

# State of New York.

No. 801.

Int. 312.

## IN SENATE,

February 5, 1892.

Introduced by Mr. FLOYD-JONES — read twice, and ordered printed, and when printed to be committed to the committee on commerce and navigation.

### AN ACT

To incorporate the Manhattan and Long Island bridge company for the purpose of constructing, maintaining and operating bridges over the East river and Harlem river, between the city of New York and Long Island.

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

1 SECTION 1. Zenas King and Daniel Magone, Dan P. Eells, J. E. Van Ostrand,  
2 J. J. Morehouse, Charles A. Otis, James A. King, Charles F. Stowell, John J.  
3 Donovan, Harley B. Gibbs, H. W. King, Henry G. Clagstone and their associ-  
4 ates, are hereby created a body corporate and politic by the name of the  
5 Manhattan and Long Island bridge company, with power to associate with  
6 any other persons, company, association or corporation in the state for the  
7 purpose of maintaining and operating at least one and not exceeding three  
8 permanent bridges for passengers and other traffic over the waters between  
9 the city of New York and Long Island, together with all necessary appurte-  
10 nances and approaches thereto and stations, and in case of destruction to  
11 reconstruct the same, and the said corporation shall possess the general

12 powers and privileges and be subject to the restrictions and liabilities  
13 proscribed in the revised statutes and in chapters five hundred and sixty-three  
14 and five hundred and sixty-four of the laws of eighteen hundred and ninety,  
15 and acts in amendment or in substitution thereof so far as the same are  
16 applicable thereto.

1 § 2. The capital stock of said corporation shall be one million dollars,  
2 divided into shares of one hundred dollars each, and may at any time be  
3 increased by the board of directors, with the consent in writing of the  
4 stockholders holding a majority of the stock then issued, to fifteen million  
5 dollars. The shares shall be transferred in such manner as shall be pro-  
6 scribed by the by-laws of such corporation. Subscriptions to the capital  
7 stock of the corporation shall be paid at such times and in such installments  
8 as the board of directors may by resolution require. If default shall be  
9 made in the payment of any installment as required by such resolution, the  
10 board may declare the stock and all previous payments thereon forfeited for  
11 the use of the corporation after the expiration of sixty days from the service  
12 of the defaulting stockholders, personally or by mail, directed to him at his  
13 post-office address, of a written notice, requiring him to make payment  
14 within sixty days from the service of the notice at a place specified therein  
15 and stating that in case of failure to do so his stock and all previous payments  
16 thereon will be forfeited for the use of the corporation.

1 § 3. The persons named in the first section of this act shall constitute the  
2 first board of directors of said corporation and shall hold their places as such  
3 until the first Monday of May, eighteen hundred and ninety-three, and until  
4 others shall be elected in their stead. The number of directors after the  
5 time last mentioned shall not be less than nine nor more than fifteen, to be  
6 fixed in the by-laws of the corporation. An election of directors, all of whom  
7 must be stockholders of said corporation, shall take place on the said first

Monday of May, in the year eighteen hundred and ninety-three, and annually on the first Monday of May thereafter, at an hour and place to be designated by the by-laws; and the persons then elected by a majority of the shares voted upon by the stockholders in person or by proxy, shall constitute the board for the then ensuing year and until others shall be elected in their places. All vacancies which shall be caused in the board of directors by death, resignation, mental incompetency, or otherwise, shall be filled by appointment by a majority of the remaining directors for the balance of the term thus vacated. The board of directors shall have power to make all by-laws and rules for the government of the corporation and its officers and agents. A majority of said board shall constitute a quorum for the transaction of business.

§ 4. The officers of the corporation shall consist of a president, vice-president, secretary and treasurer, who, except as hereinbefore provided, shall be annually elected by the incoming board of directors; such subordinate officers may be appointed from time to time as the board may direct. A record of the proceedings of the board of directors shall be kept by the secretary, and a statement of the financial condition of the corporation, the amount of money expended on account of said bridge or bridges, and its or their appurtenances and of all its or their receipts and expenses, shall be annually prepared by the president and treasurer, verified by them under oath, and filed in the office of the secretary of state on or before the first day of May in each year.

§ 5. The said corporation is hereby empowered to purchase, receive, hold and use such real estate or interest therein as may be necessary and convenient to accomplish the object for which this charter is granted, and shall have power to locate and construct such connections to and for railroads in said city of New York or Long Island, as may be necessary to enable passengers

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6 to be transferred to and from said bridge or bridges, and also to open suitable  
7 avenues and approaches to said bridge or bridges, and said corporation may,  
8 by its surveyors, engineers, or officers, enter upon such real estate, sites and  
9 locations and take possession of the same, except any public park or parks,  
10 none of which shall be taken except by consent of the local authorities having  
11 jurisdiction thereof. All such real estate, sites or locations, except donations,  
12 as shall be entered upon as aforesaid, shall be purchased of the owner or  
13 owners, at a price to be mutually agreed upon. In case the said corporation  
14 can not agree with the owner or owners, of any such real estate or of any  
15 interest therein, it shall have the right to acquire the same in the manner,  
16 and by the special proceedings provided for the condemnation of real  
17 property by chapter twenty-three, title one of the code of civil procedure of  
18 the state of New York, and any act amendatory thereof, or, in addition  
19 thereto, which chapter is hereby made applicable to this act.

1 § 6. The said corporation is also hereby authorized to lawfully  
2 acquire, use and occupy so much of the land under water or otherwise  
3 of the said East and Harlem rivers, or of any of the islands in said  
4 rivers and waterways connecting them, not exceeding in all a front  
5 on either shore of three hundred and fifty feet for each bridge, as  
6 may be necessary for the construction of the piers and towers of the  
7 bridges to be constructed by it. If any portion of the land under  
8 water required for the construction of said bridges on or near the shore  
9 of either Manhattan Island or Long Island, or of the mainland within the  
10 limits of the twenty-third ward of the city of New York, shall have become  
11 or be the property of any individual or municipal, or other corporation, the  
12 same may be taken and acquired by said corporation as above provided; and  
13 if any of the sites for the location of the abutments, piers and anchorages of  
14 said bridges, or the columns supporting approaches or viaduct, shall be  
15 owned or claimed by the mayor, aldermen or commonalty of the city of New

16 York or by Long Island City, the commissioners of the sinking fund of New  
17 York and the common council of Long Island City, by or in behalf of which  
18 such claim is made, are hereby authorized and empowered to agree on behalf  
19 of such city, with said corporation hereby created, upon a price or sum to  
20 be paid by said corporation for the use and occupancy of said land or lands,  
21 under water or otherwise, and if such commissioners of the sinking fund and  
22 the said company are unable to agree upon such price or sum, then said  
23 company may take and acquire said land or lands, by proceedings of  
24 condemnation in the manner above provided. If any pier or anchorage shall  
25 be located on any land heretofore appropriated or acquired for or designated  
26 as a public street in either of said cities, the commissioners appointed in any  
27 proceedings instituted for the acquisition of the site of such pier or  
28 anchorage, shall include in their report an award of a sum sufficient to defray  
29 the cost and expense of the acquisition by the mayor, aldermen and  
30 commonalty of the city of New York, or Long Island City, as the case may  
31 be, of sufficient land to widen or deflect said proposed street; and the said  
32 street shall thereupon be widened or deflected so as to avoid the aforesaid  
33 pier or anchorage, and the proper officers of the said mayor, aldermen and  
34 commonalty of the city of New York or Long Island City, as the case may be,  
35 may thereupon amend any map or plan of said street theretofore adopted,  
36 by providing for such widening or deflection, and may acquire the land  
37 necessary therefor in the same manner as if it had originally been laid out  
38 and included within the lines of said street. Provided that no part of any  
39 abutment, column, pier or anchorage of any portion of either of said bridges  
40 which may be used in whole or in part as a drive or roadway for vehicles  
41 drawn by animals, or for use by equestrians, shall be located in whole or in  
42 part upon or in any street, avenue or public place within the city of New  
43 York or Long Island City; provided however also that any portion of any



44 approach to either of said bridges which may not be used in whole or part as  
45 a drive or roadway for vehicles drawn by animals, or for the use of eques-  
46 trians, may be supported by iron columns placed on the curb line of any  
47 public street within said cities or either of them.

1 § 7. The said corporation may borrow such sums of money as may be  
2 necessary in the opinion of its board of directors, from time to time, for  
3 constructing, completing and maintaining and operating the said bridges,  
4 appurtenances and approaches thereto, and stations, and for acquiring the  
5 necessary real estate for the site thereof, the necessary stations, buildings  
6 and appurtenances thereof and the approaches and avenues thereto, and to  
7 mortgage its corporate property and franchise, including its franchise to be  
8 a corporation and issue its bonds to secure or provide for the payment of  
9 any debt which shall be contracted by said corporation for the purpose  
10 aforesaid, upon such terms and conditions as to the board of directors, may  
11 seem proper, and it shall be lawful for any other corporation to loan its  
12 credit to the corporation hereby created, and it shall be lawful for any  
13 corporation or any municipality in the state of New York, to subscribe to or  
14 become the owner of the stock, bonds or other securities thereof in a like  
15 manner, and with like rights as individuals, but the entire bonded  
16 indebtedness of the corporation hereby formed, secured by mortgage upon  
17 its franchise and property shall not exceed in the aggregate the amount of  
18 the authorized capital stock of the company as the same shall be at the  
19 time of the issue of such bonds.

1 § 8. The said corporation is hereby empowered to merge and consolidate  
2 its capital stock, franchises and property with the capital stock,  
3 franchises and property of any corporation or corporations, in the  
4 manner and with the effect provided in and by the act, known as  
5 the railroad law, being chapter five hundred and sixty-five, laws of

6 eighteen hundred and ninety and any act or acts amending or  
7 extending or in substitution of the same, so far as the same  
8 are applicable thereto, and the said corporation shall further  
9 have the power to lease the said bridge or bridges, or any part thereof, its or  
10 their appurtenances or approaches thereto, and stations, to any corporation  
11 or corporations, for such time and on such terms as may be agreed upon,  
12 power and authority being hereby likewise conferred on such lessee company  
13 to accept such lease or leases. In case of consolidation with any other corpo-  
14 ration or corporations, all the powers hereby conferred upon the said  
15 Manhattan and Long Island bridge company may be exercised by the  
16 consolidated company.

1 § 9. The directors of the said corporation may issue the stock thereof at  
2 such times, and in such manner and amounts, and upon such terms as they  
3 shall deem proper, and may also issue full paid stock for the purpose of  
4 purchasing property, both real and personal, necessary for the purchases of  
5 the corporation, to the amount of the value thereof, and may also issue full  
6 paid-up stock for work, labor and services performed or materials furnished  
7 to said corporation for the uses and purposes thereof, and the stock so issued  
8 shall not be liable to any further assessments, neither shall the holders  
9 thereof be liable for any other payments on such stock, under the provisions  
10 of this act, but in all statements and reports of the corporation hereby  
11 created, to be published, such shall not be stated or reported as being paid  
12 for in cash to the corporation, but shall be stated and reported according to  
13 the fact. But at least five per cent of the par value of the capital stock of  
14 the company, at the time of the first subscription thereto, shall be paid into  
15 the treasury of the corporation in cash, and until such payment shall have  
16 been made, the company shall have no power to acquire any real estate for  
17 its corporate purposes, or proceed with construction. Such first subscription

18 shall be made within ninety days after the passage of this act, and after the  
19 assent of the proper federal authorities to the construction of said bridges  
20 shall have been obtained.

1 § 10. The directors shall have the power to fix the rate of toll  
2 for persons, animals, carriages, railway cars and vehicles of every  
3 kind and description, passing over the said bridges, approaches and  
4 appurtenances thereto, as shall be found requisite to enable them to pay,  
5 first, all the expenses of keeping the bridges, appurtenances and  
6 approaches thereto and stations in repair, taxes and interest upon the money  
7 borrowed for the construction or maintenance thereof, and dividends not  
8 exceeding ten per centum upon capital stock. And such additional sum as  
9 will furnish a sinking fund in each year not to exceed five per centum of the  
10 amount of the bonded debt, for the purpose of gradually extinguishing  
11 the same, and the deficiencies of toll to supply all the expenses of keeping  
12 the bridges, appurtenances and approaches thereto and stations in repair,  
13 taxes and interest upon the money borrowed for the construction thereof  
14 in one year may be charged and collected in any subsequent year.

1 § 11. All actions to be brought against the said corporation, except in  
2 federal courts, shall be brought in the counties of New York and Queens,  
3 and in no other counties; and all actions against the said corporation shall  
4 be brought within one year from the date when the cause of action arose.

1 § 12. The said corporation and its successors are hereby authorized to  
2 construct and maintain and operate a bridge over the East river, at such  
3 point between Sixth street and Flushing avenue, Long Island City, and  
4 Forty-first street and Ninety-second street, New York city, as shall best  
5 serve the interests of New York and Long Island; a commissioner appointed  
6 by the mayor of New York, and a commissioner appointed by the mayor  
7 of Long Island City, to act with the directors of the bridge company in



8 selecting the location. The construction of this bridge shall be begun  
 9 within one year from the date of the passage of this act, and shall be  
 10 completed within four years after its commencement. The time for the  
 11 commencement or completion to be extended, however, if any delay shall  
 12 have been occasioned by legal proceedings or otherwise, as much longer as  
 13 the duration of such delay.

14 § 13. The corporation hereby formed and its successors are authorized and  
 15 empowered to build, construct, maintain and operate a second bridge, which  
 16 shall commence at a point at or near Potter avenue, Long Island City, across  
 17 the East river to Ward's island (near the insubriate asylum), thence across  
 18 Ward's island upon a viaduct and over the Harlem river to a point at or near  
 19 One Hundred and Sixth street, New York city, and from a point on Ward's  
 20 island opposite or nearly opposite One Hundred and Sixth street, (upon a  
 21 viaduct) along the western shore of said island over Little Hell gate and  
 22 Randall's island (upon a viaduct) to a point opposite or nearly opposite One  
 23 Hundred and Twenty-fifth street, New York city, and from the last named  
 24 point on Randall's island (upon a viaduct) to the "Harlem Kills," thence  
 25 over the Harlem Kills to a point at or near Saint Ann's avenue in the twenty-  
 26 third ward of the city of New York. Said company shall also have power to  
 27 construct all necessary approaches other than those hereinbefore specified,  
 28 and all necessary connections between the said bridge or bridges and  
 29 approaches, and any railroad or railroads in the cities of New York and  
 30 Brooklyn, so as to enable passengers to be transferred to and from the same.  
 31 The bridges to be constructed under the authority of this act, and the  
 32 approaches thereto, shall be used for the transit of vehicles, for passenger  
 33 traffic, and for pedestrians, for the transportation of freight, and for such  
 34 other purposes and in such manner and by the use thereon of such systems

22 of traction and of motive power as shall in the judgment of the said company  
23 seem most conducive to public interests.

1 § 14. In the location of these bridges and viaducts, one commissioner  
2 appointed by the governor of the state, one appointed by the mayor of the  
3 city of New York, and one appointed by the mayor of Long Island City, shall  
4 act with the directors of the bridge company. Upon Ward's island and  
5 upon Randall's island, private stations shall be constructed and maintained  
6 and placed under the control of the mayor of the city of New York, as long  
7 as said islands shall be used by the city for penal and charitable institutions.  
8 This second bridge or system of bridge shall be commenced within two  
9 years from the date of the passage of this act, and shall be completed within  
10 five years after such commencement, the time for the commencement or  
11 completion to be extended, however, if any delay shall have been occasioned  
12 by legal proceedings or otherwise, as much longer as the duration of such  
13 delay, but no failure to commence the construction or to complete the first  
14 bridge within the time prescribed, shall have any further effect  
15 than to prevent the corporation hereby formed or its successors  
16 from proceeding with the construction of the first bridge, the right  
17 to proceed with the construction of the said second bridge or system of  
18 bridges (as enumerated and described) and all other rights, privileges and  
19 franchises hereby conferred to remain unaffected by such failure.

1 § 15. During the term of twenty-five years no charter shall be granted  
2 authorizing the construction of a bridge within five thousand feet (in either  
3 direction) of the bridges described in this bill.

1 § 16. Nothing in this act contained shall be construed to authorize, nor  
2 shall it authorize the construction of any bridge which shall obstruct the  
3 free and common navigation of the East river, or the Harlem river, or the  
4 construction of any pier in the said rivers beyond the pier lines established

5 by law. Such bridge shall not be at a less elevation than one hundred and  
6 twenty feet at the pier above ordinary high water, and one hundred and  
7 thirty-five feet under all conditions at the middle of the East river, and  
8 twenty-four feet, with suitable draw, over the Harlem river, or at such height  
9 as the proper United States authorities may approve. From sunset to  
10 sunrise suitable signal lights shall be set upon said bridge to guide and  
11 direct approaching vessels.

1 § 17. The bridge structure or structures to be erected by the corporation  
2 hereby formed, its successor or successors, and the actual approach structures  
3 appurtenant thereto, shall be exempt from taxation. And the corporation  
4 hereby formed, and its successor or successors, shall be exempt from all taxa-  
5 tion until five years after either of said bridges shall have been opened for  
6 public use. But nothing herein contained shall exempt from assessment and  
7 taxation any land or lands owned or acquired by said corporation for any  
8 purpose whatsoever.

1 § 18. This act shall take effect immediately.