

L A W S
OF THE
STATE OF NEW YORK,
PASSED AT THE
NINETY-NINTH SESSION
OF THE
LEGISLATURE.

BEGUN JANUARY FOURTH AND ENDED MAY THIRD, 1876,
IN THE CITY OF ALBANY.

VOL. I.



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Chap. 174.

AN ACT to amend chapter thirty-six of the laws of eighteen hundred and seventy-three, entitled "An act to provide for a supply of water in the city of Yonkers," and passed February twenty-eight, eighteen hundred and seventy-three.

Passed April 26, 1876; three-fifths being present.

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

SECTION 1. Section twenty-eight of an act entitled "An act to provide for a supply of water in the city of Yonkers," passed February twenty-eight, eighteen hundred and seventy-three, is hereby amended so as to read as follows:

Income of water works, how applied.

§ 28. The entire annual income from all sources, 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 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. After the introduction of water into the city for general

Report of water commissioners.

use, said board of water commissioners shall annually, on the first Monday in December of each year, report to the common council the amount of moneys received by them from all sources, and the payments made by them for the support and maintenance, and the necessary expense of managing of the water-works during the preceding year, and for work authorized by law, and shall pay over to the treasurer of the city of Yonkers any balance remaining in their hands, to be applied by him to the payment of interest on the water bonds. In case the amount so reported and paid by the water commissioners

Interest on water bonds, how to be paid.

should not be sufficient to pay the interest on the water bonds for the ensuing year, the difference between the sum paid as aforesaid to the city treasurer and the sum required to meet the interest on said water bonds for the ensuing year shall be raised by tax, to be known and called the water tax, and which tax shall be levied and assessed by the common council of the city of Yonkers on and become a lien upon and be collected from the real property within a district, the boundaries of which district shall from time to time be fixed by the common council, and may by the common council from time to time be altered and changed, and which district shall be known as the water district. Such boundaries shall not extend farther than to include all the pieces and parcels of land lying between the Hudson river on the west and a line on the other sides of said district, distant not exceeding one thousand feet from the exterior line of distribution pipe, which, at the time of fixing or changing said district, shall have been laid in the said city, but to include nevertheless within said district all docks, wharves and piers built in said river, and all buildings and other constructions built or erected on land under the waters of said river. The assessors of said city of Yonkers shall annually make a separate assessment roll of the real property in said water district for the use of the common council in levying, assessing and collecting said water tax, which assessment roll shall be made at the same time and in the same manner

Boundaries of water district.

Assessments.

of the real property in said water district for the use of the common council in levying, assessing and collecting said water tax, which assessment roll shall be made at the same time and in the same manner

and form as is or may be provided by law for making the assessment roll for assessing, levying and collecting city taxes. Such water tax shall be apportioned and extended by or under the direction of the common council of said city upon all the different pieces or parcels of land within such water district, and shown upon said separate assessment roll, according and in proportion to the several valuations thereof, as shown on said roll; and in all other respects said water tax shall be assessed, levied and collected 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 such separate assessment roll, and by a separate warrant, and by a separate return to such warrant; but such warrant shall be issued, as near as may be, at the same time with the warrant to collect city taxes; and for the valid assessment of any lands under this section, it shall be sufficient to give the name of the owner, when known, together with the lot number, if any, on any designated map, the side of the street upon which such lot is located, and the size thereof, as nearly as can be ascertained, and the value thereof. In case the owner or owners of any of said lots shall not be known to the assessors, then the same shall be assessed to "unknown owners." No error in the name of the owners shall invalidate the assessment, nor shall any error in the description invalidate the assessment, unless the same shall mislead the owner of such land. Any water tax assessed and levied under this section, shall, to all intents and purposes, be a tax within the intent and meaning of and subject to all the provisions of title six of chapter thirty-five of the laws of eighteen hundred and seventy-three, being the charter of the city of Yonkers; and the same proceedings shall be had by the common council for the sale of lands for the non-payment of any such water tax as is or may be prescribed in said title or elsewhere in said charter for the sale of lands for the non-payment of taxes, and the leasing thereof, with like effect in all respects. The said board of water commissioners shall, by ordinance or by-law, establish a day on which shall commence each fiscal year. 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 on which the fiscal year shall commence. The said board of water commissioners are hereby authorized to ascertain, and by resolution to determine, a day upon which, for all purposes of this act, it shall be deemed that water shall have been introduced for general purposes according to the intent and meaning of this act.

Apportionment and collection of water tax.

Errors.

Liens for non-payment of taxes.

Fiscal year.

When water deemed introduced.

§ 2. Section twenty-nine of said act is hereby amended so as to read as follows:

§ 29. The board of water commissioners of the city of Yonkers shall have a right of action against the owner or the occupant of any land or building on or in which water shall be used for the amount of water rents chargeable thereon, which cause of action shall accrue from the time such water rent shall become due and payable. No interest shall be charged on water rents paid within thirty days after they become due. Water rents which shall remain unpaid at the expiration of thirty days, and which shall be paid within sixty days after the same shall have become due and payable, shall draw interest at the rate of seven per cent. per annum from the day the same became due and payable; and water rents which shall remain unpaid for sixty days or more after the same become due and payable, shall draw interest at the rate of seven per cent. per annum until paid, to be computed from the day

Rights of action.

Interest chargeable.

when the same became due and payable; and judgments recovered in the name of the said board for such unpaid water rents shall draw interest at the rate of seven per cent. per annum.

Repeal of portions of section twenty-two.

§ 3. All that part of section twenty-two of said act, which follows the words "falling due after the year eighteen hundred and seventy-six," is hereby repealed.

§ 4. This act shall take effect immediately.

Chap. 175.

AN ACT to enable the Owego Steamboat Company to improve the navigation of the Susquehanna river between the village of Owego, in the county of Tioga, and the city of Binghamton, in the county of Broome.

Passed April 26, 1876; three-fifths being present.

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

Authorizing improvement of Susquehanna river.

SECTION 1. The Owego Steamboat Company are hereby authorized to improve the navigation of the Susquehanna river between the village of Owego, in the county of Tioga, and the city of Binghamton, in the county of Broome, by the removal of rocks, bars, eel weirs,* dams not now in use for milling purposes, and other obstructions from the channel thereof, and by deepening of said channel at any points where it may be desirable for the purpose of navigating said river by steamboat between said village and said city.

Unlawful to erect eel weirs, etc.

§ 2. It shall not be lawful for any person or persons to erect any eel wear* or dam, or to place any obstruction in the channel of said river between said city and said village, so as to impede or obstruct the navigation of said river by steamboat; and for every violation of the provisions of this section, or any of them, every person violating the same or assisting in the violation thereof, shall be subject to the penalty of and shall forfeit two hundred dollars, to be sued for and recovered by the said steamboat company for the use thereof.

Penalty.

§ 3. This act shall take effect immediately.

Chap. 176.

AN ACT supplementary to chapter sixty of the laws of eighteen hundred and thirteen, entitled "An act to provide for the incorporation of religious societies, and the acts supplementary thereto."

Passed April 26, 1876.

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

Temporalities of religious societies.

SECTION 1. The rector, wardens and vestrymen, or the trustees, consistory or session of any church, congregation or religious society, incorporated under any of the laws of this State, shall administer the

* So in the original.