of drainage and sewerage of the whole of said city upon a regular system, for the purpose of thoroughly draining and carrying off the water and filth proper to be carried off by sewers, for the health and convenience of the inhabitants of said city. The plan shall show the location and direction, size and slope of each drain and sewer, whether mains or laterals, and its depth below the surface, and connections with other drains and sewers, and such other particulars as may be necessary and proper for the purpose of presenting a complete and entire plan of such drainage and sewerage; they shall have access, for all their purposes, to all maps, surveys, and documents in the

Water Com-
missioners con-
stituted Sewer
Commissioners.

Plan of Sewer-
age.

Officers,
to be appointed.

public offices of said city; they shall appoint one General Superintendent, and as many Engineers, Surveyors, Assistants and Clerks as may be necessary to carry out the provisions of this act; the said Superintendent shall apportion all assessments hereinafter mentioned, and perform and execute such other duties under this act as the said Commissioners may delegate to him, in the same manner, and with the same effect, as if performed and executed by the said Commissioners; they shall pay the said Superintendent a salary of two thousand dollars a year; they may pay to said Engineers, Surveyors, Assistants and Clerks such compensation as they may think proper, and incur such other incidental expenses as may be necessary in the performance of their duties under this act.

Salaries.

Record
of Proceedings.

§ 2. The said Commissioners shall keep a record of their acts and proceedings, which record shall be filed, on the completion of their term, in the office of the Street Commissioner of the city of Brooklyn. For all purposes of this act the said Commissioners shall have jurisdiction and control over all streets and avenues in said city.

Control of
Streets.

§ 3. The expenses mentioned in the preceding sections of this act shall be disbursed by the said Commissioners, who may borrow the amount thereof, if necessary, in such sums, as may be requisite, in anticipation of the same being raised by tax; they shall deliver annually to the Mayor of said city, a statement of the amount necessary to be raised to pay such expenses and interest on any moneys borrowed as aforesaid; who shall thereupon transmit the same to the Supervisors of the county of

Expenses, how to
be met.

Kings, who shall cause such amount to be levied upon the taxable property of said city, in the next general tax; and the amount so levied, shall be collected with such general tax, and paid by the City Treasurer to the said Commissioners upon a warrant of the Mayor and Comptroller of said city, countersigned by the City Clerk, who are hereby directed to pay the same out of any moneys collected in such general tax.

§ 4. Whenever the said Commissioners have prepared the said plan of drainage and sewerage, in whole or in part, of the said city of Brooklyn, they shall cause public notice to be given in all the newspapers in the city of Brooklyn, that such plan has been filed in their office for inspection, and that they will meet at a time and place in said city, to be specified in said notice, not less than twenty days after the publication of such notice, when they will receive the views and suggestions and objections of any parties interested in the drainage and sewerage of said city. The said Commissioners shall hear such parties at the time and place so specified, or at any adjourned meeting then and there proclaimed, and shall thereupon amend and correct the same as they may deem proper, and file a copy thereof as amended and corrected, and duly certified by them, in the office of the Street Commissioner of said city, and a similar copy in the office of the Register of the county of Kings, whereupon the plan or any part thereof, therein set forth, shall be the permanent plan of sewerage of the city of Brooklyn.

Plan to be revised, and interested parties heard.

§ 5. The said Commissioners shall, upon the filing of the said amended and corrected plan, proceed to construct

Construction of Sewers, &c.

such of the drains and sewers therein adopted as the public health, convenience or interest shall demand, or so much thereof as may be necessary; they shall cause specifications of the work, in the most approved form and character, to be made, and shall let the same out to be done by contract to such persons as shall best, in their judgment, subserve the interests of the public and the parties assessed. They shall employ proper persons to inspect the work, and may employ counsel to aid them in the performance of their duties.

§ 6. The expenses attending the construction of drains and sewers shall be borne as follows, that is to say: the amount of so much of the expenses of constructing any main drain or sewer, as shall in the judgment of the said Commissioners exceed the cost of a proper lateral drain or sewer, for the street in which such main drain or sewer shall be laid, shall be assessed upon the owners of lands other than those fronting on such streets or avenues as shall be drained by, or discharge their waters through any lateral sewer, in such main, drain or sewer, in proportion to the benefit derived by such owners, respectively, by such main drain or sewer, not exceeding any actual benefit derived therefrom by them respectively. The balance of such expenses for the construction of any main drain or sewer, and the expenses of constructing any lateral drain or sewer, shall be assessed by the said Commissioners upon the owners of lots fronting on the streets and avenues through which such sewer shall be laid, in proportion to the benefit derived by them respectively, not exceeding the actual benefit derived therefrom by them respectively.

Expenses, by whom to be borne.

§ 7. The said Commissioners shall cause assessments for the expenses as aforesaid of each sewer constructed by them, to be made out in proper form, with diagrams showing the property assessed, and the names of the owners thereof, and when such assessment is made, publish a notice in the corporation newspapers that the same has been completed, and of a place in said city where the same may be examined, and of a time not less than ten days thereafter, when, and a place in said city where, they will meet to hear objections thereto; they shall then and there hear parties objecting, and shall thereupon proceed to amend and correct such assessment as they may deem proper; they shall then certify the same to be complete, and send the same so certified to the Common Council of said city, together with a copy of the contract made by them for the work, and a certificate of the expenses included in such assessments, and to whom the same may be payable; and thereupon such assessments shall have the same force and effect as, and shall be deemed to be, local assessments within the operation of the charter and laws relating to said city, and the ordinances thereof, and the assessments therein made shall become a lien upon the lands so assessed, and the owners of the lands so assessed shall be liable to pay such assessments; and a warrant for the collection of the same shall be issued, and the actual collection thereof shall be made in the same manner as if such assessments were for a local improvement under the charter and laws in force, relating to said city and all provisions of said charter and laws, and of the ordinances of said city, in relation to assessments for local improvements, after the

Manner of
levying assess-
ments.

confirmation thereof; and in relation to the collection of the same, the making assessments liens upon the lands assessed; making the owners of lands and their personal property liable to pay assessments thereon; issuing warrants for the collection of assessments, the duties of collector and other city officers in regard to collecting assessments; the sale of lands for the non-payment of assessments; the redemption of lands from sales for assessments; the description of assessment lists; the payment of moneys raised by assessment to the parties entitled to such moneys; shall, so far as the same can be made applicable, apply to the assessments for such drains and sewers respectively, after the same shall be transmitted to the Common Council as aforesaid, and shall apply to the persons interested therein, and to the lands so assessed, and the owners thereof respectively, and to the city officers and the parties entitled to the moneys so assessed.

Sewers in streets
not opened.

§ 8. In case the said Commissioners shall, in devising and framing a plan of sewerage and drainage, find it necessary to construct a sewer or drain through any part of any street or avenue, not opened by law, and such sewer or drain cannot be constructed so as to properly drain any portion of said city without carrying the same through any part of such street or avenue not opened as a public street or avenue, it shall be lawful for said Commissioners, or a majority of them, to present a petition to the Supreme Court at a General or Special Term thereof, held in the city of Brooklyn, for the appointment of Commissioners to proceed to open said streets or avenues, in the same manner as now provided by law

for opening streets and avenues by petition to the Common Council of said city, and the said court, upon such application, shall be authorized to appoint such Commissioners; ten days' notice of such intended application shall be published in the newspapers employed by the Mayor and Common Council of the city of Brooklyn for the publication of ordinances and notices, stating the time and place when such petition will be presented to the court; all parties in interest may be heard before said court; and if said court shall make an order for the appointment of such Commissioners, then all the laws in relation to opening streets and avenues in said city, the awarding of damages, making assessments a lien, and fixing districts of assessments, and collecting such assessments, shall be applicable thereto, in the same manner as if such street or avenue had been opened on petition to the Common Council of said city.

§ 9. All acts and parts of acts inconsistent with this act, are hereby repealed, so far as the same conflict with this act.

§ 10. This act shall take effect immediately.

STATE OF NEW YORK, }
Secretary's Office. }

I have compared the preceding with the original law on file in this office, and do hereby certify that the same is a correct transcript therefrom, and of the whole of the said original law.

Given under my hand and seal of office, at the
[L. s.] city of Albany, this 21st day of April, in the
year 1857.

N. P. STANTON,

Dep. Secretary of State.

20 WILKINSON COUNTY

AN ACT

TO PROVIDE FOR THE SUPPLY OF ADEQUATE QUANTITIES OF WATER

Page 41-42 missing

Pages 41-42 missing

Section 1. The Board of Water Commissioners created by the act entitled "An Act to provide for the supply of the city of Franklin with Water," passed February 11th, 1907, are hereby authorized to purchase such additional land, and under existing provisions of law, to acquire such additional water rights as may be necessary for the use or protection of the said water works and such additional pipes and other materials as may be necessary for the distribution of water, and the increase of the rate of the said water works, contained thereby, and all incidental expenses, to be paid and to be incurred by the commission and management of said water works, and to be levied and collected as provided for in the act entitled "An Act to provide for the supply of the city of Franklin with Water," passed February 11th, 1907, and that such water shall be supplied to the city of Franklin and to the city of Wilkesboro, North Carolina, with the approval of the Common Council of said city.

A N A C T

TO PROVIDE FOR THE SUPPLY OF THE CITY OF BROOKLYN WITH WATER.

Passed April 16th, 1859—three-fifths being present.

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

SECTION 1. The Board of Water Commissioners created by the act entitled "An Act to provide for the supply of the city of Brooklyn with Water," passed February 11th, 1857, are hereby authorized to purchase such additional land, and under existing provisions of law, extinguish such additional water rights as may be necessary for the use or protection of the said water works, and such additional pipes and other materials as may be necessary for the distribution of water, and the increase of the cost of the said water works, occasioned thereby, and all incidental expenses, incurred and to be incurred in the construction and management of said works, except as hereinafter otherwise provided for, shall be met by the issue of bonds, as prescribed by the said act, to the necessary amount, provided that such issue shall in no event exceed five hundred thousand dollars unless with the approval of the Common Council of said city.

Additional power
to purchase
land if granted.

Bonds
to be issued.

Control of Water
Works
to be delivered to
Permanent
Water Board.

§ 2. When the said water works shall be completed so as to be capable of delivering and distributing a daily supply of ten millions of gallons in the said city, the said Commissioners shall certify the same to the Common Council of the said city, and thereupon the exclusive control and management thereof as fast as the same shall be completed shall be transferred to a permanent Water Board, to be created as herein provided, and until such transfer is consummated, the exclusive control and management of said works, shall be vested in the said Commissioners with the powers as are herein conferred upon the said permanent Water Board; such transfer shall not in any way affect the powers of the present Board of Commissioners as a Board of Construction to complete the works.

Water Board,
how to
be appointed.

§ 3. The said permanent Water Board shall consist of four members, who shall be called Water Commissioners. The said Board shall be appointed as follows: Two thereof by the Commissioners first before mentioned in this act; the other two thereof shall be appointed by the Mayor of said city, and with the consent of the board of Aldermen of said city, at a meeting which shall be held for that purpose on the twenty-fifth day of April, one thousand eight hundred and fifty-nine, which said meeting shall convene at eleven o'clock on that day; and thereafter all vacancies which shall occur in said Board, shall be filled by a two-thirds vote of the Common Council, on the nomination of the Mayor of said city, but no one of the present Water Commissioners shall be eligible to any appointment as a permanent Water Commissioner, under any of

the provisions of this act. (Act of April, 1865, restored the old Commissioners.)

§ 4. Said permanent Water Commissioners shall hold their offices for eight years and until others are appointed and qualify in their places, except that the members who shall first constitute the said Board shall hold their offices, one for two years, one for four years, one for six years, and one for eight years, and shall within thirty days after their appointment, draw lots for the said terms in the presence of said Mayor, who shall certify the same to the City Clerk. Term of office.

§ 5. They shall respectively subscribe an oath of office and file it in the office of the Clerk of the said city, within ten days after their appointment, and shall also, within the same time, execute to the said city, and file in the said office, a bond with two or more sureties, in the penal sum of twenty thousand dollars, conditioned that they will faithfully account for all moneys which shall come into their hands or into the hands of the said Board and perform their duties as such Commissioners. Oath of office and Bond to be filed.
The Justices of the Supreme Court of the Second Judicial District shall approve of such bonds or require the execution of others in their place, until the same shall be approved, and no Commissioner shall take office until such bonds shall be approved by the said Justices of the Supreme Court of the Second Judicial District, and in case any of such first Water Commissioners shall fail to qualify or enter upon office, the nomination and appointment shall be made pursuant to the third section of this act, as if no such nomination or appointment had been made, until such permanent Water Board shall be fully

filled. All subsequent vacancies created by death, resignation or otherwise, shall be filled for the unexpired term in the manner hereinbefore provided.

Salary.

§ 6. The members of the said Board shall each receive an annual salary of two thousand five hundred dollars, payable quarterly.

Removal of from office.

§ 7. Any Commissioner may be removed from office by a vote of two-thirds of the members elected to the Common Council, for cause, upon written charges of misfeasance or non-feasance in office, and after reasonable opportunity to be heard in his defence.

Regulations of officers.

§ 8. The said Water Board shall make by-laws and regulations for its own government, and for the government of all officers and employees whom it may appoint. One of its own members shall be elected President, and another Secretary, who shall have charge of the records and papers of the Board, and the same are hereby declared to be public records.

§ 9. The said Board may appoint during pleasure a Chief Engineer, a Water Register, a Water Purveyor, and such and so many other subordinate officers and employees as the water service may require; and shall fix and pay their salary and compensation.

Duty of Board.

§ 10. The said Board is hereby charged with the duty of managing said works, so as to obtain the objects for which they are constructed and of keeping them in a state of efficiency and repair; and they are authorized, from time to time, to expend such sums of money as shall be appropriated by the Common Council for those purposes.

§ 11. The said Board shall, in the name of the city of Brooklyn, prosecute or defend all actions and proceedings, at law and in equity, for money due for the use of water, or for the violation of any ordinance or regulation respecting the water works or water, or for the breach of any express or implied contract relating to the construction or management of the water works, or the distribution of water; and also for any injury or nuisance to the water courses, ponds, canals, conduits, reservoirs, pipes, machinery, buildings, fences, crossings, fixtures, or anything appurtenant to the said water works, or for any improper use or waste of the water, within or beyond the city of Brooklyn.

To prosecute
suits in name of
city.

§ 12. All water rates and water rents shall be paid to and collected by the said Board. All moneys received by the said Board, shall be paid weekly, to the Treasurer of the city of Brooklyn, who shall keep a separate account of all moneys received from, and paid on account of the water works. He shall hold all moneys paid in on account of the water works, and shall pay them out as provided by this act, and not otherwise. The said Board shall draw their drafts upon the Comptroller of the said city, signed by their President and Secretary, for all salaries and all charges, liabilities and expenses incurred in the performance of their duties under this act; specifying in such drafts the purpose for which the same are drawn; and the said Treasurer shall pay the same out of the said water moneys, on the draft of the Comptroller, countersigned by the Mayor and City Clerk.

Moneys to be
received and
expended by.

§ 13. The said Board may, upon such terms and conditions as they may prescribe, license plumbers and

Licenses.

others to open streets and bore pipes, and make the necessary connections therewith to conduct the water upon any premises for use, and may prescribe a license fee to be paid by such licensees, and may require from them security against dam* and for the faithful performance of their duties.

Power to make certain regulations, &c.

§ 14. The said Board shall fix the times when all water rents shall be payable; they may make regulations as to the times and mode of using the water and testing the quantity used, and the rules and restrictions for such use printed on each water permit, shall be notice to the water takers, and shall authorize the exactions and recovery, by due process of law, of any penalties which the said Board may impose, in addition to the cutting off the use of the water, for any violation of the rules, and this section shall be printed on such permits.

Records to be kept.

§ 15. The said Board shall keep regular books of accounts, and a full and accurate record of all their official proceedings, which shall be open to the inspection of the Mayor and Comptroller of the said city, and the Water Committee, or such Special Committee as the Common Council may designate for that purpose. They shall, on the first Tuesday of February and August in each year, make a written report to the Common Council of the condition of the works under their charge, up to the first of January and the first of July, respectively, accompanied by a statement of their receipts and expenditures on account of the same, and shall, on or before the first Monday of May, in each year, report to the

*So in original.

Common Council a working plan for the ensuing year under the several heads of repairs, purchase and laying of mains and pipes, and new work, with an estimate of the quantity of work under each head of expenditure, which it shall be proposed to undertake, and of the cost of each, and of the amount of salaries and contingencies to be incurred, and exhibiting a total of the expenditures contemplated to be made during the ensuing twelve months from the first of May then next. The appropriations which the Common Council shall make, for the preservation and repair of the works, shall be applied to those objects alone, for which the appropriations shall be made, and the expenditure of any object shall not exceed the appropriation therefor.

Reports to be made.

§ 16. It shall be the duty of the Standing Water Committee of the Common Council to inspect the said water works, thoroughly once in every year, and make a written report thereon to the Common Council. The Common Council shall, on the first Monday of November, in every year, appoint a Special Committee of their body, who shall examine the books, accounts and vouchers of the said Board, and the receipts of the water rents, and make a written report thereon to the Common Council. The members of the said committee shall each receive three dollars for each day of six hours necessarily employed by them in the performance of said duties.

Common Council committee to be appointed, &c.

§ 17. The said Board shall cause hydrants to be placed in the public streets wherever they may deem them necessary, to be used for the extinguishment of

Hydrants.

fires and other purposes,* and may prescribe and limit their uses; and any use thereof in violation of the regulations which said Board may impose, is hereby declared to be a misdemeanor, for which any person offending may be punished according to law. The said Common Council may, by ordinance, prescribe penalties for the violation of said regulation, and the said Water Board, in the name and for the use of the city of Brooklyn, to the credit of the water fund, may sue for and recover such penalties, with treble costs, in any court.

§ 18. The said Water Board shall recommend to, and the Common Council shall, by ordinance, establish a scale of annual rents for the supply of the water, to be called the "regular rents," by way of distinction from the assessments hereinafter directed, and adapted to the different classes of buildings in said city, with reference to their dimensions, values, exposure to fires, their ordinary uses for dwellings, stores, shops, private or other stables, or other common purposes, number of families or other occupants or probable consumption of water, as near as may be practicable, and may change said scale from time to time, and also extend it to other descriptions of buildings, occupants and uses; such rents shall be collected from the owners and occupants of all such buildings, respectively, which shall be situated upon lots adjoining any street, avenue, lane or court in said city in which the distributing water pipes shall have been laid, and from which they can be supplied with water, whether the water shall be used or not. Said regular rates, together with all the interest that may accrue

Scale of Water
rents.

* So in original.

thereon, shall be a lien upon such houses and lots respectively. Hotels, factories, stables, livery stables, and other buildings and establishments which shall consume extra quantities of water, and steamboats and shipping may, in addition to the regular rents, be charged with rents to be called "extra rents," to be established in like manner as the regular rents. The regular and extra rents now charged in the city of New York for the use of the Croton water, shall be paid for the water in the city of Brooklyn as herein before provided, except as a different scale shall from time to time be fixed by the said Common Council. Water may be distributed from said works for any use in Kings, Queens and adjacent counties, upon such terms and conditions as may be prescribed by the Water Board, subject to the ordinance of the Common Council.

Extra rents.

Water
in adjacent
counties.

§ 19. Such regular and annual rents as shall remain unpaid for thirty days after they are payable shall be subject to an additional charge of one per cent. a month until paid, and such additional charge shall be a lien upon the premises.

Arrears.

§ 20. All taxes and rents authorized by this act to be imposed, except extra rents, shall be a lien upon the premises on which they are charged, and may be collected of either the owners or occupants. Such liens may be enforced according to existing laws for the collection of taxes in the city of Brooklyn.

Rents made lien.

§ 21. There shall be added to the general tax for the city of Brooklyn at large, in the year eighteen hundred

General taxes to
be levied.

and fifty-nine, and yearly thereafter, and levied and collected therein, the sum of fifty thousand dollars, which is hereby directed to be paid to the Commissioners of the Sinking Fund hereinafter mentioned, and held and managed by them for the full and final redemption of the bonds issued on account of the said water works, and for no other purposes; and also there shall be added to the said general tax for said city at large, in the year eighteen hundred and sixty, and yearly thereafter, such further sums of money, in each of said years, as shall be necessary to pay any deficiency which the net income of the water works, after paying the annual expenses thereof, shall be insufficient to pay the interest for any such year on any such bonds. It shall be the duty of the Mayor and Comptroller of said city to estimate and ascertain the amount of such deficiency, and transmit a statement of the same in each year, to the Board of Supervisors of the county of Kings, in time to have such amount included in the general tax of the said city for that year; and it shall be the duty of said Supervisors to cause such amount to be included in such general tax.

§ 22. The price or rents to be fixed for the use of water to be supplied by the said works, shall, as far as may be reasonable and practicable, be regulated and adjusted so as to pay, from the net income, the interest upon, and ultimately the principal of the said bonds. After the payment or deduction of all expenses and charges of maintenance and distribution, the net surplus income from said works shall be set apart as a special sinking fund, to be denominated "The Water Sinking Fund," and shall be appropriated and applied for and

How
to be applied.

towards the payment of the principal and interest of the said bonds, and shall be under the management and control of the Mayor, Comptroller and Treasurer of said city, or the major part of them for the time being, who shall be the Commissioners of the said fund, to be applied solely to the use and purpose aforesaid, until the principal and interest of the said bonds shall be fully paid and discharged.

§ 23. The moneys, directed by the preceding section to be paid into the said Water Sinking Fund, shall be invested, by the Commissioners of said fund, in the several and respective public stocks or bonds issued by the city of Brooklyn, by the county of Kings, by the State of New York, and by the United States. How invested.

§ 24. The said Water Board shall, in every year, by resolution, fix the price which shall be assessed, (over and above the regular rent, and the special rent hereinbefore provided for,) upon every vacant lot situated upon any street, lane, alley or court, through or into which distributing pipes shall have been laid, until the bonds issued for the construction of the said works, with the interest thereon, shall have been paid, and thereafter they shall be adjusted so as to, with the other provisions of this act, for income from said works, meet the expense of repairs, maintenance and extension of the works. The net proceeds or income of the works shall be paid into the said Special Sinking Fund, as before provided. Such sums so assessed, together with percentages for default, as prescribed by section nineteen of this act, shall be a lien upon the said premises respec- Assessments on vacant lots.

tively, and the same may be collected and enforced in the same manner as taxes are collected and enforced against land in said city.

Penalty
for diverting or
corrupting
water.

§ 25. Any person or persons, their aiders and abettors, who shall wilfully divert or cause the diversion of the water, or any portion thereof from the said works, or any portion thereof, or shall corrupt or render the water unpleasant or impure, or shall destroy or injure any canal, aqueduct, conduit, reservoir, pipe, hydrant, fountain, gate, machinery or other property, part, parcel, or appurtenance of the said works, required or used for procuring, securing or distributing the water, shall severally forfeit to the said Commissioners, and the said Board, for the use of the city of Brooklyn, to be recoverable in any proper form of action, treble the amount of damages proved to have been occasioned thereby, with treble costs of such action; and all such acts are hereby declared misdemeanors, and any person convicted of any such act, shall be further punished by a fine not exceeding one thousand dollars, or by imprisonment not exceeding one year, or both, in the discretion of the court.

Lands occupied
in Kings and
Queens counties,
how to be taxed.

§ 26. The lands which shall be occupied by, or used for the said water works, in Kings and Queens counties, shall be taxed at the value of the adjacent lands used for agricultural purposes, exclusive of any improvements thereon, and all such improvements are hereby declared to be exempt from taxation, except that in the county of Queens, dwelling-houses and machine and pump-houses, and machinery in such machine or

pumping houses, upon such lands, may be taxed in the same manner as against individuals.

§ 27. The Board of Water Commissioners created by the act entitled "An Act for the supply of the city of Brooklyn with water, passed February eleventh, eighteen hundred and fifty-seven," are hereby authorized to change the plan for such supply, and to substitute a closed conduit for the whole or any portion of the open canal east of the present conduit. They may, upon the change of such plan, arrange upon such terms and conditions, and extend the period for the furnishing of such supply, as they may see fit; but no contract made by them for such closed conduit, shall increase the cost of the water works to exceed the sum of five hundred thousand dollars for such closed conduit, and such increased cost shall be met by a like increase of the amount of the bonds to be issued, as provided by said act; such increase of bonds shall be in addition to the amount named in the first section of this act.

Plan for supplying water to be changed.

§ 28. All acts and parts of acts inconsistent with this act, are hereby repealed.

§ 29. This act shall take effect immediately.

STATE OF NEW YORK, }
Secretary's Office. }

I have compared the preceding with the original law on file in this office, and do hereby certify that the same is a correct transcript therefrom, and of the whole of the said original law.

GIDEON J. TUCKER,

Secretary of State.

Permalife

AN ACT

TO EXTEND AN ACT ENTITLED "AN ACT IN RELATION TO
SEWERAGE AND DRAINAGE IN THE CITY OF BROOK-
LYN," PASSED APRIL FOUR, 1904.

Pages 57-58 missing

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

§ 1. The Board of Water Commissioners, estab-
lished by the act entitled "An Act to provide for the sup-
ply of the city of Brooklyn with water," passed February
11th, 1907, with the appointment of a Permanent Board
of Water Commissioners, and after such appointment is
fully completed, and such board is organized, that such
Board of Permanent Water Commissioners for the time
being, shall at all times hereafter be, and shall be the Board
of Sewer Commissioners of the city of Brooklyn.

§ 2. The Board of Sewer Commissioners shall have
the exclusive control, superintendence and management
of all sewers constructed, or to be constructed in the said
city. The power and authority of altering, repairing and clean-
ing sewers in respect to matters internal to the sewer,
and all incidental matters of management,
shall be retained by the said board and be included in

A N A C T

TO AMEND AN ACT ENTITLED "AN ACT IN RELATION TO SEWERAGE AND DRAINAGE IN THE CITY OF BROOKLYN," PASSED APRIL 15TH, 1857.

Passed April 16th, 1859—three-fifths being present.

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

SECTION 1. The Board of Water Commissioners, created by the act entitled "An Act to provide for the supply of the city of Brooklyn with water," passed February 11th, 1857, until the appointment of a Permanent Board of Water Commissioners, and after such appointment is fully completed, and such Board is organized, then such Board of Permanent Water Commissioners for the time being, shall at all times hereafter be, ex-officio, the Board of Sewer Commissioners of the city of Brooklyn.

Permanent
Water Board cre-
ated Sewer
Commissioners.

§ 2. The Board of Sewer Commissioners shall have the exclusive control, superintendence and management of all sewers constructed, or to be constructed in the said city. The current cost of altering, repairing and cleaning sewers, and all incidental expenses of management, shall be estimated by the said Board and be included in

To have
exclusive control
of sewer.

the amount to be raised by annual tax, pursuant to section three of the act entitled "An act in relation to sewerage and drainage in the city of Brooklyn," passed April 15th, 1857, hereby amended.

To acquire land

§ 3. The said Board may take the like proceedings which the Water Commissioners of the said city are now authorized to take, to acquire land and interest therein for the construction and maintenance of sewers, where such sewer is proposed to be run through lands which are not part of a public street or place, the costs and expenses incident thereto shall be assessed as part of the cost of constructing sewers, and upon such part of a sewer district as the said Commissioners may designate as benefited thereby.

Sewer districts to be laid out.

§ 4. The said Board of Sewer Commissioners shall proceed to lay out the said city into as many Sewer Districts as may be required in view of the effectual drainage of said city; each of such districts to consist of a main or principal sewer, having its outlet in the river or bay, or other proper place of outlet, and of all branches of such main sewer and the collateral or inferior sewers running into such main or principal sewer, and the said districts shall each be so arranged as to be independent of each other as far as may be; and when such districts are so arranged, notice of the same shall be advertised for correction and review, as provided in the fourth section of the act hereby amended. After such districts shall have been finally arranged and approved, and the plans thereof duly filed in the manner provided in the said fourth section of the act hereby amended, the said

Plan of same.

Commissioners may proceed, after the lapse of sixty days, to advertise for proposals for the construction of any part of the work required to be done in such sewer district. Such advertisement shall be made in the corporation newspaper of said city for thirty days, and the work so advertised shall be awarded to the lowest bidder, who will give good and sufficient security as required by said Commissioners for the faithful execution of such work and the furnishing of the required and sufficient material therefor. During the sixty days after the filing of such plan as required by this act, the Mayor of said city, upon the application of a majority of the owners of land within such sewer districts, may prohibit the said Commissioners from proceeding with the construction of the whole or any part of the sewers in such sewer district; and thereupon all power on the part of said Commissioners to proceed with the construction of the sewer or sewers specified in such prohibition, shall cease and determine until such prohibition shall be withdrawn. The said Commissioners shall in no case proceed with the construction of any sewer, except upon the advertisement for proposals for the construction of the same as herein provided.

Commissioners
may
be prohibited.

§ 5. Mistakes in any assessment list for sewers, and subsequent proceedings thereon, in the designation of any land or owner thereon assessed, shall not vitiate the assessment, provided the said Board, before proceeding to a sale to collect such assessment, shall, on a notice of ten days, served upon or at the residence or place of business of the owner or legal representative, and published daily in the corporation newspapers of said city,

Mistakes in
assessment, how
rectified.

correct such mistakes. And they are hereby authorized upon such notice to make such correction. And where any assessment is void for any defect or irregularity, the owner and property affected may be reassessed for such improvement, in the mode and with the effect prescribed for the original assessment authorized for the construction of sewers.

§ 6. The said Board of Sewer Commissioners shall use and refer to the regular official ward maps, for the description of lands to be assessed for the cost of making any sewer, and it shall be a sufficient description of any lands in the proceedings for such assessment, to give the name and number of the ward and the number of the lot so assessed, as appearing upon the ward map, together with the name of the street or avenue upon which it is situate, and also the street number where known, and stating also upon which side of the street such lot is, and the names of the next adjacent streets, avenues or places which intersect the street upon which said lot is situate, and form the block. Before any assessment, laid for the construction of sewers, shall be finally certified by the said Board to the Common Council to be complete, they shall carefully examine, correct and perfect the same, and no other certificate shall be necessary to authorize the Common Council to issue a warrant for the collection of the assessments. All legal proceedings authorized or required by this act, shall be conducted by, or under the direction of the Corporation Counsel of the city of Brooklyn, and no compensation shall be paid to him therefor.

Ward Maps to be used in making assessments.

Assessment to be recovered.

Board to act under direction of Counsellor.

§ 7. To meet such cash outlay in the construction of sewers, (in anticipation of the collection of assessments,) as the said Board may deem necessary, the Mayor, Comptroller, and clerk of the said city shall, on the requisition of the said Board, and from time to time as so required, borrow such sums, not to exceed five hundred thousand dollars outstanding at any one time, upon the bonds of the said city, which they are hereby authorized to issue for that purpose, bearing interest not to exceed 6 per cent., and payable in not more than three years from their respective dates. The proceeds of such bonds shall be paid to the City Treasurer, to the credit of the said Board, who shall draw therefor in the usual manner and as may be required for the said purposes.

Bonds to be issued to meet expenses.

§ 8. The principal and interest of the said bonds shall be paid out of the assessments for constructing sewers, authorized by the act hereby amended. Any estimated deficiency in the moneys collected upon such assessments, to meet the accruing interest thereupon and ultimately to pay the principal of the said bonds, shall be included in the taxes authorized by section three of said act.

How paid.

§ 9. The said Board may prescribe regulations for the use of the said sewers; may license persons to open the same, and may prescribe a fee for opening and making a connection with any sewer, to be paid to said Board, and by them to be paid to the Treasurer of said city to the credit of the sewer fund.

Regulations for using sewers.

§ 10. Two and one-half per cent. for collection fees shall be added to and included in the sum to be appor-

Assessments, how collected.

tioned and assessed for the cost of constructing sewers; which per centage shall be deducted by the collector from all assessments paid within thirty days from the time when the same shall be payable; and the same per centage shall be added to such assessments and collected for default, which are authorized by law to be added to and collected for defaults in the cases of other local assessments in said city. All such additions for collection fees and defaults shall, together with said assessments, when collected, be paid daily to the Treasurer of said city, to the credit of the sewer fund, and shall not be diverted therefrom.

Injury to
Water Works,
penalty for.

§ 11. All provisions of law, creating civil and criminal liabilities for wrongs and injuries done to the Brooklyn Water Works, shall apply in like manner and extend to wrongs and injuries done to sewers in said city; and said Board shall have the like powers to maintain actions and proceedings in the courts in respect to sewers and all matters relating thereto, which the Board of Water Commissioners have in respect of the water works and all matters relating thereto.

Repealing clause.

§ 12. All acts and parts of acts inconsistent with this act, are hereby repealed, but nothing in this act shall affect any proceedings or contract of said Commissioners heretofore had or made for the construction of any sewer in said city.

§ 13. This act shall take effect immediately.

REVENUE
COTTON CONTENT
AN ACT

AMENDATORY OF AN ACT ENTITLED "AN ACT TO AMEND
AN ACT ENTITLED "AN ACT IN RELATION TO GENERAL
AND NEW DEBENTURES IN THE CITY OF BROOKLYN,"
PASSED APRIL TWENTY-NINE, NINETEEN AND
FIFTY-NINE.

Pages 65-66 missing

ENACTED BY THE SENATE AND ASSEMBLY

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

SECTION 1. Section seven of the act hereby amended
shall read as follows: To meet such cash outlay in the
construction of streets for anticipation of the collection
of assessments as the said Board may deem necessary, the
Mayor, Comptroller and Clerk of the said city shall
as the requisition of the said Board and from time to
time as so required borrow such sums not to exceed two
hundred thousand dollars outstanding at any one time
upon the bonds of said city, which they are hereby au-
thorized to issue for that purpose, bearing interest not
exceeding eight per cent, and payable in not more than
five years from their respective dates. The provisions

AN ACT

AMENDATORY OF AN ACT ENTITLED "AN ACT TO AMEND
AN ACT ENTITLED 'AN ACT IN RELATION TO SEWER-
AGE AND DRAINAGE IN THE CITY OF BROOKLYN,'"
PASSED APRIL FIFTEENTH, EIGHTEEN HUNDRED AND
FIFTY-NINE.

Passed April 16, 1860—three-fifths being present.

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

SECTION 1. Section seven of the act hereby amended shall read as follows: To meet such cash outlay in the construction of sewers (in anticipation of the collection of assessments) as the said Board may deem necessary, the Mayor, Comptroller, and Clerk of the said city, shall, on the requisition of the said Board, and from time to time as so required, borrow such sums, not to exceed five hundred thousand dollars outstanding at any one time, upon the bonds of said city, which they are hereby authorized to issue for that purpose, bearing interest not exceeding seven per cent., and payable in not more than three years from their respective dates. The proceeds

Mayor,
Comptroller and
Clerk may
borrow money on
bond of city.

Proceeds
of bonds to be
paid to
City Treasurer.

of such bonds shall be paid to the City Treasurer, to the credit of said Board, who shall draw therefor in the usual manner, and as may be required for the said purposes.

§ 2. This act shall take effect immediately.

AN ACT

TO AMEND AN ACT ENTITLED "AN ACT TO AMEND AN
ACT ENTITLED "AN ACT IN RELATION TO SEWERAGE
AND DRAINAGE IN THE CITY OF BROOKLYN," PASSED
APRIL FIFTEENTH, EIGHTEEN HUNDRED AND FIFTY-
SEVEN, CHANGED APRIL SIXTEENTH, NINETEEN HUN-
DRED AND FORTY-

Pages 69-70 missing

ENACTED BY THE SENATE AND ASSEMBLY

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

SECTION 1. After an application for the construction
of sewers has been certified pursuant to the provisions
of chapter two, any owner of property situated along
within sixty days after the closing of an assessment roll
has come into the hands of the collector of taxes and of
assessments, "appears in person or by some person legally
authorized to act for him, and then and there does
promise that he will pay the whole of his assessment or
equal installment of not less than one-third of the
assessment, and that he will pay the first of payment
immediately and every month thereafter from the date of the

A N A C T

TO AMEND AN ACT ENTITLED "AN ACT TO AMEND AN ACT ENTITLED 'AN ACT IN RELATION TO SEWERAGE AND DRAINAGE IN THE CITY OF BROOKLYN,'" PASSED APRIL FIFTEENTH, EIGHTEEN HUNDRED AND FIFTY-SEVEN, PASSED APRIL SIXTEENTH, EIGHTEEN HUNDRED AND FIFTY-NINE.

Passed April 5, 1861—three-fifths being present.

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

SECTION 1. After an assessment for the construction of sewers has been confirmed pursuant to the provisions of existing laws, any owner of property assessed may, within sixty days after the abstract of an assessment roll has come into the hands of the collector of taxes and of assessments, *appears in person, or by some person legally authorized to act for them, and then and there elect whether they will pay the whole of their assessment, or in equal instalments of not less than one-third of the sum assessed; and in no case shall the time of payment be extended beyond three years from the date of the

Persons
to appear, &c.

* So in margin.

confirmation of said assessment. If the owner or owners of any property assessed should appear in person, he, she, or they shall file with the collector an affidavit of such ownership, and if not the owner, then the person so appearing shall file with the collector an affidavit that a power of attorney had been given them by such owner or owners, and shall file the same, or a copy thereof, with said collector.

When an election
has
been made, &c.

§ 2. When an election has been made as herein provided, or an agreement entered into between the owner or owners of property assessed; and the said collector (who is authorized to make such agreement) shall write in ink, or cause to be written in ink, upon the abstract of said assessment roll, the substance of said agreement; but nothing herein contained shall be construed to prevent the whole of such assessment becoming a lien upon the property assessed immediately after the confirmation thereof.* Whenever any owner or owners of property are assessed, and neglect or refuse to make an election within the time fixed by this act, then the whole sum shall become due and payable in the same manner as now provided by law; and the same per centage shall be added to such assessment and collected for default which is now authorized by law to be added to and collected for defaults in the cases of other local assessments in the city of Brooklyn. All such additions for defaults shall, together with such assessment when collected, be paid daily to the Treasurer of said city to the credit of the sewer fund, and shall not be diverted therefrom. Where the owner or owners of property shall elect to

* So in original law.

pay in instalments, interest at the rate of seven per cent. per annum shall be charged upon each instalment from and after the date of the confirmation of the assessment, until the same shall become due, and thereafter, one per cent. a month additional until paid.

§ 3. Any owner or owners of property assessed for the construction of sewers, and since the passage of an act entitled "An act in relation to sewerage and drainage in the city of Brooklyn," passed April fifteenth, eighteen hundred and fifty-seven, and who had not paid the same at the time of the passage of this act, shall be and they are hereby entitled to the same advantage as those who shall hereafter be assessed, except that payment shall first be made of the amount accrued for default and interest at the time of making such election.

Owners
of property to be
entitled to
some privileges.

§ 4. To meet such cash outlay in the construction of sewers (in anticipation of the collection of assessments) as the said Board may deem necessary, the Mayor, Comptroller, and Clerk of the said city shall, on the requisition of the said Board, and from time to time, as so required, borrow such sums, not to exceed eight hundred and fifty thousand dollars, outstanding at any one time upon the bonds of the said city, which they are hereby authorized to issue for that purpose, bearing interest not to exceed seven per cent., and payable in not more than three years from their respective dates. The proceeds of such bonds shall be paid to the City Treasurer to the credit of the said Board, who shall draw therefor, in the usual manner, and as may be required for the said purposes.

An outlay to
be met.

§ 5. All acts and parts of acts inconsistent with this act, are hereby repealed.

Assessment
for temporary
sewers.

§ 6. Whenever it shall become necessary to construct a sewer or drain in any street or avenue, for the purpose of preventing damage to property, or to abate a nuisance, and it shall have become impracticable to proceed immediately to the construction of the same, in accordance with any plan already adopted by the Sewer Commissioners of the city of Brooklyn for the drainage district in which such streets are situated, by reason of any street therein not having been graded; thereupon, at the request of the Common Council of said city, the Sewer Commissioners thereof shall have power to construct a temporary sewer or drain in such manner as to avoid such damage or abate such nuisance; and the cost of said temporary sewer or drain shall be assessed upon the property draining into the same and benefited thereby. The assessment for such temporary sewers shall be laid, levied and collected in the manner provided in the act hereby amended for the assessment and collection for the construction of sewers under said act.

§ 7. This act shall take effect immediately.

AN ACT

TO AMEND AN ACT ENTITLED "AN ACT TO AMEND AN
ACT ENTITLED "AN ACT IN RELATION TO THE
AND DEPARTMENT OF HEALTH," PASSED
APRIL FIFTEEN, ONE THOUSAND NINE HUNDRED AND FIFTY-
SEVEN," PASSED APRIL TWENTYNINE, EIGHTEEN HUNDRED
AND FIFTY-NINE.

Pages 75-76 missing

ENACTED BY THE SENATE AND ASSEMBLY

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

SECTION 1. The Board of Health of the City and County of New York is hereby authorized and directed to fill up, improve, upgrade, reconstruct and reconstruct the sewerage system in said city, and the several streets intersecting the same, so far as may be necessary to conform to the plan adopted for the drainage and sewerage of the entire district, in which said streets and sewers are situated, in conformity with a certain "Act in relation to sewerage and drainage in the City of New York," passed April fifteenth, eighteen hundred and fifty-seven, and the acts amendatory thereof, and to

ENACTED
APRIL TWENTYNINE, ONE THOUSAND NINE HUNDRED AND FIFTY-NINE

A N A C T

TO AMEND AN ACT ENTITLED "AN ACT TO AMEND AN ACT ENTITLED 'AN ACT IN RELATION TO SEWERAGE AND DRAINAGE IN THE CITY OF BROOKLYN,' PASSED APRIL FIFTEENTH, EIGHTEEN HUNDRED AND FIFTY-SEVEN," PASSED APRIL SIXTEENTH, EIGHTEEN HUNDRED AND FIFTY-NINE.

Passed March 15, 1864—three-fifths being present.

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

SECTION 1. The Board of Sewer Commissioners for the city of Brooklyn are hereby authorized and directed to fill up, raise and regrade Kent avenue in said city, and the several streets intersecting the same, so far as may be necessary to conform to the plan adopted for the drainage and sewerage of the sewer district, in which said avenue and streets are situated, in pursuance of the act entitled "An act in relation to sewerage and drainage in the city of Brooklyn," passed April fifteenth, eighteen hundred and fifty-seven, and the acts amendatory thereof, and to

Power
and duties of
Sewer
Commissioners.

repave the said avenue and such of said intersecting streets as are paved, to the extent that such repavement may be necessary in consequence of the regrading aforesaid. It shall be the duty of the said Board to cause such regrading and repaving to be done with the least possible delay or obstruction to the public travel, or damage to the owners of land fronting upon said avenue and streets.

§ 2. The expense of such filling up, raising, regrading and repaving, shall be and is hereby declared to be a part of the expense of constructing, in Kent avenue, the main or principal sewer of said sewer district, according to the plan of drainage and sewerage aforesaid, and shall be apportioned, assessed and collected as a portion thereof, and together therewith, in the same manner as the other items of expense in the construction of said main sewer, as in and by the said acts provided.

§ 3. The said Board of Sewer Commissioners are hereby authorized to cancel any contracts made by them since June first, eighteen hundred sixty-two, and to make allowances to the contractors thereof, for actual losses sustained by them on such contracts, not including losses of profits, which allowances, if any, shall be included in the assessment of the expenses of the construction of the sewers included in their respective contracts, and to relet the balance of the work in the manner now provided by law for the letting of such work.

§ 4. The Brooklyn City Railroad Company are hereby required and authorized to change and operate their

Sewer
Commissioners
authorized
to cancel con-
tracts, &c.

Duty
of City Railroad
Company.

railroad temporarily, during the progress of the said regrading and repaving, from the said avenue to, and upon such other avenues or streets of said city, as may be necessary in order to keep up the connection of their railroad to and from Fulton ferry and Greenpoint during that period, and when such regrading and main sewer shall be completed, they shall thereupon reconstruct and operate their road upon said Kent avenue, and shall take up and remove their tracks from the streets and avenues thus to be temporarily used, and restore the pavement thereof in as good condition as the same were when entered upon by them; but nothing herein contained shall be so construed as to authorize or permit the said railroad company to continue their railroad in and upon such other avenues or streets.

§ 5. This act shall take effect immediately.

AN ACT

TO AMEND AN ACT ENTITLED "AN ACT TO AMEND AN ACT ENTITLED 'AN ACT TO AMEND AN ACT ENTITLED AN ACT IN RELATION TO SEWERAGE AND DRAINAGE IN THE CITY OF BROOKLYN,' PASSED APRIL SIXTEENTH, EIGHTEEN HUNDRED AND FIFTY-NINE," PASSED MARCH FIFTEENTH, EIGHTEEN HUNDRED AND SIXTY-FOUR.

Passed April 21, 1865—three-fifths being present.

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

SECTION 1. The Board of Sewer Commissioners of the city of Brooklyn are hereby authorized and directed, in regrading and repaving Kent avenue, as provided in the act hereby amended, to widen the carriage way of said avenue by taking three feet from the westerly sidewalk and two feet from the easterly sidewalk and throwing the same into the carriage way, and to grade and pave the same in conformity with the grade of the street, and to set back the curb in accordance with the foregoing provisions.

Sewer
Commissioners
authorized
to widen carriage
way, &c.,
in Kent avenue.

To award
damages, &c.

§ 2. Said Board are further authorized to award and pay such damages as in their opinion shall be just, to the owners of buildings injured by the change of grade, as proposed in the act hereby amended, but in no case shall such damages exceed the actual cost of replacing such buildings in the same condition as before the regrading, provided that no such damage shall be awarded for injury to any building erected or improvement made since the adoption of the plan for the sewerage and drainage of the sewer district in which said avenue and streets are situated.

Expenses,
how to be met.

§ 3. The costs and expenses rendered necessary by the provisions of this act, are hereby declared to be a part of the expense of constructing in Kent avenue said main sewer, and shall be apportioned, assessed and collected as a portion thereof and together therewith, in the same manner as the other items of expense in the construction of the said main sewer, as in and by said act provided.

§ 4. This act shall take effect immediately.

AN ACT

Pages 85-86 missing

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

SECTION 1. All the powers and duties conferred and imposed by law upon the Board of Water Commissioners, organized under the act of February eleventh, eighteen hundred and fifty-one entitled "An act to provide for the supply of the city of Brooklyn with water," are hereby vested in the Department of Water Conservation, organized under the act passed April sixteenth, one thousand nine hundred and twenty-four, entitled "An act to amend the act of February eleventh, eighteen hundred and fifty-one, in relation to the supply of Brooklyn with water."

A N A C T

TO AMEND AN ACT ENTITLED "AN ACT TO PROVIDE FOR THE SUPPLY OF THE CITY OF BROOKLYN WITH WATER," PASSED APRIL SIXTEENTH, EIGHTEEN HUNDRED AND FIFTY-NINE.

Passed May 11, 1865—three-fifths being present.

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

SECTION 1. All the powers and duties conferred and imposed by law upon the Board of Water Commissioners organized under the act of February eleventh, eighteen hundred and fifty-seven, entitled "An act to provide for the supply of the city of Brooklyn with water," are hereby vested in the Permanent Board of Water Commissioners, organized under an act passed April sixteenth, eighteen hundred and fifty-nine, also entitled "An act to provide for the supply of the city of Brooklyn with water."

Certain powers invested in permanent Board of Water Commissioners.

Present Water
Commissioners
not to
be eligible, &c.

§ 2. Section three of said act is hereby amended by striking out the following words: "But no one of the present Water Commissioners shall be eligible to any appointment as Permanent Water Commissioners under any of the provisions of this act."

§ 3. This act shall take effect immediately.

AN ACT

AUTHORIZING THE SEWER COMMISSIONERS OF THE CITY OF BROOKLYN TO MAKE A CERTAIN CONTRACT WITH THE NEW YORK CENTRAL AND HUDSON RIVER RAILROAD COMPANY AND SENECA FALLS WATER WORKS COMPANY IN RELATION TO SEWER SERVICE.

Pages 89-90 missing

ENACTED BY THE SENATE AND ASSEMBLY

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

SECTION 1. The Sewer Commissioners of the city of Brooklyn are hereby authorized, upon consent of the different parties interested, to make a certain contract, bearing date the sixth day of June, one thousand eight hundred and sixty four, made by and between them as such Commissioners acting for said city, and Henry V. B. Barker and Victor H. Moore, if in their opinion it shall be for the interest of the city to make such contract, upon such terms and conditions as they may deem proper.

A N A C T

AUTHORIZING THE SEWER COMMISSIONERS OF THE CITY
OF BROOKLYN TO CANCEL A CERTAIN CONTRACT BE-
TWEEN SUCH COMMISSIONERS ACTING FOR SAID CITY,
AND HENRY V. B. BARKER AND FESTUS H. MOORE, IN
RELATION TO KENT AVENUE SEWER.

Passed April 16, 1866—three-fifths being present.

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

SECTION 1. The Sewer Commissioners of the city of
Brooklyn are hereby authorized, upon consent of the
different parties interested, to cancel a certain contract
bearing date the ninth day of June, one thousand eight
hundred and sixty-four, made by and between them as
such Commissioners acting for said city, and Henry V.
B. Barker and Festus H. Moore, if in their opinion it
shall be for the interest of the city to make such cancel-
ment, upon such terms and conditions as they may deem
proper.

§ 2. In case such contract shall be cancelled, the said Commissioners shall proceed to relet the balance of the work by contract, with such persons and in such manner as they shall consider for the best interests of the city.

§ 3. This act shall take effect immediately.

A N A C T

TO AMEND AN ACT ENTITLED "AN ACT TO PROVIDE FOR
THE SUPPLY OF THE CITY OF BROOKLYN WITH
WATER," PASSED APRIL SIXTEENTH,
EIGHTEEN HUNDRED AND
FIFTY-NINE.

Passed March 23, 1867—three-fifths being present.

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

SECTION 1. The Permanent Board of Water Commissioners shall, on or before the first day of August in each year, make a correct abstract from the annual registers in their office of all arrears of water rates, and default due up to the first day of May in each year remaining unpaid, and which water rates shall have been due at least three years prior to the time of making up said amounts. They shall then proceed to sell the lands and premises upon which the same are imposed, by advertisement, in the same manner and with the like effect as the collector of taxes is authorized and required to sell

Water
Commissioners
to make
an abstract of
unpaid
water rates.

To sell
lands for same.

lands in the said city for unpaid taxes. The lands so sold shall be subject to the same charges and interest in amount of sales until redemption, as lands sold for unpaid taxes in said city are subjected to. Certificates of such sale and conveyances shall be executed by the President of said Board of Commissioners, and shall have the same effect as certificates and conveyances of lands for unpaid taxes, and shall be recorded and discharged of record in the office of said Commissioners, and the said Board shall have the same powers in relation to certificates, conveyances and redemption of the lands so to be sold for unpaid water rates, as the said collector has or may have in relation to certificates, conveyances and redemption of lands sold for unpaid taxes. And persons interested in said lands so to be sold for water rates, shall be entitled to redeem said lands from such sale on the same conditions as persons are or shall be entitled to redeem lands sold for unpaid taxes in said city, provided, that the President of the said Board of Commissioners alone shall be required to sign any certificate, conveyance, discharge or redemption.

§ 2. This act shall take effect immediately.

Persons
to be entitled to
redeem
lands sold.

AN ACT

Pages 97-98 missing

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

SECTION 1. That an act to amend the laws relating to
and to amend the laws relating to the
and to amend the laws relating to the
is hereby enacted to read as follows:

§ 1. The new act, which shall be the construction of
and to amend the laws relating to the
and to amend the laws relating to the
and to amend the laws relating to the
and to amend the laws relating to the

A N A C T

FURTHER TO AMEND AN ACT ENTITLED "AN ACT IN RELATION TO SEWERAGE AND DRAINAGE IN THE CITY OF BROOKLYN," PASSED APRIL FIFTEENTH, EIGHTEEN HUNDRED AND FIFTY-SEVEN, PASSED APRIL SIXTEENTH, EIGHTEEN HUNDRED AND FIFTY-NINE.

Passed May 17, 1867—three-fifths being present.

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

SECTION 1. Section seven, of chapter three hundred and eighty-five, of the laws of eighteen hundred and fifty-nine, is hereby amended so as to read as follows :

"§ 7. To meet such cash outlay in the construction of sewers (in anticipation of the collection of assessments) as the said Board may deem necessary, the Mayor, Comptroller, and City Clerk of the said city shall, on the requisition of said Board, and from time to time as so

Mayor,
Comptroller and
City Clerk
to
issue bonds.

required, borrow such sums not to exceed one million of dollars outstanding at any one time, upon the bonds of the said city, which they are hereby authorized to issue for that purpose, bearing interest not to exceed seven per cent., and payable in not more than three years from their respective dates. The proceeds of such bonds shall be paid to the City Treasurer to the credit of the said Board, who shall draw therefor, in the usual manner, and as may be required for the said purposes."

§ 2. Whenever it shall become necessary to raise the grade of any street or streets for the proper sewerage of the sewer district in which said street or streets, or parts of streets are situated, the Sewer Commissioners are hereby authorized and empowered to regrade and repave said streets or parts of streets, so far as shall be necessary for the proper drainage thereof; and the expenses of such regrading and paving shall be chargeable and included in the assessment laid for the sewerage of said district for the construction of the sewers thereof.

§ 3. The Sewer Commissioners of the city of Brooklyn shall each receive for their services as such Commissioners, an annual salary of one thousand dollars, payable from the general sewer fund, to commence on the first day of February, eighteen hundred and sixty-seven, and to be paid quarterly thereafter.

§ 4. This act shall take effect immediately.

Sewer
Commissioners
authorized
to grade streets
for
proper sewerage.

Compensation
of
Commissioners
for
services.

AN ACT

TO PREVENT NUISANCES NEAR THE LAKE-BOARDS AND POND-BOARDS
THAT NOW ARE OR MAY BE IN THE CITY OF BROOKLYN
WITH WATER.

Pages 101-104 missing

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

Section 1. It shall not be lawful to establish any
structure or place of burial or burial vault, or other
place for the reception or burial of dead bodies, or to
bury, or deposit in vault any dead body, within the
space of half a mile of the Highways, or any
other roads, or any ponds used for the supply of the
city of Brooklyn with water. But nothing herein con-
tained shall be construed to prevent burials in any vault
already established, or grounds now held by any
religious corporation or society, organized under the
laws of this State.

§ 2. This act shall take effect immediately.

AN ACT

TO PREVENT BURIALS NEAR THE RESERVOIRS AND PONDS
USED FOR THE SUPPLY OF THE CITY OF BROOKLYN
WITH WATER.

Passed May 5, 1868.

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

SECTION 1. It shall not be lawful to establish any cemetery or place of burial, or burial vaults, or other place for the reception or burial of dead bodies, or to bury, or deposit in vaults any dead body, within the distance of half a mile of the Ridgwood reservoir, or any other reservoir, or any ponds used for the supply of the city of Brooklyn with water. But nothing herein contained shall be construed to prevent burials in any cemetery already established, or grounds now held by any religious corporation or society, organized under the laws of this State.

Cemeteries
not
to be established
hereafter
near reservoirs
or ponds.

§ 2. This act shall take effect immediately.

A N A C T

TO AUTHORIZE THE ABATEMENT AND PREVENTION OF
CERTAIN NUISANCES DEEMED DANGEROUS TO THE
PUBLIC HEALTH IN THE CITY OF BROOKLYN.

Passed April 23, 1867.

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

SECTION 1. Whenever it shall appear to the Metropolitan Board of Health, that any surface water has been, or shall be liable to be ponded at any place in the city of Brooklyn, and remain stagnant so as to be or become a nuisance, dangerous to the public health in the vicinity thereof, they shall cause a notice in writing to be served upon the Board of Sewerage Commissioners of said city, specifying the location of such place.

Notice in refer-
ence to
stagnant water.

Duties of
Sewer
Commissioners.

§ 2. Said Board of Sewerage Commissioners, upon receiving such notice, shall examine and ascertain whether such finding of water has been, or is liable to be caused by the erection of any building, fence, wall or other obstruction, so as to prevent the natural or usual flow or passage of surface water, and for that purpose and for the purpose of draining such water from such pond, the said Sewerage Commissioners, their agents and workmen, shall be and hereby are authorized to enter into and upon any lands and premises in the vicinity of the place designated in said notice, and cause a suitable drain to be made, or a suitable pipe to be laid across any land above or below the surface thereof, as they may deem best, so as to drain such water from such pond or place and cause it to flow and be discharged into some public street or sewer.

Their
estimation.

§ 3. Said Sewerage Commissioners shall estimate the damages which may be sustained by the owner or owners of the lands upon which such drain shall be made, or pipes laid, after giving to such owner or owners ten days' previous notice in writing of the time and place of making such estimates, which notice shall be served upon such owner or owners personally, or leaving the same at his or their usual place of residence, or upon the premises where such drain or pipe shall be made or laid, with some person of suitable age to receive the same.

Payment
of damages out
of
general fund.

§ 4. If said Sewerage Commissioners shall, under all the circumstances, deem it proper that such damages, and the costs and expenses in making such drain or laying such pipe, should be borne by the public, as being

necessary to prevent or abate a nuisance dangerous to the public health, they shall pay the same out of the general fund raised for sewerage purposes; but if they shall not deem it proper that such damages, costs and expenses should be so paid, then they shall make a just and equitable assessment thereof, upon all the lands upon which the buildings, fences, walls or other obstruction, which has caused such water to pond, shall have been or shall be made and upon such other land adjacent thereto, if any, the owners of which, in the opinion and judgment of said Commissioners, ought in justice to bear and pay any part thereof; and the assessment so made shall be liens upon the lands assessed, and shall be collected in the same manner as other assessments made for the costs and expenses of constructing sewers in said city are collected.

§ 5. If any person shall wilfully destroy or injure any such drain pipe, or obstruct or prevent the passage of water through the same, he or she shall be guilty of misdemeanor.

§ 6. This act shall take effect immediately.

SECTION FIVE

Pages 111-112 missing

AN ACT FOR THE REGULATION OF TENEMENT AND
LIVING HOUSES IN THE CITY OF NEW YORK AND
COUNTY.

Enacted at Albany:

Every such tenement or lodging house situated upon
a lot or a street in which there is a sewer, shall have
the sewer ducts or pipes furnished with a proper trap
extending into the street, which trap shall be so
located as to prevent the escape of any gas or
other objectionable matter from the sewer into
the street, and the trap shall be of a size and
material approved by the Board of Health.

Approved 1897, Chap. 100, § 100.
L. 1897, Chap. 100, § 100.

SECTION FIVE

OF

“AN ACT FOR THE REGULATION OF TENEMENT AND
LODGING HOUSES IN THE CITIES OF NEW YORK AND
BROOKLYN,”

Provides as follows :

Every such (tenement or lodging) house situated upon a lot on a street in which there is a sewer, shall have the water closets or privies furnished with a proper connection with the sewer, which connection shall be in all its parts adequate for the purpose, so as to permit entirely and freely to pass whatever enters the same. Such connection with the sewer shall be of a form approved in New York by the Croton Aqueduct Board, and in Brooklyn by the Board of Water Commissioners.

Tenement
and
lodging houses
to have sewer
connections.

To be approved
by Board of
Water
Commissioners.

Vide Laws of 1867, Vol. 2, Chap. 908, p. 2263.

[By an amendatory act of the Legislature of 1868, the Board of Water Commissioners are authorized to cause such water and sewer pipes, conduits or mains to be laid, altered or regulated in South Seventh street, from First street to its intersection with South Sixth street, and South Sixth street, from its intersection with Broadway to the easterly side of Fourth street, and cause such work to be done about the same or in connection therewith as they may think expedient; also to cause house connections to be made respectively with the water and sewer pipes or mains in said streets where not now made, which shall be extended two feet within the curb lines opposite to each building or lot upon said streets.

Vide Laws of 1868, Chap. 309, Vol. 1, p. 642, and Laws of 1863, Chap. 379, p. 642.]

Water
Commissioners
authorized
to lay mains &c.,
in South Sixth
and
South Seventh
streets.

A N A C T

TO REORGANIZE THE BOARD OF WATER AND SEWERAGE COMMISSIONERS OF THE CITY OF BROOKLYN, AND TO PROVIDE FOR THE REPAVING, REPAIRING AND CLEANING THE STREETS OF SAID CITY BY SAID BOARD.

Passed April 2, 1869—three-fifths being present.

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

SECTION 1. The Mayor, Comptroller, Corporation Counsel, and City Treasurer, of the city of Brooklyn, or a majority of them, shall meet in the Mayor's office in the City Hall, Brooklyn, within twenty days after the passage of this act, and they or a majority of them shall appoint four citizens, residents of the city of Brooklyn, to act as Water and Sewerage Commissioners of said city of Brooklyn; and the persons so appointed shall, after their appointment and qualification as herein after provided, form the Permanent Board of Water and Sewerage Commissioners for the city of Brooklyn, and shall hold their offices for the terms herein after mentioned, and until

Permanent
Commissioners,
how
appointed.

their successors shall be appointed and shall qualify; and the term of office of the present Water and Sewerage Commissioners of said city shall, upon such appointment and qualification, cease and determine.

Manner
of qualifying.

§ 2. The persons so appointed, before entering upon their office, and within ten days after their appointment, shall qualify as follows: They shall each subscribe and file in the office of the clerk of said city an oath of office, and execute to the city of Brooklyn, and file in said clerk's office, a bond with two or more sureties in the penal sum of twenty thousand dollars, conditioned for the faithful performance of his duties and for the faithful accounting for all moneys which may come into his hands, and which said bond shall be approved of as to form and manner of execution, and as to sufficiency of the sureties, by one of the Justices of the Supreme Court of the Second Judicial District, or by the County Judge of the county of Kings. And in case any of such persons so appointed shall fail to qualify or enter upon the duties of his office, or in case for any reason the said the Mayor, the Comptroller, the Corporation Counsel, and City Treasurer, or a majority of them, shall fail to meet or make the appointments herein before directed on the day herein before named, then it shall be competent for the said the Mayor, the Comptroller, the Corporation Counsel, and the City Treasurer, or a majority of them, and they are hereby directed to meet as soon thereafter as possible, make said appointments, and fill any vacancy occasioned by the failure to qualify of any person theretofore appointed.

In case of neglect
to qualify.

§ 3. The persons so appointed, after they shall have duly qualified, shall form the Permanent Board of Water and Sewerage Commissioners, and shall have all the rights, privileges, authority and power now vested by existing laws in the present Board of Water and Sewerage Commissioners, and all acts, contracts and proceedings already commenced and now pending shall be fully continued, completed and performed by the Board of Commissioners created by this act as fully and with the same force and effect as if the same were continued, completed and performed by the present Board were this act not passed.

Powers of
present
Commissioners
vested in.

§ 4. The persons so appointed, within thirty days after their appointment, and in the presence of the said the Mayor, the Comptroller, the Corporation Counsel, and the City Treasurer, or a majority of them, shall draw lots for their terms of office, which shall respectively expire on the first Mondays of July, eighteen hundred and seventy-three, eighteen hundred and seventy-five, eighteen hundred and seventy-seven and eighteen hundred and seventy-nine; and the city officers so present at said drawing, or a majority of them, shall certify the same to the city clerk. And after the expiration of said respective terms, the persons thereafter appointed as such Commissioners shall hold their office respectively for the term of eight years from the said first Monday of July on which their predecessors' term shall respectively expire.

To draw lots.

Term of office.

§ 5. The said Mayor, Comptroller, Corporation Counsel, and City Treasurer, or a majority of them, shall have

Vacancies,
how filled.

power to fill any vacancy occurring in the said Board, and the person or persons so appointed shall hold office respectively for the balance of the term of the person or persons in whose place he or they shall have been appointed; and in every year in which any vacancy shall occur by expiration of the regular term of any member of said Board, it shall be the duty of the said Mayor, Comptroller, Corporation Counsel, and the City Treasurer, or a majority of them, on the first Monday of June, or as soon thereafter as possible, to meet in the Mayor's office, in the City Hall, and appoint a person to fill the vacancy which will occur by the expiration of said term. All persons appointed as members of said Board shall, before entering upon their duties, file the oath of office and bond as herein before required.

make provision
holding
of those in
until their
persons shall
appointed &
city —

Power to make
improvements
granted.

§ 6. The said Board shall have exclusive power to cause streets to be repaved, regraded and repaired; to cause crosswalks to be relaid and sidewalks to be reflagged, and generally to have such other improvements in and about such streets so to be repaved, regraded or repaired, to be made, as in their judgment the public wants and convenience shall require; the expense of all such improvements, in cases where such expenses shall exceed two hundred and fifty dollars, and in cases of repairs, shall be assessed and be a lien upon the property benefited thereby in proportion to the amount of such benefit, and in all other cases shall be a general city charge.

Lien
upon property.

Board to fix
district
of assessment.

§ 7. Before any work of repaving or regrading any street shall be done, or contract for doing the same, either

in whole or in part, be executed, the said Board shall fix a limit or district of assessment for the payment of the expense thereof, and beyond which no assessment shall be made. The resolution fixing the same shall be published in the corporation newspapers for two weeks, and a notice attached thereto that remonstrances against such district will be considered if filed with the City Clerk before a time to be specified, not less than twenty days after the first publication of said notice. At any time after the said last mentioned time the said Board may confirm, and, in case of remonstrances filed in pursuance of such notice, may amend or alter the district originally fixed by them, and such determination shall be conclusive.

Publication of
same.

Amendment of.

§ 8. The said Board are authorized to have the said improvements carried out in such form and manner as they shall deem to be for the best interest of the public, and either under their personal supervision, or under the supervision of a superintendent whom they are hereby authorized to appoint, or by contract; but no contract shall be made for work the expense of which shall exceed two hundred and fifty dollars, unless advertisement for proposals for doing such work shall be made in the corporation newspapers for at least twenty days; and, in such case, any contract shall be awarded to the lowest responsible bidder, whose proposal shall, in the judgment of said Board, be the most beneficial to the public, and who shall give satisfactory security.

Improvements,
how to
be carried out.

§ 9. The said Board shall file with the Comptroller of said city a certified copy of the resolution under which any local improvement is directed to be made, and state-

To file resolution
and statement
with
Comptroller.

ments from time to time of the cost thereof as they may require funds to make payments for the cost thereof, which statements may be at any time corrected or amended; and, if the said work be done by contract, then also a certified copy of such contract, and such statement, resolution and copy contract shall, in the case of work done by contract, be filed within ten days after the execution of such contract.

Payment for im-
provements,
how to be made.

§ 10. For the purpose of providing the necessary funds and paying for the work herein above referred to, the Comptroller is authorized and directed to pay on the requisition of said Board, to be signed by the President and Secretary for the amount of all work done under its personal supervision or that of its Superintendent, at such times and manner as said Board shall require. When such work shall be done under contract, however, the said Comptroller is authorized and directed to pay to the contractor or his assigns, from time to time, as the work progresses (but not oftener than once in each month), seventy per cent. of the estimated value of the work actually done under said contract, until the same shall be completed, such estimate to be made by said Board, or such superintendent or inspector as they may direct. Upon the final completion of any contract to the satisfaction of said Board and the filing of a resolution accepting such work, the Comptroller shall, within thirty days thereafter, pay to the contractor or his assigns the balance due on said contract which shall be estimated by said Board and the amount specified in said resolution. The Comptroller is also authorized and directed to make payments

in like manner to any City Surveyor who may be employed by said Board in relation to such work, of his fees as fixed by ordinance.

§ 11. For the purpose of furnishing the money required to make the payments mentioned in the preceding section, the Mayor, Comptroller and City Clerk of said city are hereby authorized and directed from time to time, as may be necessary, to issue under the city seal assessment bonds payable at the expiration of three years, with interest not exceeding seven per cent. per annum, payable semi-annually, which bonds shall be sold and the proceeds used according to the provisions of the preceding section, and for no other purpose. The amounts collected from any and all assessments levied and confirmed under the provisions of this act, together with all defaults and interests on the same, are hereby specially appropriated and set apart for the payment of the principal and interest of the bonds mentioned in the preceding section; and there shall also be added to every assessment levied under the provisions of this act, a sufficient sum to pay the interest on all payments made on account of the improvement.

Bonds to be issued to meet expenses.

§ 12. It shall be the duty of the Comptroller of said city to keep an account of the bonds to be issued under the provisions of this act, and he shall make detailed accounts to the Common Council of said city annually, and oftener, if required, of the whole amount of assessment bonds issued, and the amount of assessments remaining unpaid at the time of his said report.

Account of bonds to be made.

§ 13. After the completion of any local improvement,

Assessors
to apportion
expense.

the said Board of Water and Sewerage Commissioners shall, by resolution, direct the Board of Assessors of the city of Brooklyn, and it shall be the duty of said Assessors immediately to apportion and assess the expense thereof as may be fixed by the said Board of Water and Sewerage Commissioners, including a reasonable allowance for interest, inspectors' and surveyors' fees, and for fees of city officers, together with three per cent. for expenses for collection upon the several pieces or parcels of land and premises in the judgment of said Board of Assessors benefited by said improvement not beyond the district of assessment when one shall have been fixed as aforesaid.

Report
of assessment to
be made
and advertised.

§ 14. The Board of Assessors shall make a report in writing of the assessment so to be made by them, and shall give notice in the corporation newspapers of the city that they have made the same, which notice shall be published for ten days successively, of the time and place when and where the parties interested can be heard, and after such date the said Board shall proceed to review the same, and may amend or alter the said report in such manner as they may think just, any alterations to be noted by them; and they shall complete and confirm the same, and the determination so made by them shall be conclusive, and at the expiration of twenty days thereafter, the assessments therein made shall be respectively liens upon the property assessed, and which lien shall have priority over all other liens and incumbrances. Whenever any of the lots, pieces or parcels of land so benefited, shall be under water and belong to the state,

Lands under
water,
how assessed.

the said Board of Assessors shall, in respect to such land, make such assessment on the right, interest and claim to and in the said land, of the person or persons who may be entitled to a grant of such lands from the Commissioners of the Land Office. And all the provisions of this act applicable to said improvements, and the collection of the assessments therefor, shall apply to such right, interest and claim, and to the persons entitled to the same. Nothing herein contained shall be construed so as to affect the title of the state in or to the said lands; but any person or persons who shall take the title to said lands from the state, and while the same remains unpaid, shall take the same subject to the lien of said assessments, provided that the provisions herein contained shall be deemed to apply to lands under water, lying in the Eighth, Tenth and Twelfth Wards of the city of Brooklyn, and to none others.

§ 15. Before the Board of Assessors shall complete and confirm any report, the assessment shall be examined by the attorney and counsel of the city, and he or his assistant shall certify as to the correctness of the proceedings, and he may reject the same if he find legal irregularity therein, and the said Board of Assessors shall, upon receiving a certificate of such rejection, proceed to take new proceedings as if they had made no report. The attorney and counsel shall also certify as to the sufficiency of the proceeding for a local improvement previous to the making of any contract or paying any money, which certificates shall be included in the assessment roll. But it is hereby declared that the provisions of this sec-

Counsellor to
examine report.

Assessments not
to be
invalid for
certain reasons.

tion are simply for the protection of the city, and that the failure to carry out any of them shall not affect the validity of any assessment, neither shall any assessment be invalid because the correct name of any owner of property assessed shall not be stated.

Power to repair
and
clean streets.

§ 16. The Board of Water and Sewerage Commissioners shall have exclusive power and authority in relation to the repairs to and cleaning of the streets of said city. The said Board is authorized to have such work done in such manner as they shall deem to be for the best interest of the city, and to cause the same to be done by days' work, either under their personal supervision or that of a superintendent, whom they are hereby authorized to appoint, or by contract; but no contract shall be made for work the expense of which shall exceed two hundred and fifty dollars, unless advertisement for proposals for doing such work shall be made in the corporation newspapers for at least ten days, and in such case any contract shall be awarded to the lowest responsible bidder whose proposal shall, in the judgment of said Board, be the most beneficial to the public, and who shall give satisfactory security. But in case of dangerous breaks in any street caused by storm, accident or flood, they may by unanimous vote award a contract for doing such work without such advertisement.

Manner
of awarding con-
tracts for.

Expenses
of repairing and
cleaning
streets, how met.

§ 17. The said Board shall report to the Mayor what amount is necessary to do the work of repairing and cleaning the streets of the city, and which amount shall be a charge upon the city at large, and shall be raised in the taxes levied in said city for the next fiscal year.

§ 18. The said Board may appoint, during pleasure, a Chief Engineer and assistants, and such and so many superintendents, subordinate officers and employees as the carrying out of the provisions of this act may require.

Officers
to be appointed.

§ 19. The members of the said Board shall each receive an annual salary of five thousand dollars, payable quarterly.

Salary.

§ 20. All provisions of law in relation to the collection of local assessments in the city of Brooklyn, and sales for the non-payment of the same, shall apply to all assessments levied under this act for any of the purposes therein mentioned.

Collection of
local
assessments.

§ 21. All acts or parts of acts inconsistent herewith, are hereby repealed.

Repealing clause.

§ 22. This act shall take effect immediately.

p. 129-130 MISSING

p. 129-130 MISSING

A N A C T

FURTHER TO AMEND AN ACT ENTITLED "AN ACT IN RELATION TO SEWERAGE AND DRAINAGE IN THE CITY OF BROOKLYN," PASSED APRIL FIFTEENTH, EIGHTEEN HUNDRED AND FIFTY-SEVEN, PASSED APRIL SIXTEENTH, EIGHTEEN HUNDRED AND FIFTY-NINE, PASSED APRIL FIFTH, EIGHTEEN HUNDRED AND SIXTY-ONE.

Passed April 29, 1869—three-fifths being present.

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

SECTION 1. Section seven, of chapter three hundred and eighty-five of the laws of eighteen hundred and fifty-nine, entitled "An act in relation to sewerage and drainage in the city of Brooklyn," passed April fifteenth, eighteen hundred and fifty-seven, is hereby amended so as to read as follows :

"§ 7. To meet such cash outlay in the construction of sewers (in anticipation of the collection of assessments) as the said Board may deem necessary, the Mayor,

Board authorized to issue bonds.

Comptroller, and City Clerk of the said city shall, on the requisition of said Board, and from time to time, as so required, borrow such sums not to exceed two millions of dollars outstanding at any one time upon the bonds of the said city, which they are hereby authorized to issue for that purpose, bearing interest not to exceed seven per cent. per annum, and payable in not more than three years from their respective dates. The proceeds of such bonds shall be paid to the City Treasurer, to the credit of said Board, who shall draw therefor in the usual manner, and as may be required for the said purposes.”

Proceeds of,
to be deposited
with
City Treasurer.

Certain sections
of act of 1862
repealed.

§ 2. Sections one, two and three of chapter one hundred and thirty-six of the laws of eighteen hundred and sixty-one are hereby repealed, but such repeal shall not affect any rights acquired by any election heretofore made to pay any assessments in instalments.

§ 3. This act shall take effect immediately.

A N A C T

TO PROVIDE FOR THE CONSTRUCTION OF A DRAIN OR SEWER IN CENTRAL AVENUE, JOHNSON AVENUE, AND KNICKERBOCKER AVENUE, AND OTHER STREETS IN THE CITY OF BROOKLYN.

Passed May 3, 1869—three-fifths being present.

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

SECTION 1. The Board of Sewer Commissioners of the city of Brooklyn are hereby directed, immediately after the passage of this act, to cause the necessary measures to be taken for the construction of a main drain or sewer in the Eighteenth and Twenty-first Wards of said city, to commence in Rochester avenue at or near Atlantic avenue, and running thence along said Rochester avenue from Atlantic avenue to Sumpter street, thence along Sumpter street to Patchen avenue, thence along said Patchen avenue to Chauncey street, thence along Chauncey street to Ralph avenue, thence along Ralph avenue to Bainbridge street, thence along Bainbridge street to Howard avenue, thence along Howard avenue to Halsey

Line of
main sewer.

street, thence along Halsey street to and across Broadway to Margarett street, thence along Margarett street to Central avenue, thence along Central avenue to Woodbine street, thence along Woodbine street to Johnson avenue, thence through Johnson avenue to Green street, thence through Green street to Knickerbocker avenue, thence through Knickerbocker avenue to Vandervoort avenue, and thence along Vandervoort avenue so as to empty into tidewater at or near Montrose avenue, and also for two lateral or branch drains or sewers connecting with said main sewer, one running through Reid avenue from Madison street to De Kalb avenue, thence along De Kalb avenue and through De Kalb street and Chestnut street to Knickerbocker avenue, the other commencing in Monroe street at Broadway, and running thence across Broadway to Woodbine street, and thence through Woodbine street to Central avenue, as all of said sewers are laid down on the map adopted by said Board, entitled Map O, Northern division drainage, district number thirty-seven. The said main sewer and the branch mains shall have such apertures, sluiceways, and culverts connected therewith as shall be necessary for the purpose of draining the present surface of the land in said district as far as the same may be practicable.

Lateral sewers.

Expenses,
how to be met.

§ 2. For the purpose of paying for the cost of the construction of said drains or sewers, and all such other expenses as may necessarily be incurred in relation thereto, and the interest upon the bonds to be issued in pursuance of this act, until such interest shall be levied and collected as herein provided, the Mayor, Comptroller,

and City Clerk of said city, shall, on the requisition of said Board, and from time to time, issue the bonds of said city, to the necessary amount not exceeding the sum of three hundred thousand dollars, in like manner as other bonds of said city are issued, bearing interest at the rate of seven per cent. per annum, payable semi-annually, and the principal to be payable in ten years from the date of said bonds. The proceeds of the sale of said bonds shall be paid over to the City Treasurer to the credit of the said Board, who shall draw therefor from time to time in the usual manner, and as may be required for the purposes of this act and for none other. Provision shall annually be made by tax for the payment of the annual interest on said bonds, and for the payment of the principal as the same becomes due.

Bonds
to be issued.

Payment of,
to be provided
for by tax.

§ 3. The cost of constructing said drains and sewers and all other expenses in relation thereto, shall be assessed by said Board, upon that part of the lands designated upon the map referred to in the first section of this act, which lies southerly from Montrose avenue, in proportion to the area of the respective lots or parcels of land included in said part of said map O; but such assessment, according to area, shall not prohibit the Sewer Commissioners from including any lots fronting upon said sewers in any sub-division of said district for drainage purposes; and said lots shall then be chargeable with, and be assessed for their equitable proportion of the cost of lateral sewers in the sub-division in which they may be situated.

Expenses, how to
be assessed.

Assessment to be
made out.

§ 4. The said Board shall cause an assessment for the expenses authorized by this act to be made out in proper form, with diagrams showing the property assessed, and for such purpose shall use and refer to the regular official ward maps; and when such assessment is made, to publish a notice in the corporation newspapers that the same has been completed, and of a place in said city where the same may be examined, and of a time, not less than ten days thereafter, when, and a place in said city where they will meet to hear objections thereto; they shall then and there hear parties objecting, and shall thereupon proceed to amend and correct such assessment as they may deem proper, and shall carefully examine, correct and perfect the same; they shall then certify the same to be complete, and cause the same so certified, to be sent to the Common Council, who shall order the collection thereof as hereinafter provided; and when so certified, such assessment shall have the same force and effect as any other assessment in said city within the operation of the law relating to sewerage and drainage, and the assessment thereon made shall become chargeable upon the lands so assessed, and the owners of the lands so assessed shall be liable to pay such assessment in the manner hereinafter provided.

Revision of.

Certified to
Common Council

Assessment, how
to be levied
and collected.

§ 5. The assessment so made and certified as aforesaid, shall be levied and collected in such manner that one-tenth part of the principal thereof shall be annually assessed in each and every year for ten years successively upon said lands, and interest, from the time such assessment shall be certified as aforesaid, shall be computed from year to year, upon so much of said assessment as

shall remain unpaid at the time of making such annual assessment, and shall be added thereto, and form a part thereof; and such annual assessment shall be included in the annual taxes to be levied upon said lands, and shall form a part thereof; and shall be levied and collected like other taxes, annually, for ten years. All amounts so assessed, levied, collected and paid shall be applied to the discharge and payment of the bonds to be issued by virtue of this act. The first instalment of said assessment or tax shall be levied in the general taxes of the year eighteen hundred and seventy.

How applied.

§ 6. All the provisions of the laws relating to sewerage and drainage in said city, and not inconsistent herewith shall be valid for the purpose of this act.

