

L A W S
OF THE
STATE OF NEW YORK,

PASSED AT THE
NINETY-SIXTH SESSION

OF THE
LEGISLATURE.

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



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

May sell
real estate
at auction.

to all sums heretofore authorized to be raised by said common council. And the said common council shall, by a vote of two-thirds of its members, have power to sell at public auction, to the highest bidder, after a notice of six successive weeks in the official city newspapers, any real estate belonging to the city and appropriate the avails thereof toward the purchase or improvement of other property for city purposes or the payment of the bonded debt of the city.

City prop-
erty ex-
empt from
tax.

§ 22. The real estate belonging to the city of Yonkers shall be exempt from all taxes, but this provision shall not apply to assessments levied in said city for local improvements.

Acts re-
pealed,
etc.

§ 23. From and after the passage of this act, all acts and parts of acts inconsistent with and repugnant to this act are hereby repealed, but all acts and parts of acts not inconsistent with the provisions of this act, in relation to the village of Yonkers, shall be applicable to the city of Yonkers, but modified to conform to such changes made herein from the village of Yonkers to the city of Yonkers, and nothing herein contained shall be construed so as to destroy, impair or take away any right or remedy acquired or given by any act relating to the late village of Yonkers hereby repealed, and all proceedings commenced under such act shall and may be carried out with the same effect as though this act had not been passed; the city of Yonkers standing in all respects in the place of the village of Yonkers.

§ 24. This act shall take effect immediately.

CHAP. 36.

AN ACT to provide for a supply of water in the city of Yonkers.

PASSED February 28, 1873; three-fifths being present.

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

Appoint-
ment of
water
commiss-
sioners.

SECTION 1. The common council of the city of Yonkers are hereby authorized and directed to appoint five persons, who shall be residents of said city, as water commissioners in and for said city. The said persons so appointed and their successors in office shall constitute a body corporate by the name of the board of water commissioners of the city of Yonkers, and in that name may sue and be sued, complain and defend in any of the courts of this State. Neither the mayor nor any member of the common council while in office shall be eligible to the office of water commissioner.

Mayor and
members
of coun-
cil
not elig-
ible.

Commis-
sioners to
be class-
ified.

Terms of
office.

§ 2. The said commissioners shall be divided into five classes, consisting of one commissioner in each class, the one in the first class to hold his office until the first Tuesday in May, in the year eighteen hundred and seventy-five, or until his successor shall have been duly appointed and qualified; the one in the second class to hold his office until the first Tuesday in May, in the year eighteen hundred and seventy-six, or until his successor shall have been duly appointed and qualified; the one in the third class to hold his office until the first Tuesday in May, in the year eighteen hundred and seventy-seven, or until his successor shall have been duly appointed or qualified; the one in the fourth class to hold his office until the first Tuesday in May, in the year eighteen hundred and seventy-eight, or until his successor shall have been duly appointed and qualified; and the one in the fifth

class to hold his office until the first Tuesday in May, in the year eighteen hundred and seventy-nine, or until his successor shall have been duly appointed and qualified.

§ 3. Within twenty days after the appointment of such water commissioners, as provided in section one, the persons so appointed shall meet at the office of the city clerk of said city and determine, by lot, which of them shall belong to the first class, which to the second class, which to the third class, which to the fourth class, and which to the fifth class, and the term of office of each water commissioner in said city hereafter appointed shall be five years, and until his successor shall have been duly appointed and qualified.

To determine class by lot.

Term of these hereafter appointed to be five years.

§ 4. At the annual meeting of the common council to be held in the year eighteen hundred and seventy-five, or as soon thereafter as may be, it shall be the duty of the common council to appoint a water commissioner for the full term of five years, to succeed the water commissioner whose term of office shall expire in that year, and at each annual meeting thereafter, or as soon after such annual meeting as may be, it shall be the duty of the common council to appoint a water commissioner to succeed the water commissioner whose term of office shall expire in any such year.

One commissioner to be appointed in 1875, and annually thereafter.

§ 5. All commissioners shall be residents and legal voters of said city, and when any one of them shall cease to reside therein, his office shall be deemed vacated. In case of a vacancy by death, removal, resignation or any other inability to serve, the common council shall fill such vacancy by appointment, and the person so appointed shall hold office until the expiration of the term of office of the commissioner whose place he was appointed to fill.

Qualifications of commissioners.

Vacancies provided.

§ 6. Any one or more of said water commissioners may be removed from office by a three-fourths vote of all the members elected to the common council for neglect of duty, malfeasance, malversation, misconduct, incapacity, bribery or corruption in office, but no removal shall be made unless upon charges, nor unless the commissioner or commissioners accused shall have been served with a copy of the charges and shall have had an opportunity to be heard in his or their defense. And the mayor of the city of Yonkers may suspend any one or more or all of the water commissioners from duty. When he shall have suspended any one or more, or all of said water commissioners, he shall report such suspension to the common council, at its next meeting, with his reasons therefor. If the common council shall not approve the action of the mayor, they shall so declare by resolution, and such commissioner or commissioners, so suspended, shall resume the duties of his or their office. If the common council shall approve the action of the mayor, in suspending such commissioner or commissioners, the common council shall, within ten days, prefer charges against such commissioner or commissioners, copies of which shall be personally served, if the accused be within the city, and, if not, then by depositing the same in the post-office of the city, directed to such address at the city of Yonkers, and such commissioner or commissioners shall not perform any duties of his or their office until the final determination of such charges. A notice shall be served, with the charges, directing such commissioner or commissioners to appear, within ten days, before such common council, or such committee thereof as they may indicate in said notice, and answer such charges. The common council, through its committee or otherwise, shall then take action in said matter, without any unnecessary delay. Any person may present a complaint or charges to the common council,

Removal of commissioners from office.

Suspension of.

Proceedings if action of mayor is approved.

Notice to appear and answer charges.

Any person may make com-

plaint, and action to be taken thereon.

Official call.

Payment and Treasurer.

Treasurer to give bond.

Clerk.

Duty of Commissioners.

May employ others, etc.

May contract for and purchase lands, etc.

May enter on lands and make surveys.

Proceedings to regulate tide.

against any one or more of said water commissioners, and the common council may thereupon suspend such officer, and proceed to investigate the complaint or charges against the accused, as above provided.

§ 7. Every water commissioner shall, before entering upon his duties, and within ten days after notice of his appointment, take and file with the clerk of said city the oath prescribed by the constitution of this State.

§ 8. The water commissioners shall appoint one of their number president and one of their number treasurer, who shall be subject to removal, as such president or treasurer; by them, for good cause, and, as often as a vacancy occurs, shall fill it, in the same manner; the person so appointed treasurer shall, before he enters upon the duties of the office, execute and deliver to the common council of said city, to be filed with the clerk thereof, a bond to the city of Yonkers, in the penal sum of fifty thousand dollars, with such sureties as shall be approved by said board, conditioned that he will faithfully perform his duties as such treasurer, and account for and pay over all moneys which shall come into his hands or under his control as such treasurer, whether of principal or interest; and said water commissioners may also appoint a clerk, at such compensation as they shall deem just, subject to removal, at their discretion, and employ such agents and employees as they, in their judgment, may require.

§ 9. It shall be the duty of said board of water commissioners to examine and consider all matters relative to supplying the city of Yonkers with pure and wholesome water, and, for that purpose, they shall have power to employ engineers, surveyors, legal counsel, and such other persons as may be necessary for that purpose; and they shall adopt such plans as, in their opinion, may be most feasible for procuring such supply of water, and which shall embrace proper distribution pipes and supplies for all streets and places where, in their opinion, it shall be of benefit to the city, and shall ascertain the probable amount of money necessary to carry the same into effect, and, for that purpose, they shall have power to contract for and purchase, and take, by deed or other instrument, under seal, in the name of the said city, all lands, waters, easements, property, tenements, hereditaments, rights or privileges whatever, and situate at any place within the county of Westchester, and any surface or subterranean source, stream or streams of water, or any ponds or springs, which may be required for the purpose, and to contract for the execution of the work, or of any part thereof, or the supply of any necessary material; and the said board of water commissioners, and their agents and employes, are authorized to enter upon any land or water, for the purpose of surveys, and to agree with the owners of property, real and personal, which may be required for the purposes of this act, as to the amount of compensation to be paid such owners, and, upon payment of such compensation, the city of Yonkers shall thereupon become seized in fee of the property, rights, easements and privileges so required.

§ 10. In case of disagreement between the said board of water commissioners and the owner of any property which may be required for the purposes aforesaid, or affected by any operation connected therewith as to the amount to be paid to such owner, or in case the said commissioners shall elect to have the damages to be sustained by or moneys to be paid to the owner of any land or privilege to be taken, or person or corporation interested in any stream of water to be diverted for the purposes of this act, assessed and ascertained by commissioners

as herein provided, without first endeavoring to agree with such owner, person or corporation, or in case such owner shall be an infant, or married woman, or insane, or absent from this State, or unknown, or the owner of a contingent or uncertain interest, the supreme court at any special term within the second judicial district shall, on the application of said board of water commissioners, after three weeks' notice of such application published in the official city newspapers of said city once in each week, nominate and appoint three disinterested persons commissioners of estimate for the whole or each, or any case of disagreement, or in which property, rights and interests are to be taken, to examine such property, who, upon being duly sworn faithfully and impartially to discharge their duties as such commissioners, shall estimate and report to said court at special term in said district for confirmation the several sums which in their opinion will be a just compensation to such owners or persons or corporation respectively for the appropriation to the purposes of this act of any property which may be required, or for the use or title of any such property, or for taking and diverting any stream of water, pond or spring. Such commissioners of estimate shall file their oath of office in the office of the clerk of the city of Yonkers, and give public notice of their first meeting by publishing a notice thereof in the official city newspapers published in said city, once a week for two weeks successively, before such meeting, and may then adjourn from time to time without further notice, and may examine witnesses on hearings before them, which testimony shall be reduced to writing and subscribed by the witness, and for such purpose such commissioners or any of them shall have power to administer oaths. All evidence taken before them shall accompany their report. The report of said commissioners of estimate when completed shall be deposited in the office of the clerk of the city of Yonkers for public inspection. The said commissioners of estimate shall then cause a notice to be published in the official city newspapers that the report has been completed and deposited with the city clerk for examination by the parties interested, and that they will meet at a time and place therein to be specified, not less than ten days from the first publication of such notice, to review their report. During that time the said report may be examined free of expense by all interested, and at the time and place so specified any such person may offer objections in writing to the said report. The said commissioners shall thereupon, or as soon as conveniently may be hereafter, review their said report, and correct the same where they shall deem proper, and shall then file the same in the office of the clerk of the city of Yonkers. And the said board of water commissioners may, after the final completion and filing of said report, after publishing a notice for three successive weeks in the official city newspapers published in said city of their intention so to do, present the same for confirmation to the supreme court at any special term thereof held in the second judicial district. No other papers shall be read by either party upon the application to confirm such report than the evidence and objections taken before said commissioners, which shall accompany such report. Only such persons who shall have filed written objections shall be heard upon such application. The court may confirm the said report in whole or in part. In case such report shall not be confirmed by said court, as to one or more or all of such owners or parties interested, the said court shall, without notice, appoint the same or three other disinterested persons as commissioners of estimate, who shall proceed with reference to the owners or parties interested as to which such report

Appoint-
ment of
commission-
ers to
estimate
damages

Commis-
sioners to
be sworn.

Oath to be
filed.

Notice of
first meet-
ing to be
published.

Evidence
to accom-
pany
report.

Report to
be filed.

Notice of
completion
of
report,
or, to be
published.

Report
may be
examined
and ob-
jections
offered.

Commis-
sioners to
review
report.

Notice of
confirmation
of
report.

Papers to
be read on
applica-
tion.

Proceed-
ings in
case
report is
not con-
firmed.

shall not be confirmed in all respects as above specified, and the report of such commissioners shall be treated as final and shall be confirmed by the court.

Certificate to be made of property intended to be taken.

§ 11. Before making application for the appointment of any such commissioners of estimate, and before publishing any notice of such application, the said board of water commissioners shall, by their president, make and execute a certificate of their intended application, in which shall be clearly stated and set out the pieces, parcels or lots of land, rights, privileges, stream or streams of water, ponds or springs, or other property which they shall elect to take, or which may be affected by the proceedings of said court or the commissioners of estimate by it to be appointed under such application, and shall deposit the same, together with a map showing the land to be taken, with the clerk of the city of Yonkers for public inspection, where they shall remain for two weeks after the first publication of such notice of application, and such certificate and map shall constitute a part of the report to the court by the commissioners of estimate. Each certificate and map and each application may embrace one or as many different pieces of lands, interests or property as the said board of water commissioners shall elect, and may affect the rights of one or as many persons or corporations as said board shall elect, and the said board may make as many separate and different certificates and maps as they shall deem proper.

Map.

Proceedings in case of abandoned lands.

§ 12. In case any piece or parcel of land shall be abandoned or discontinued by said board of water commissioners, such land shall be first offered to the adjoining owners at the original cost. That said board shall cause a notice to be published once a week for three weeks in the official city newspapers in said city, of their intention to abandon or discontinue such land, and if within sixty days after the first publication of such notice the adjacent owner or owners fronting on such land shall neglect or refuse to take and pay to said board of water commissioners the original cost of such land, then said board may sell said land at auction to the highest bidder.

Publication of notices in case of lands taken outside of city.

§ 13. In case any land or property situate without the limits of the city of Yonkers shall be taken under the provisions of this act, all notices required to be published either by the board of water commissioners or by the commissioners of estimate shall be published, in addition to the publication hereinbefore provided, in one or more of the papers published in the town where such land or property may be located, and by posting a copy of such notice upon the premises intended to be taken; and if no paper shall be published in any such town, then such notice shall be published in the official county newspapers.

Qualifications of members of estimate.

§ 14. No inhabitant, freeholder, or any person liable to taxation in the city of Yonkers shall be incompetent to act as commissioner of estimate, unless he shall be interested in any land or property to be taken under the provisions of this act.

When land right of eminent domain title to vest in city.

§ 15. Whenever any report of the commissioners of estimate shall have been confirmed by said court, the said water commissioners shall deposit as the said court may direct, or pay over to the owner or such person as the court may designate, the sum mentioned in said report, in full compensation for the property so required, and thereupon the said city shall become seized in fee of the property so acquired, and said commissioners and said city shall be discharged from all claim by reason of any such appropriation or use.

§ 16. The common council of the city of Yonkers shall issue as

required by said board of water commissioners, the bonds of said city to be known as water bonds, for a sum not exceeding two hundred and fifty thousand dollars, which shall bear an interest not exceeding seven per cent per annum, payable semi-annually on the first day of April and October in each year. Said bonds shall be payable in sums of twenty-five thousand dollars in each year, commencing thirty years from their date, which bonds shall be signed by the mayor and city clerk of the city of Yonkers; and a record thereof shall be kept in the city clerk's office in said city, and the bond so issued shall be delivered to said water commissioners, to be sold by them at not less than par or nominal value net, and the proceeds applied only to carry into effect the provisions of this act. Said bonds before being negotiable shall be countersigned by the president of the water board.

Commiss.
concerned to
issue water
bonds.

When pay-
able.

To be
countersig-
ned.

§ 17. Said board of water commissioners shall have power to make all necessary contracts for labor and materials in the construction of the work and all things pertaining thereto, which contracts shall be in writing, signed by a majority of the water commissioners, and of which three originals executed by the parties to be numbered with the same number; one of which shall be given to the contractor, one filed with the clerk of the city of Yonkers, and one retained by the board of water commissioners; three weeks' public notice shall be given in the official city newspapers published in said city as the commissioners shall direct, of the time and places at which sealed proposals will be received for entering into contracts; and the board of water commissioners shall have full discretion as to the acceptance or rejection of any and all proposals, and in case any materials or labor shall then remain uncontracted for, the like notice for sealed proposals and the like proceedings may be had as above provided, and so from time to time as said commissioners may desire, to contract for work or materials; and every person who shall enter into any contract for the supply of materials or the performance of any work, shall give satisfactory security to said water commissioners for the faithful performance of his contract according to its terms.

Water
contracts
shall be
made by con-
tract for
work, etc.

Notice for
proposals.

Accept-
ance or
rejection
of.

Contract-
ors to
give satis-
factory
security.

§ 18. No member of said board of water commissioners shall be directly or indirectly interested in any contract relating to the work or materials therefor required by the water commissioners as such, or for the purposes of this act, or for any portion of the water-works, nor shall he receive any compensation for his services or for any thing pertaining thereto, further than all necessary expenses and disbursements paid by him; provided, however, that the water commissioner, who shall be appointed treasurer as aforesaid, shall be entitled to receive such compensation as the said board of commissioners shall prescribe, not exceeding one per cent upon moneys paid out by him as such treasurer, exclusive of such moneys as are paid over to his successor.

Water
contracts
shall not
be in-
terested in
contracts.

Not to
receive
compensa-
tion.

Proviso as
to treas-
urer.

§ 19. The said board of water commissioners, and all persons acting under their authority and direction, shall have the right to enter and use the ground or soil under any street, avenue, highway, road, square, or any other public ground within the county of Westchester, for the purpose of introducing water into and through all or any portions of the city of Yonkers, on condition that they cause the surface of such street, avenue or highway, road, square, or other public ground to be relaid and restored to its usual state, and all damages done thereto to be repaired, and such right shall be continuous for the purpose of relaying or repairing water-pipes on the like conditions.

Commiss.
shall have
the right
to enter
etc.

§ 20. The said board of water commissioners shall, after the intro-
duction of water, establish a scale of rents to be charged and paid to

Water
rents.

the said board of water commissioners, from time to time, either in advance, or at such time and times as the water commissioners shall prescribe, for the supply of water to be called water-rents, and apportioned to all the different lots, pieces or parcels of land in said city, in front of or near which water-pipes shall be laid, and all classes of buildings in said city, in front of or near which water-pipes shall be laid, in reference to their dimensions, values, exposure to fires, ordinary or extraordinary uses for dwellings, stores, shops, hotels, factories, livery stables, wharves, barns and all other buildings, establishments and trades, yards, number of families or occupants, or consumption of water for useful or ornamental purposes, as near as may be practicable, and, from time to time, either modify, amend, increase or diminish such rents, and such board of water commissioners and their agents or employees, shall be authorized, at all times, to enter into any place or building where water is used from supply pipes, to examine as to the water, quantity used, and the manner of using it.

Connect-
ing and
supply
pipes.

§ 21. The connecting or supply pipes, leading from buildings or yards to the distribution pipes, shall be inserted and kept in repair, at the expense of the owners or occupants of the building, yard or place supplied, and shall not be inserted into or connected with the main pipe until a permit therefor shall be obtained, from the said board of water commissioners or other person having charge thereof, and all such connecting or supply pipes shall be constructed in the manner directed by said board of water commissioners or persons in charge.

Water
rents, how
applied.

§ 22. The entire annual receipts for water-rents, after deducting therefrom such sums as may be necessary to defray the expenses of repair of said water-works, and of managing and using the same and other necessary expenses, shall be applied by the said board of water commissioners toward the payment of the interest on the loans and toward the creation of a sinking-fund for the payment of the principal of the loans as it shall, from time to time, become due and payable, which sinking-fund shall be managed by said commissioners.

Tax to pay
the bonds.

After the introduction of water into the city for general use, in case the water-rents shall prove insufficient in any year to pay the current expenses of maintaining and supporting the water-works and the interest on the bonded debt, the amount of the deficiency shall be reported to the common council of the city of Yonkers, and such deficiency shall be, by it, assessed on, and become a lien upon, and be collected from the real property in front of and near which water-pipes shall be laid within the district to be supplied by water, the boundaries of which districts shall, from time to time, be fixed by the common council, in the same manner, as near as may be, as is, or may be prescribed by the charter of the city of Yonkers, for the assessment, levying and collecting of taxes within said city, but the same shall be assessed and collected by and upon a separate assessment roll, and by a separate warrant, and by separate proceedings from the collection of general taxes; and the same proceedings shall be had for the sale of lands for the non-payment of any such water-tax as is or may be prescribed in said charter for the sale of lands for the non-payment of taxes.

After ten
years the
annual tax
to be
levied to
pay two
per cent on
bonds.

§ 23. Ten years after the date of the bonds authorized to be issued under this act, the common council of the city of Yonkers shall, in addition to all other taxes, annually levy, assess and collect from the taxable property within the city of Yonkers, two per cent upon the amount of water bonds so issued, which amount, when collected, shall be paid to the board of water commissioners to be used by it as a sink-

ing fund for the retirement of said water bonds, and said board of water commissioners, upon the receipt of said amount, shall immediately advertise for proposals to sell to it for said sinking fund said water bonds to an amount sufficient to absorb the amount received from said tax, and shall accept the most favorable proposal, if deemed for the interest of the city; but in case none of said water bonds are offered to said sinking fund, or if offered on terms not satisfactory, said board of water commissioners shall invest the amount so received either in the bonds of the United States or of the State of New York, or any bonds of the city of Yonkers. Any bonds issued under the provisions of this act, purchased by said board of water commissioners, shall be stamped as belonging to the sinking fund, but the commissioners shall collect the interest thereon as it becomes due, and invest the same in the same manner as the amount received from the proceeds of the tax. Any surplus income arising from the water rents, after paying the necessary expenses of operating and maintaining the water-works and paying interest upon the water bonds issued therefor, shall in like manner be invested in said bonds or other bonds, as above provided for the investment of the money received from the direct tax; provided, however, that no tax as above provided shall be imposed for said sinking fund if the surplus, after paying all expenses and interest, at the end of the ten years or any succeeding year should be equal to two per cent of the amount of water bonds issued; and provided, further, that if the amount of the said surplus moneys should not equal two per cent of the whole amount of the water bonds issued, then the difference between such surplus amount and the said two per cent only shall be annually assessed and collected.

Sinking fund.

Bonds purchased, how disposed of.

Surplus income, how invested.

§ 24. The said board of water commissioners shall annually, on the first Monday of December, in each year, and at such other times as required by the common council of the city of Yonkers, deliver to them a detailed statement of all the accounts of said water commissioners, a general statement of all their work and the condition of their affairs and the state of their finances, including a full detail of the amount expended in the progress of the work, and a particular statement of any deficiency as to the water rents, as to meeting the interest on the principal sum borrowed and the sinking fund as in this act authorized, and all books and papers of every kind kept by said commissioners, on which are entries of their transactions as such, shall at all times be subject to the inspection of the mayor and said common council, and of every member of the said common council.

Annual detailed statement to be made by water commissioners.

§ 25. All judgments against said board of water commissioners in their name of office, and all judgments against them where the transaction on which action was brought shall have been in the performance of their duties as commissioners, shall be deemed judgments against said city, and shall not be enforced against the individual property of any or either of said commissioners, but it shall be the duty of said board of water commissioners to give to the said common council immediate notice of every suit or proceeding commenced against said board of water commissioners, which may result in a judgment against said board of water commissioners or against the city; but no execution shall be issued upon such judgment; but it shall be the duty of said common council to insert in the tax levy, next after notice of the rendition of any such judgment, or the final determination of any appeal therefrom, the amount of such judgment and interest upon the same, and levy and collect the same, and pay and discharge the said judgment therewith.

Judgments, how enforced.

Common council notice of suits.

Tax to pay judgments.

Powers not by laws.	<p>§ 26. The said board of water commissioners shall have power, from time to time, to make and establish such by laws, ordinances, rules and regulations as they may judge proper for the election of officers, their terms of office, and as to the duties of their officers, agents and employees, and the means of enforcing such duties, and for the regulation of the times and manner of holding meetings of the board of water commissioners, and for enforcing the collection of water rents and manner of using the water, and generally for transacting, managing and directing the affairs of the board of water commissioners, and they may provide regulations as to water used, water and water rents, and enforce the observance of the same by the imposing of fines and penalties not exceeding one hundred dollars, to be collected by said board of water commissioners by action against the owner or occupant of the lot or building against which the rent is charged, or person violating such ordinance, or by cutting off the use and supply of water.</p>
Fines and penalties.	
Violation of this act by commissioners a misdemeanor.	<p>§ 27. A violation of any of the provisions of this act by any commissioner shall be deemed a misdemeanor, and on conviction thereof, the term of office of such commissioner shall terminate, and his place be deemed vacant.</p>
Commencement of fiscal year. Water rents when payable.	<p>§ 28. The said board of water commissioners shall, by ordinance or by law, establish a day on which shall commence each fiscal year; all water rents shall be payable to the treasurer of the water board, within thirty days after the commencement of each fiscal year, and water rents shall be from the commencement of each fiscal year; liens upon the property upon which the same shall be assessed or charged. The</p>
Treasurer to prepare lists of water rents.	<p>treasurer of said water board shall, at the termination of each fiscal year, cause a list to be prepared and certify the same, which list shall contain in the first column a brief description of the property upon which unpaid water rents shall have been imposed, or been payable during such years; in the second column, the amount of the annual water rent charged and unpaid upon such property; in the third column, the name or reputed name of the owner or occupant of such property, or if such owner shall be unknown, then the words "unknown owner," and shall file such certified list with the clerk of said city.</p>
Warrant to collect same.	<p>The common council of said city shall thereupon issue their warrant to the receiver of taxes of said city, directing him to collect the same, with interest and commissions, as is or may be provided for collection of city taxes, and said receiver shall daily make payment of such water taxes as he shall collect to the treasurer of the board of water commissioners, and report daily in items the amounts collected, and against</p>
Return of.	<p>what property; and make return of his proceedings and of unpaid rents thereof, in the same manner as is or may be prescribed in the charter of the city of Yonkers, upon a warrant issued to him for collection of city taxes, and as to such water rents as shall not be paid to such receiver, and the non-payment of which, he shall return and</p>
Sale of property for non-payment.	<p>certify as above, the said common council are hereby authorized to sell the property upon which the same shall be charged, in the same manner and to the same extent, and to the same effect, in all respects as they are or may be authorized to sell lands for unpaid taxes, and the issuing of a lease upon any such sale shall be presumptive evidence of the regularity of the sale, the legality of the imposition of the charge or water rent, and that the same was unpaid; and that all the proceedings up to and including the issuing of such lease were regular and lawfully authorized. The amount of money derived from the sale of such property shall be paid to the treasurer of the board of water commis-</p>

sioners. For the purposes of this section, the first fiscal year shall consist of that period of time between the day when the said commissioners shall elect and determine to commence the supply of water for said city, and the day as aforesaid to be designated as the day in which the fiscal year shall commence. Fiscal year.

§ 29. Water rents which shall remain unpaid, at the expiration of thirty days after the commencement of the fiscal year, and which shall be paid at any time before sixty days after the commencement of such fiscal year, shall draw interest at the rate of seven per cent per annum, from the commencement of the fiscal year; and water rents which shall remain unpaid sixty days after the commencement of the fiscal year, shall draw interest at the rate of twelve per cent per annum, from the commencement of the fiscal year until paid. Interest.

§ 30. The said board of water commissioners shall have power to make such rules, and by-laws, and ordinances as they deem proper, to prevent drainage into any stream, pond or spring used for the purposes of this act, or the erection of slaughter-houses, privies, stables, or other structures or works, causing or being liable to cause impurities to the waters, at any place within five hundred feet of any stream, pond or spring from which water shall be taken for the purposes of this act; and any person who shall violate any such ordinance shall be guilty of a misdemeanor, and further, shall forfeit the sum of one hundred dollars for each violation, to be recovered by action by said commissioners. For laws, etc., to prevent drainage into streams, etc.

§ 31. If any person shall willfully do, or cause to be done, any act whereby any work, materials or property whatever, erected or used or hereafter to be erected or used, for the purpose of procuring or keeping such supply of water, shall in any manner be injured, or shall erect or place any nuisance on the banks of any stream, pond or spring from which such supply of water is obtained, or shall throw anything into any such stream, pond or spring, or into the aqueduct, or into any reservoir or pipe, such person, on conviction thereof, shall be guilty of a misdemeanor, and further, shall forfeit such sum as may be fixed by ordinance of said board of water commissioners, not to exceed one hundred dollars for any one offense, to be recovered by action by said board of water commissioners. Penalty for willful injury.

§ 32. Nothing in this act contained shall be deemed, construed or taken as authority to take water from the Croton aqueduct, or from the Croton river above the Croton dam, at the entrance of the Croton aqueduct. Act, how construed.

§ 33. This act shall take effect immediately.

CHAP. 37.

AN ACT to amend "an act conferring additional corporate powers upon the village of Ellenville," passed May fifth, one thousand eight hundred and sixty eight.

Passed February 28, 1873; three-fifths being present.

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

SECTION 1. Section three of "An act conferring additional corporate powers upon the village of Ellenville," passed May fifth, one thousand