

New York Call

L A W S
OF THE
STATE OF NEW-YORK,

PASSED AT THE
SEVENTY-SIXTH SESSION
OF THE
LEGISLATURE.

THE REGULAR SESSION BEGUN ON THE FOURTH DAY OF JANUARY, AND ENDED
THE THIRTEENTH DAY OF APRIL, 1858;
AND THE SPECIAL SESSION BEGUN THE FOURTEENTH DAY OF APRIL, AND (AFTER
A RECESS FROM THE 15TH OF APRIL TO THE 24TH OF MAY) ENDED THE
TWENTY-FIRST DAY OF JULY, 1858, AT THE CITY OF ALBANY.

N. B.—THE LAWS PASSED AT THE SPECIAL SESSION COMMENCE ON PAGE 519.



ALBANY:

WEED, PARSONS AND COMPANY, PRINTERS.
1853.

respects faithfully discharge their duties as such commissioners, and prudently and economically expend the moneys and proceeds arising from the sale of said lands, for the purposes herein contemplated; which bond, together with said order, shall be filed with the clerk of said county of Queens, immediately after the execution of said bond and making such order.

Sale of the lands by the commissioners.

§ 5. It shall be the duty of said commissioners, as early as practicable after their appointment, as aforesaid, to proceed to sell said lands, either at public or private sale, upon the best terms and for the highest price they can obtain for the same, and thereupon they or a majority of them to execute deed or deeds of conveyance therefor, as aforesaid, and expend the proceeds arising from such sale for the purpose designed by this act.

Farm and improvements to be under control of overseers of the poor.

§ 6. After the said commissioners shall have discharged the duties authorized and required by this act, and the said farm shall be inclosed and the said buildings and other erections shall be completed, the said farm and improvements aforesaid shall be thereafter in the charge and under the control of the overseers of the poor of said town of South Hempstead, the same as other property designed for the use of the poor.

Overseers to sue in case of breach of condition in bond.

§ 7. In case of a breach in any condition in said bond, said overseers of the poor are hereby authorized to sue in their name.

§ 8. This act shall take effect immediately.

Chap. 39.

AN ACT to supply the village of Watertown with pure and wholesome water, and for other purposes.

Passed March 22, 1853, three-fifths being present.

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

Body corporate.

§ 1. Loveland Paddock, George C. Sherman, Isaac H. Fisk, William H. Angel and Howell Cooper, and their successors in office, are hereby constituted a body corporate by the name of "the water commissioners of the village of Watertown."

§ 2. Within twenty days after this act shall take effect, the persons in the foregoing section named shall meet at the office of the clerk of the village of Watertown, and shall then and there determine, by lot, the order in which the term of office of each shall expire; and the determination so made shall be certified by the said clerk to the trustees of said village of Watertown, and the same shall be entered on their minutes. If said commissioners shall neglect or refuse to assemble and determine as aforesaid, the said trustees, within twenty days thereafter, shall make such determination and enter the same in their minutes, and deliver a copy of such determination to each of said commissioners. The term of office of the commissioner first going out of office shall expire on the first Monday of June, eighteen hundred and fifty-six; that of the second, on the first Monday of June, eighteen hundred and fifty-seven; that of the third, on the first Monday of June, eighteen hundred and fifty-eight; that of the fourth, on the first Monday of June, eighteen hundred and fifty-nine; and that of the fifth, on the first Monday of June, eighteen hundred and sixty.

Term of office.

§ 3. On the first Monday of June, in the year eighteen hundred and fifty-six, and on the same day in each year thereafter, an election shall be held in said village for the purpose of electing a suitable person to fill the place of the commissioner whose term of office shall expire on that day, and to fill any vacancy that may have occurred. It shall be the duty of the trustees of said village of Watertown to publish a notice of such election once in each week, for three successive weeks immediately preceding such election, in all the newspapers printed in said village. Such elections shall be by ballot, and shall be conducted, in all respects, as the election of trustees of said village was required by law to be held and conducted prior to the fifteenth day of April, eighteen hundred and fifty-two; and all laws then applicable to the election of trustees of said village shall be applicable to the election of said commissioners. No other officer of said village shall be elected on the same day with such commissioner or commissioners. It shall be the duty of the trustees of said village, immediately after such election, to prepare and file, in the office of the clerk of said village, a certificate setting forth the time and place of holding such election, the whole number of votes cast for the several persons voted

Annual election for commissioners.

Notice of election.

Election to be by ballot

for at such elections, and the number of votes cast for each, and to declare which of the several persons voted for has received the greatest number of such votes. Such certificate shall be signed by all the trustees present at such election, and a copy of said certificate shall be entered in the minutes of said trustees.

Commissioners to continue in office in certain cases.

§ 4. If an election of commissioners shall not be held on the day designated in this act for the holding thereof, the commissioner or commissioners, whose term of office would have expired on that day, shall continue in office until a successor shall be elected, and qualify; and it shall be the duty of the trustees of said village to designate a day for the holding of an election, and for that purpose shall publish the notice in the same manner and for the same length of time; and said election shall be held and conducted, in all respects, as hereinbefore provided; and every such election shall be as valid as if held on the day appointed in this act. No election shall be held invalid for want of publication of a notice thereof, provided such election is otherwise regularly conducted.

Commissioners to take oath.

§ 5. The commissioners named in the first section of this act, and all others hereafter elected or appointed, before entering on the duties of their said office, shall take and subscribe the oath required by the Constitution of this state, and shall file such oath in the office of the clerk of said village. In case of the resignation, death or removal from said village, or other inability to serve, of either of the said commissioners hereby appointed, or of those hereafter appointed or elected to said office, the trustees of said village shall immediately thereafter appoint some suitable person to fill such vacancy, and the person so appointed shall hold his office until the next annual election of commissioners, and until another shall be elected and shall have taken and filed the oath and given the bond required by this act. If at any election of commissioners there shall be more than one commissioner to be voted for, the voter shall designate on his ballot the term which each candidate is designed to serve. The commissioners so appointed, before entering upon the duties of his said office, shall take the oath and execute the like bond as required by this act, from the person whose death, resignation or removal from office occasioned such vacancy.

How to fill vacancies in board of commissioners.

Oath.

Bond of commissioners.

§ 6. It shall be the duty of the commissioners named in this act, before entering on the duties of their said office; to execute and deliver to the trustees of said village a joint or

several bond, with one or more sureties to be approved of by the president of said village, in the penalty of sixty thousand dollars, conditioned for the faithful performance of their duties ; and it shall be the duty of said trustees to deliver to said commissioners a certificate under the seal of said village, and signed by the president and clerk thereof, to the effect that said commissioners have duly made and filed the bond and oath required by this act ; and thereupon the said commissioners shall have power, and it is made their duty to borrow upon the credit of said village, a sum not exceeding fifty thousand dollars, upon such term of credit, not exceeding thirty years, and bearing such rate of interest, not exceeding seven per cent, as they shall deem most for the interest of said village ; and to secure said loan, said commissioners are authorized to make, execute and deliver bonds, certificates or other obligations, which shall be signed by them or any three of them as such commissioners ; which bonds, certificates or other obligations shall be made payable in not less than five equal and yearly instalments, and no instalment shall be made payable within twenty years from the passage of this act ; and the said bonds and certificates or other obligations so executed, and the interest thereon, shall be a valid subsisting liability against said village, and the faith and credit of said village is pledged for the payment of the same ; and the said moneys so borrowed shall be appropriated by said commissioners to supplying said village with water, and to no other use or purpose whatever.

Powers of commissioners to borrow money.

§ 7. If the said commissioners or either of them shall appropriate the said money or any part thereof, or any interest accruing therefrom, or any money received for water rents, to any use or purpose whatever not authorized by this act, the commissioner or commissioners so misappropriating said money, shall, upon conviction thereof, be adjudged guilty of a misdemeanor, and shall be punished by fine not exceeding five hundred dollars, or by imprisonment in the county jail not exceeding one year, or by both such fine and imprisonment, and in addition thereto shall forfeit, to the use of said village, treble the amount so misapplied, to be sued for by the trustees of said village in their corporate capacity.

Penalty for appropriating money in a manner not authorized.

§ 8. For the purpose of supplying said village of Watertown with pure and wholesome water, the said commissioners may purchase, take and hold any real estate, and by their servants or other persons employed, may enter

Commissioners to purchase real estate.

upon the lands of any person or persons which may be deemed necessary for said purpose, and may take the water from any springs, ponds, fountains, or streams, and divert and convey the same to said village; and may lay and construct any pipes, conduits, aqueducts, wells, reservoirs or other works or machinery necessary or proper for said purpose, upon any lands so entered upon, purchased, taken or held. Said commissioners may, as aforesaid, enter upon any lands, streets, highways, roads, lanes or public squares through which they may deem it proper to convey the water from said springs, fountains, ponds, streams, wells and reservoirs, and lay and construct any pipes, conduits, aqueducts or other works for that purpose, leaving the said lands, streets, highways, roads, lanes, and public squares in the same condition, as nearly as may be, as they were before said entry.

To enter upon any lands.

Survey and map to be made and filed in clerk's office of village of Watertown.

§ 9. Before taking or using any land for the purposes of this act, the commissioners shall cause a survey and map thereof to be made, by which the land of each owner or occupant intended to be taken or used shall be designated, and such map so made shall be signed by the surveyor or engineer making the same, and by one or more of the said commissioners, and shall be filed in the office of the clerk of the village of Watertown. The commissioners, or any person in their employ, may enter upon any lands for the purpose of making any examination, and of making said survey and map, doing no unnecessary damage.

Referees.

§ 10. In case the said commissioners cannot agree with the said owners or occupants of any lands or water intended to be taken or used as aforesaid, for the purchase thereof, the commissioners may apply to the supreme court at any general or special term thereof, held in the fifth judicial district, for the appointment of three referees, 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 said works, shall be ascertained and determined; and in case of the death, resignation, refusal or inability to act of any of the said referees, the said court may appoint others in their places. The commissioners shall cause a notice, of at least twenty days, of the time and place of meeting of such referees, to be served upon such of the owners of said land and water as can be found in this state, which notice may be served personally, or, in their absence from their dwellings or

Meeting of referees.

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 owners cannot be found in this state, such notice may be served by publishing the same once in each week for six successive weeks, in two newspapers published in said village; and if any owners shall be married women, insane, infants, or idiots, the said court shall appoint some suitable person to attend in their behalf before said referees and take care of their interests in the premises. The referees may issue subpoenas to compel the attendance of witnesses to testify before them, and they or any of them may administer the usual oath 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 other person, and return the same to said court to be filed on record. The commissioners shall pay to each of the referees the sum of three dollars for each day necessarily spent in discharging the duties for which they were appointed.

To issue
subpoenas.

Report.

Pay of
referees.

§ 11. Either party may appeal from the award or determination of the referees, provided the party appealing shall, within ten days after such award or determination shall be made, give written notice of the appeal to the adverse party, and the said court shall, upon the report of the referees, proceed to hear the said appeal and may confirm the report of the referees, or set the same aside and order a new appraisal by the same or other referees, to be appointed by the court; and the said court may make such orders in reference to the proceedings of the referees 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 interest of the parties may require.

Appeal from
award of
referees.

§ 12. Upon the payment or legal tender of the sum finally awarded, as aforesaid, the said commissioners shall be entitled to enter upon, for the purposes contemplated by this act, all lands and waters for which said compensation shall be paid or tendered as aforesaid; and the same may be held and used for the purposes specified by this act, by them and their successors forever. If any person to whom any compensation shall be awarded, cannot be found, or shall refuse to receive the sum awarded to him, then the said payment may be made by depositing the awarded sum to

Final pay-
ment of
award.

the credit of said person, in such bank as the court may designate; and a certificate of such deposit, signed by the cashier of the bank, shall be published by said commissioners in two newspapers published in said village of Watertown, once in each week for four successive weeks, immediately after said deposit. If the person to whom compensation is awarded be under legal disability as aforesaid, payment may be made to his guardian or person as aforesaid, as the said court shall direct; and if said guardian or person cannot be found, then by deposit as aforesaid.

To take and hold lands.

§ 13. The said commissioners 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 of this act, to them and their successors forever.

Rules and regulations.

§ 14. The said commissioners may establish rules and regulations for and concerning the conduct and government of all such persons as shall use the water from said 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 penalty and forfeiture shall not in any case exceed twenty dollars; which penalties, with the costs, may be recovered in the name of the commissioners, before any justice of the peace of the town of Watertown. Said rules and regulations shall be published once in each week, for three successive weeks, in one newspaper printed in said village; and a copy of said rules and regulations, certified by said commissioners, with affidavits of said publication made by the publisher of the said paper, or by a foreman in his office, shall be received as evidence in all courts and places.

Rules and regulations to be published.

Misdemeanor to destroy or injure any of the works.

§ 15. Any person who shall wilfully or maliciously destroy or injure any of the works erected by the said commissioners, or who shall maliciously or wilfully commit any act whereby the waters taken and used, as herein provided, shall be rendered unavailable or unfit for use, shall be guilty of a misdemeanor.

Copy of contracts to be filed in the office of the clerk of the village.

§ 16. Every contract entered into by said commissioners, whereby a liability shall or may be created to the amount of twenty-five dollars or upwards, or on which the amount required to be paid shall or may be twenty-five dollars or upwards, shall be in writing and signed by them, and the same or a copy thereof shall be filed in the office of the clerk of said village, within five days after the same is executed; and no such contract shall be valid or binding upon

the said commissioners, or upon the said village, until the same is so signed and filed. But the commissioners shall not have power to execute any contract or contracts, for the purposes herein provided, whereby the said village shall incur a liability exceeding the sum of fifty thousand dollars.

§ 17. It shall be the duty of the said commissioners to keep a book, in which shall be entered an accurate statement of their proceedings, and also a book containing an accurate account of their receipts and disbursements, which books shall at all times be open for inspection by any legal voter of said village; and said commissioners shall deliver to the trustees of said village, as often as once in three months during the time said commissioners shall be engaged in constructing said works, and annually thereafter, a full and accurate copy of their accounts, specifying therein the names of persons from whom, and for what, moneys have been received; to whom, and for what, moneys have been paid by them; which statement shall be verified by the oath of such of said commissioners as shall have kept the said account or disbursed said money; and said commissioners shall further set forth in said statement, so delivered to said trustees, whether any moneys remain unpaid at the date of such statement, whether due or thereafter to become due, and for what such money is so due or debt contracted; and they shall annex thereto the affidavit of all of said commissioners to the effect that such statement contains a true account of all moneys unpaid, according to the best of their knowledge, information and belief.

Book of proceedings to be kept.

§ 18. The said water commissioners shall have power, and it shall be their duty to proceed with all convenient dispatch, to do all such acts and things as shall be necessary to supply the said village with water; and for that purpose to employ and pay engineers and workmen, to personally superintend the construction of the said works, to make all necessary contracts for labor and materials, from time to time to regulate the water rents, to make all needful rules and regulations relating to the supply and use of such water, to employ and pay one or more persons to superintend the said works after their erection, to make all necessary and proper repairs, to extend the supply of water to such parts of said village from time to time as they shall deem necessary, having reference to the expense thereof and the interest of said village, to collect the water rents, to stop the supply of water from such persons as shall neglect or refuse to pay for the same, to cause to be erected,

Powers and duties of commissioners.

- at such places in said village as they shall deem proper, hydrants for the supply of water in case of fire, and to make all needful rules and regulations respecting the same ; to prosecute and defend all suits respecting said water, water-works and lands, fixtures, erections, rights, privileges, and property belonging to the same or connected therewith, and all contracts relating thereto ; to prosecute for penalties, for violation of the rules and regulations of said commissioners, and for all injuries done to said works, fixtures, or erections, rights, privileges, or property belonging thereto or connected therewith, and for all penalties and forfeitures imposed by this act upon persons other than the said commissioners.

Plans and specifications.

§ 19. Before proceeding to construct the works required to supply said village with water, the said commissioners shall cause to be prepared plans and specifications of said works, and, as far as practicable, estimates of the kinds and quantity of materials required for the same ; and they shall thereupon advertise, for at least four successive weeks, in the several newspapers printed in said village, in the state paper, and in one newspaper printed in the city of New-York, for proposals for furnishing all or any or parts of such materials, and for doing all or any part or parts of such works, and they shall designate within what time and at what place such proposals shall be presented. On the last day designated for receiving such proposals, and at the place designated, the said commissioners shall open said proposals, and shall, as soon as practicable thereafter, determine which of the proposals shall be and are accepted by them ; and they shall thereupon enter into a contract with the party presenting the accepted proposal. No proposal shall be opened or acted upon unless it is accompanied with an agreement, of some responsible person or persons, that he or they will become sureties for the performance of the contract entered into in accordance with such proposals ; and the proposal, accompanied by an agreement as above described, for doing the work at the lowest price, shall be accepted. Said commissioners shall have the right to annex such conditions to the said notice for proposals, not inconsistent with this section, as shall be calculated to protect the interests of said village and secure the faithful performance of said work.

Proposals to be opened.

Expenses of the commissioners to be paid.

§ 20. The said commissioners shall be entitled to receive the necessary expenses they shall incur, or be put to while employed in the discharge of their duties as such commis-

sioners ; but they shall not, nor shall either of them, be entitled to receive or collect any compensation for his or their services as such commissioners. All accounts for expenses shall be presented to and audited by the trustees of said village, and the trustees shall not be bound to audit any such account unless verified by the oath of the commissioner or commissioners presenting the same, or by the oath of some other person having personal knowledge of the accuracy of such account.

§ 21. It shall be the duty of said commissioners, out of the moneys received by them after the said works shall be completed, for water rents or otherwise, first to pay the interest on the moneys by them borrowed for the purpose of constructing the said works, and out of the balance of such moneys to pay the expenses of superintending, maintaining, and repairing said water-works, fixtures, and erections connected therewith ; and if any moneys shall remain in their hands, after paying the sums aforesaid, the same shall be safely and securely invested, upon bond and mortgage or other securities bearing interest, as a sinking fund, out of which to pay the money so borrowed. If the said commissioners shall at any time ascertain that there shall not be sufficient money in their hands to pay the interest on the money borrowed for constructing said water-works, and the expenses of superintending and keeping them in repair, they shall furnish to the trustees of said village a certificate setting forth such deficiency and the amount thereof. On the receipt of such certificate, it shall be the duty of said trustees to direct and require the assessors of said village forthwith to assess upon the property, real and personal, in said village, which shall be deemed by the said assessors to be benefited by the said water, the amount so required to be raised ; and it shall be the duty of said assessors to proceed forthwith to assess the amount so required to be raised upon such property, real and personal, in proportion to the benefit which such owner or occupant shall or may receive from such water, whether such owner or occupant actually uses said water or not. In making such assessment, said assessors shall procure a book and insert therein, in one column, the names of all owners and occupants of lands or tenements which they shall deem benefited by such water ; and in a second column, opposite to the names of each person, shall be placed the assessed valuation of such lands or tenements ; and in a third column the assessed valuation of the personal property in or upon

Interest, &c.,
to be paid.

Deficiency
of money to
pay interest.

Assessors to
assess
amount to be
raised.

Book to be
kept by as-
sessors.

Notice to be published.

such lands or tenements other than evidences of debt ; and in a fourth column shall be entered the rate per cent which each owner or occupant is deemed to be benefited ; and in a fifth column the amount of tax which he or she is liable to pay. After said assessment roll is completed, said assessors shall cause to be published, in each of the newspapers printed in said village, once a week for two successive weeks, a notice that such roll is completed, and specifying where said roll will be left for inspection, and the times and places said assessors will attend to hear objections to said assessment. Such roll shall be left at the place designated, and shall be open to the inspection of all persons for thirty days from the day of the first publication of said notice. Any person deeming himself or herself aggrieved by the assessment may appear before the said assessors personally, or by his or her agent or attorney, at the time and place designated by them for hearing objections, which shall be at least one day in each week during said thirty days, and make known to said assessors in what respect the assessment is erroneous; and if any person shall claim to have the appraised value of his or her real or personal estate reduced, or a reduction of the rate per cent of benefit, the said assessors may examine such person or his or her agent or attorney on oath touching the value of said property or the rate of benefit ; but such valuation or assessment shall not be reduced unless the assessors shall be satisfied that injustice has been done ; nor shall it be reduced by reason of any debt due or owing by such owner or occupant ; and if upon such examination they shall become satisfied that such appraisal and estimate is too low, they shall raise the same to such sum as shall be deemed to be just and equitable. After the expiration of said thirty days the said assessors shall review said assessment roll, and if they shall find that the reduction or increase in valuation or rate of benefit has increased or reduced the aggregate amount of tax assessed, above or below the amount required, they shall proceed to deduct such excess from, or add such deficiency to, the amount assessed on all the persons named in such list, according to the rate per cent of benefit to each, according as the same shall have been determined by said assessors, and their decision, or that of a majority of them, shall be final and conclusive upon the parties.

Objections by persons deeming themselves aggrieved.

Review of assessment roll.

Copy of assessment roll to be delivered to collector.

§ 22. The said trustees, within ten days after the said assessment roll shall have been completed by said assessors, shall deliver a copy thereof to the collector of said

village, with a warrant annexed, requiring him to collect said tax, together with his fees for collecting the same, and return said tax list and warrant to the said trustees within thirty days from the date thereof; said warrant shall be in the same form as the warrant for the collection of other village taxes, and the said tax shall bind the person and the property of the several persons, in the said tax list named, in the same manner as county taxes, and the said collector shall have the same powers, and shall proceed in the same manner, and be subject to the same duties and liabilities, as collectors of towns, in the collection of town and county taxes; and when said tax is collected he shall pay the same to said commissioners, whose receipt shall be a sufficient discharge to said collector.

§ 23. The said commissioners shall, on or before the third Monday of March in each year, deliver to the trustees of said village a list containing the names of all persons whose water rents shall have remained unpaid for three months, together with the amount due by each; and the trustees shall include the amount of said water rents, so remaining unpaid, in the next tax list for village purposes; and said unpaid water rents shall be collected by the collector, as such other taxes are by law required to be collected. The amount of such water rents, when collected, shall be paid over by the trustees to said commissioners, to be by them held and used for the purposes specified in this act.

List of water rents remaining unpaid.

§ 24. The trustees of said village are hereby authorized and required in each and every year to assess, upon the real and personal property in said village, the sum of one thousand dollars, and to collect the same at the same time and in the same manner as other village taxes are required to be assessed and collected; and the said sum, when collected, shall be paid over to the said water commissioners, who shall appropriate the same as the other moneys received by them are required to be appropriated and applied.

Yearly assessment.

§ 25. The said trustees may, at any time, require the said commissioners to produce before them their books, vouchers and other papers, and to submit the same to the examination of said trustees; and if said commissioners shall neglect or refuse, after a reasonable time, to present said books, vouchers and papers, said trustees may, on affidavit setting forth that said commissioners have been required to produce before them such books, vouchers and papers, and that they have neglected and refused so to do,

Commissioners may be required to produce their books &c., to trustees.

and that the public interest, in the opinion of such trustees, requires that such books, vouchers and papers should be submitted, apply to a justice of the supreme court for an order requiring said commissioners to appear before him on a day to be therein specified and show cause why they should not produce such books, vouchers and papers, or, in default thereof, that a warrant shall issue against them. Such order shall be returnable in not less than ten nor more than twenty days from its date, and shall be served personally on all of said commissioners, if they can be found in said village, and if not, then by leaving the same at their places of business or dwelling house with some person of suitable age and discretion. On the day appointed in such order, or on such other day as the justice shall designate for that purpose, the said commissioners shall show cause, if any they have, why they did not produce such books, vouchers and papers; and if on such hearing said justice shall determine that no sufficient cause has been shown, or if said commissioners shall not appear in pursuance of said order, he shall by order require such commissioners to produce such books, vouchers and papers within twenty-four hours; and if said order shall not be complied with, said justice shall issue a warrant, directed to the sheriff of the county of Jefferson, against the said commissioners as shall have the custody of such books, vouchers and papers, commanding said sheriff to arrest said commissioner or commissioners, and to commit him or them to the jail of said county until said order is complied with. If, upon any hearing before a justice under this section, or at any other time, it shall be made to appear that said commissioners do not keep full and accurate accounts, or that they do not account for the moneys received by them, or that they misbehave in their said office, so that the public interest could be promoted by the removal of such commissioners or any of them, such justice may make an order removing such commissioner or commissioners, and the office of such commissioner or commissioners shall be thereby vacated, and the trustees shall have power to fill such vacancy until the next election of commissioners.

Vouchers
&c., to be
delivered to
successors in
office.

§ 26. It shall be the duty of said commissioners and each of them to deliver to his or their successors in office all moneys, books, papers and vouchers belonging to the said commissioners, or appertaining to the business or duties of said commissioners; and if said commissioner or

commissioners shall neglect or refuse after demand to pay and deliver over such moneys, books, papers and vouchers, it shall be the duty of said commissioners to prosecute for the same; and if an execution on any such judgment shall be returned unsatisfied, in whole or in part, an execution against the body of the defendant or defendants named therein shall issue forthwith, and such defendant or defendants shall be imprisoned within the jail of said county, and shall not be entitled to the liberty of the limits thereof.

§ 27. At any time, within six months after the said water-works shall have been completed, the said commissioners may prepare and deliver to the trustees of said village a full and accurate statement of the moneys received by them for the purpose of constructing said works, and of the expenditures therefor, verified by the oaths of said commissioners; and the said trustees shall thereupon meet with said commissioners and examine said statement and the vouchers held by said commissioners, and if a majority of the trustees shall be satisfied that all of said moneys have been, in good faith, accounted for, they shall endorse on the bond of said commissioners a certificate that they have examined said account and the vouchers relating thereto, and that the moneys received by said commissioners, for supplying said village with water, have been honestly applied to that purpose; which certificate shall be conclusive evidence of the facts therein stated, and the said bond shall thereupon be deemed satisfied; when said bond shall be satisfied in manner aforesaid, each of said commissioners, and every person thereafter elected or appointed in place of said commissioners, or either of them, shall, before entering upon the duties of said office, file with the clerk of said village a bond, in the penal sum of three thousand dollars, with one or more sureties to be approved of by the president of said village, conditioned for the faithful discharge of the duties of said office; and no person elected or appointed to said office shall perform any duty connected therewith until he shall have taken the oath required by the fifth section of this act, and filed a bond as above provided.

Completion
of works, and
statements of
moneys re-
ceived and
expended.

§ 28. This act shall take effect immediately.