corporations, but the provisions of this article are to be complied with in addition to the requirements of any such ordinance, by-law or regulation; provided, however, that no such by-law, ordinance or regulation shall prevent or in hence or regulate interfere with the hawking and peddling, without the use of any but a hand driven vehicle, in any street, avenue, alley, lane, park or parkway of a municipal corporation, by an honorably discharged soldier, sailor or marine who is a cripple and the holder of a license granted pursuant to section thirty-two.

§ 3. This act shall take effect immediately.

State of New York, Office of the Secretary of State, ss.

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

JOHN J. LYONS,
Secretary of State.

LAWS OF NEW YORK.—By Authority.

CHAP. 496

AN ACT to amend the conservation law, in relation to the open season for hares and rabbits.

Became a law May 3, 1921, with the approval of the Governor. Passed, three-fifths being present.

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

Section 1. Subdivision one of section one hundred and ninety-six of chapter six hundred and forty-seven of the laws of nineteen hundred and eleven, entitled "An act relating to conservation of land, forest, waters, parks, hydraulic power, fish and game, constituting chapter sixty-five of the consolidated laws," as added by chapter three hundred and eighteen of the laws of nineteen hundred and twelve, as last amended by chapter four hundred and eighty-six of the laws of nineteen hundred and seventeen, is hereby amended to read as follows:

1. Hares and rabbits; open season; limit; sale; breeding. The open season for varying hares and cottontail rabbits shall be from October fifteenth to March first, both inclusive. The use of ferrets is at all times prohibited, except that the commission may by resolution permit ferrets to be used in particular counties. The owners or occupants of inclosed or occupied farms and lands or a person duly authorized in writing by such owner or occupant may take except by use of ferrets in any manner at any time and any number varying hares and cottontail rabbits which are injuring their property. Except in counties where the use of ferrets is permitted by resolution of the commission, the possession of ferrets afield shall be presumptive evidence of their illegal use.

§ 2. This act shall take effect immediately.

State of New York, Office of the Secretary of State, ss.

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

JOHN J. LYONS,
Secretary of State.

LAWS OF NEW YORK.—By Authority.

CHAP. 498

AN ACT to amend the conservation law, in relation to taking of pheasants.

Became a law May 3, 1921, with the approval of the Governor. Passed, three-fifths being present.

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

Section 1. Subdivision three of section two hundred and eleven of chapter six hundred and forty-seven of the laws of nineteen hundred and eleven, entitled "An act relating to conservation of land, forest, waters, parks, hydraulic power, fish and game, constituting chapter sixty-five of the consolidated laws," as added by chapter three hundred and eighteen of the laws of nineteen hundred and twelve, as last amended by chapter four hundred and eighty-six of the laws of nineteen hundred and seventeen, is hereby amended to read as follows:

3. Wild pheasants. On the last two Thursdays in the month of October and the first two Saturdays in November and November and possessed during the period of time between the first open Thursday in October and the Thursday immediately following the last open Saturday in November, both inclusive, but possession afield during the close days intervening between the first open Thursday in October and the Thursday immediately following the last open Saturday in November shall be presumptive evidence of illegal taking. Only wild male pheasants may be taken. A person may take and possess not to exceed three wild male pheasants in the open season.

§ 2. This act shall take effect immediately.

State of New York, Office of the Secretary of State, ss.

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

JOHN J. LYONS,
Secretary of State.

LAWS OF NEW YORK.—By Authority.

CHAP. 499

AN ACT to amend the conservation law, in relation to engineering and construction work.

Became a law May 3, 1921, with the approval of the Governor. Passed, three-fifths being present.

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

Section 1. Subdivision three of section two hundred and eleven of chapter six hundred and forty-seven of the laws of nineteen hundred and eleven, entitled "An act relating to conservation of land, forest, waters, parks, hydraulic power, fish and game, constituting chapter sixty-five of the consolidated laws," as added by chapter three hundred and eighteen of the laws of nineteen hundred and twelve, as last amended by chapter four hundred and eighty-six of the laws of nineteen hundred and seventeen, is hereby amended to read as follows:

3. Conservation department; water power commission. The conservation department is hereby created and shall have three divisions. The department shall consist of a commission to be in charge of a commissioner, to be known as the conservation commission, which, except as otherwise provided in this chapter, shall have all the powers and be subject to all the duties of the forest preserve board and the forest, fish and game commission or commissioner. In addition to the powers and duties hereinbefore enumerated, the conservation commission shall have all the powers and be subject to all the duties of the commissioners of the state reservation at Saratoga Springs as fixed by law on January first, nineteen hundred and sixteen. The commission shall consist of a member to be appointed by the governor, by and with the advice and consent of the senate. The governor may remove the commissioner for inefficiency, neglect of duty or misconduct in office, giving to him a copy of the charges against him and an opportunity of being publicly heard in person or by counsel in his own defense. Upon not less than ten days notice the governor shall be removed the governor shall file in the office of the secretary of state a complete statement of such charges made against such commissioner, and any findings thereon, together with a complete record of the proceedings. Subject to the foregoing provisions the present commissioner shall continue in office for the term for which he was appointed. The chief term of office of the commissioner shall be six years to be computed from the first day of January of the year in which he shall have been appointed. The commissioner shall receive an annual salary of eight thousand dollars. The terms "commission," "conservation commission" and "commissioner," when used in this chapter, except in articles seven, seven-a, eight, eight-a, nine, nine-a and nine-b thereof, shall each mean the conservation commission, and wherever in the forest, fish and game law or any other statute, action required to be taken by, powers or duties of, or by the concurrence of a majority of the members, such action shall be taken by a formal order of such commissioner entered in the records of the conservation department.

The terms "commission," "conservation commission" and "commissioner" as used in articles seven, seven-a, eight, eight-a, nine, nine-a and nine-b, shall mean the conservation commission, consisting of the commissioner and a deputy designated by him, the attorney-general and a deputy designated by him, and the state engineer and surveyor and a deputy designated by him. Such commission shall be known as the water power commission. Where by the provisions of any such article, any plans or specifications require the approval of such commission, such approval shall not be given by the state engineer and surveyor. All engineering work, except surveying boundaries of forest preserve property, on the part of the state under the provisions of any article of this chapter shall be performed by the state engineer and surveyor or the forces of his department. With the approval of such commission, the members thereof may assign to the work of such commission such officers and subordinates of their several offices or departments as may be necessary. Such commission may employ such assistants as may be provided for by appropriation, and may have such officers within

have an official seal. For the purpose of taking testimony or collecting information any member of such commission which the commission is directed by law to make, the commission may by resolution designate an officer or employee of any of the three departments of the members to act as its deputy and to conduct such hearing and investigation. Any member of the commission, or his duly authorized deputy, or any duly authorized deputy of the commission, shall have power to administer oaths in any proceeding which the commission is required or authorized by law to conduct. The provisions of sections twenty-four and twenty-five of this chapter shall apply to this commission as well as to the conservation commission.

§ 3. Office and official force. The conservation commission shall have its principal office in the city of Albany. The commission shall appoint, to hold office during its pleasure, a secretary to the commission at an annual salary of three thousand dollars, a deputy commissioner at an annual salary of six thousand dollars, a superintendent of forests at an annual salary of five thousand dollars and an assistant superintendent of forests at an annual salary of three thousand dollars, deputy commissioner, superintendent of forests, assistant superintendent of forests, chief game protector and chief fish and game protector shall each have reimbursed to him all actual and necessary traveling and other expenses and disbursements incurred or made by him in the discharge of his official duties. The commission shall also appoint such other subordinates as shall be needed, and fix their compensation within the amount appropriated therefor. The commissioner, deputy, secretary and each chief of a division shall before entering upon the duties of his office, give a bond to the people of the state in the sum of ten thousand dollars, with sureties to be approved by the comptroller, conditioned for the faithful performance of his duties, and that he will account for and pay over pursuant to law all money received by him.

§ 4. Section four of such chapter, as amended by chapter three hundred and eighteen of the laws of nineteen hundred and twelve, is hereby amended to read as follows:

§ 4. Divisions. There shall be in the department a division of land and forests which shall be charged with all matters relating to tree culture and reforestation by the state and to the care and management of such parks, reservations or lands of the state as now are or hereafter shall be placed under the jurisdiction of the commission, and a division of fish and game which shall be administered all laws relating to state jurisdiction over fish and game and for the propagation thereof, including shellfish. The superintendent of forests shall be the chief and administrative head of the division of lands and forests. The chief game protector shall be the chief and administrative head of the division of fish and game.

§ 5. Section twenty-one of such chapter is hereby amended to read as follows:

§ 21. Duties of engineer. It shall be the duty of the state engineer to continue the investigations heretofore conducted by the conservation commission of the water resources of the state, including the systematic gaging of rainfall and stream flow throughout the state, so as to provide for the comprehensive study of the entire state, for the conservation, development, regulation and use of the waters in each of the principal watersheds of the state.

§ 6. Section twenty-two of such chapter, as amended by chapter two hundred and ninety-eight of the laws of nineteen hundred and sixteen, is hereby amended to read as follows:

§ 22. Structures for impounding water; inspection. Dams, dikes, parallels, structure for impounding water and no dock, pier, wharf or other structure used as a landing place on waters shall be erected or reconstructed by any public corporation or by any private person or corporation without notice to the state engineer and surveyor, nor shall any such structure be erected, reconstructed or maintained without complying with such conditions as the state engineer and surveyor may deem necessary for the protection of life or property against danger therefrom. No order made by the state engineer and surveyor shall be deemed to authorize any invasion of private rights, or taking of private property, by any person in carrying out the requirements of such order. Such officer or board may whenever in his judgment public safety shall so require, to make and serve an order directing any person, corporation, officer or board, controlling, maintaining or using any structure hereinbefore referred to, to remove, repair or reconstruct the same within such reasonable time, and in such manner as shall be specified in such order, and it shall be the duty of every such person, corporation, officer or board to obey such order, and to comply in such order and with the conditions prescribed by the state engineer and surveyor for safeguarding life or property against danger therefrom, and every person, corporation, officer or board failing, omitting or neglecting so to do, or who hereafter erects or reconstructs any such structures hereinbefore referred to without submitting

tion, failure or refusal to comply.

§ 9. Article five of such chapter, consisting of sections two hundred and four hundred and one, is hereby repealed.

§ 10. Sections four hundred and eighty-three and four hundred and eighty-four of such chapter, as added by chapter four hundred and ninety-three of the laws of nineteen hundred and nineteen and amended by chapter four hundred and forty-seven of the laws of nineteen hundred and twenty, are hereby amended to read as follows:

§ 483. Determination upon petition for drainage improvements. The commission on receipt of any such petition shall forthwith determine whether the drainage and improving of said lands and the construction and operation of a ditch or ditches, pipe or other channel or channels, dams, dykes, gates and sluices, or the improvement of an existing channel or channels, or the construction of other works, is of sufficient importance to the public health or safety, or sufficiently conducive to public welfare, to warrant the interference of the state under the provisions of this article. If it shall determine that the relief prayed for should be granted, such commission shall at once or at such time as it may deem necessary, make such preliminary surveys and investigations as may be proper to determine the available means to correct the said conditions and to the conservation of public health and safety, or for the conservation of public welfare, and, if relief therefrom is in the opinion of the commission practicable, it shall enter the same upon its minutes and shall cause a statement thereof to be signed and filed in a like manner as hereinbefore provided for the filing of the original determination, and forthwith give notice of such filing by publication.

Any person or public corporation aggrieved by such determination, or any modification or as so modified, may review the same in a like manner as a review is had of the determination of the board of assessors of a city or county.

No review shall be had unless at the time of the application for a writ of certiorari the person or public corporation seeking a review shall file a bond, having approved by the supreme court or a justice thereof as to form, amount and sufficiency of sureties, that, in the event of failure to modify such final determination, he or they will pay to the commission all such costs and expenses as are incurred by or on account of the said certiorari proceedings, and shall be determined by the court. The final determination of benefits shall be final and conclusive unless application shall be made for a writ of certiorari within thirty days from the time of filing thereof.

Such determination of benefits, if so modified and it further modified by any final judgment or order made in proceedings to review the same as herein provided, shall be final and conclusive as to the amount of the total cost and expense of such improvement and maintenance thereof and the bonds and certificates to be issued as the same shall be assessed and interest thereon, which said several parcels of land and properties are to pay and bear, shall be based upon the amount of benefits accruing to such lands respectively as specified in and in accordance with said determination as so modified as hereinafter provided.

§ 484. Contracts. Before any contract shall be made the commission shall make maps, plans and specifications for the work to be done and materials furnished and shall maintain and shall ascertain with accuracy the quantity of embankment, excavation and masonry, the quantity and quality of all materials to be used and shall be borne by the said public corporations respectively and by the individual owners of property benefited collectively, expressed in decimals, and in case any part or proportion of the cost of such improvement is not properly assessable upon public corporations, or individual properties, or any of them, as not in the nature of a local improvement, such part or proportion of the expense shall be deducted from the total cost before apportioning the same upon public corporations and individual properties as aforesaid, and shall be certified by the said commission to the legislature as a state charge. In the event that in such plans and statements, a charge is made against the state for any share of the expenses of the proposed improvement as herein provided, such preliminary expenses as may have been necessary, no such improvement shall be made under this article pursuant to any such final order as shall be made, shall make appropriation to pay the state's share of such expenses. The sum so appropriated shall be paid into the general fund of the state and credited to such improvement district for which it is appropriated.

Duly certified copies of said maps, plans, specifications and statements shall be filed in the office of the county clerk of each county wherein is situated land or easements to be taken for such proposed improvements, or lands situated within such improvement, the improvement district and in the office of the state engineer and surveyor. Upon the completion and filing of such maps, plans, specifications and statements, the commission shall give notice by publication of the filing thereof, and of the time and place where said commission will give a hearing to persons interested therein.

No person or public corporation to be affected shall be heard in opposition to the organization of the proposed district, or the proposed improvements, unless prior to the date specified in such notice, or within such additional time as may be allowed by order of the commission, they shall file in the office of the state engineer and surveyor written objections thereto. Every objection so filed shall specifically state the ground thereof.

The commission shall upon the day specified in such notice, or upon such subsequent day or days to which it may adjourn the hearing, proceed to examine the said petition and hear the evidence offered in support of and in opposition to the organization of the proposed district or the proposed improvements.

Upon the conclusion of such hearing the commission shall determine whether such district should be organized, and what, if any, modifications should be made in the plans, maps, specifications and statements.

If the commission shall determine that said plans, maps, specifications and statements should be modified in any respect, it shall make such order as to modified plans, maps, specifications and statements and give notice of and hold a hearing thereon in the same manner as provided for in regard to the original thereof.

Upon the completion of such hearings, if the commission shall finally determine that the district shall be organized and that the proposed improvements should be made, it shall thereupon enter upon its minutes a final order creating such district and adopting such plans, maps, specifications and statements, and shall cause such final order or certified copies thereof to be filed or recorded in the office of the county clerk of each county within which said lands in such district are located and in the office of the state engineer and surveyor, and shall cause notice of such filing by publication.

Any person or public corporation affected by the final determination of the commission may review the same by certiorari. Unless application shall have been made for a writ of certiorari within thirty days after the filing of said final order, as herein provided, the said district shall be deemed organized and the plans, maps, specifications, et cetera, shall be established and said plans, maps, specifications and statements of such district. In the event that upon such review there shall be any modification by the court of said final order, maps, plans, specifications and statements, the court shall direct the modification thereof by order, and the commission shall cause such order to be filed and recorded.

§ 11. Sections four hundred and eighty-five, four hundred and eighty-eight and four hundred and ninety-one of such chapter, as added by chapter four hundred and ninety-three of the laws of nineteen hundred and nineteen and amended by chapter two hundred and forty-seven of the laws of nineteen hundred and twenty, are hereby amended to read as follows:

§ 485. Apportionment of benefits. If proceedings to review the final order of the commission creating the drainage improvement district and adopting the plans, maps, specifications and statements have not been instituted within thirty days from the date of the filing of the same, or upon the filing of a modification thereof as directed by a final order of the court, the commission shall proceed to apportion the benefits and properties in such drainage improvement district to be benefited collectively as determined under the provisions of this article the benefit which will accrue thereto by reason of such improvement in the following manner. The commission shall determine, after an investigation thereof, the amount of a main benefit to be received by the said lands and properties and shall specify the same in a statement intended opposite the number of each parcel of land and each designation or description of property corresponding with the number thereof on said survey and map and description of such improvement district with the name of the owner or owners thereof, as the same appear on said map and survey and descriptions; such statement shall also include a statement of the estimated cost of the proposed improvements and the share of the said estimated cost to be paid by the owner or owners of the said lands, which shall be proportional to the

and [illegible] of the said lands, as determined by the [illegible] in the order of the benefits to the said lands as relates to the lands and properties included in the district.

Upon the preparation and filing of such estimate of cost, determination of benefits and the share of the estimated cost, to be borne by each person, the commission shall give notice by publication of the filing thereof, and of the time and place where said commission will give a hearing to persons or public corporations interested therein.

No person or public corporation to be affected shall be heard in opposition to the organization of the proposed district, or the proposed improvements, unless prior to the date specified in such notice, or within such additional time as may be allowed by order of the commission, they shall file in the office of the state engineer and surveyor written objections thereto. Every objection so filed shall specifically state the ground thereof.

The commission shall upon the day specified in such notice, or upon such subsequent day or days to which it may adjourn the hearing, proceed to examine the said petition and hear the evidence offered in support of and in opposition to the organization of the proposed district or the proposed improvements.

After such hearing the commission may change or modify its determination of the estimate of cost, determination of benefits and share of the estimated cost to be borne by each person, but unless it shall enter the same upon its minutes and shall cause a statement thereof to be signed and filed in a like manner as hereinbefore provided for the filing of the original determination, and forthwith give notice of such filing by publication.

Any person or public corporation aggrieved by such determination, or any modification or as so modified, may review the same in a like manner as a review is had of the determination of the board of assessors of a city or county.

No review shall be had unless at the time of the application for a writ of certiorari the person or public corporation seeking a review shall file a bond, having approved by the supreme court or a justice thereof as to form, amount and sufficiency of sureties, that, in the event of failure to modify such final determination, he or they will pay to the commission all such costs and expenses as are incurred by or on account of the said certiorari proceedings, and shall be determined by the court. The final determination of benefits shall be final and conclusive unless application has been made for a writ of certiorari within thirty days from the time of filing thereof.

Such determination of benefits, if so modified and it further modified by any final judgment or order made in proceedings to review the same as herein provided, shall be final and conclusive as to the amount of the total cost and expense of such improvement and maintenance thereof and the bonds and certificates to be issued as the same shall be assessed and interest thereon, which said several parcels of land and properties are to pay and bear, shall be based upon the amount of benefits accruing to such lands respectively as specified in and in accordance with said determination as so modified as hereinafter provided.

§ 488. Contracts. Before any contract shall be made the commission shall make maps, plans and specifications for the work to be done and materials furnished and shall maintain and shall ascertain with accuracy the quantity of embankment, excavation and masonry, the quantity and quality of all materials to be used and shall be borne by the said public corporations respectively and by the individual owners of property benefited collectively, expressed in decimals, and in case any part or proportion of the cost of such improvement is not properly assessable upon public corporations, or individual properties, or any of them, as not in the nature of a local improvement, such part or proportion of the expense shall be deducted from the total cost before apportioning the same upon public corporations and individual properties as aforesaid, and shall be certified by the said commission to the legislature as a state charge. In the event that in such plans and statements, a charge is made against the state for any share of the expenses of the proposed improvement as herein provided, such preliminary expenses as may have been necessary, no such improvement shall be made under this article pursuant to any such final order as shall be made, shall make appropriation to pay the state's share of such expenses. The sum so appropriated shall be paid into the general fund of the state and credited to such improvement district for which it is appropriated.

Duly certified copies of said maps, plans, specifications and statements shall be filed in the office of the county clerk of each county wherein is situated land or easements to be taken for such proposed improvements, or lands situated within such improvement, the improvement district and in the office of the state engineer and surveyor. Upon the completion and filing of such maps, plans, specifications and statements, the commission shall give notice by publication of the filing thereof, and of the time and place where said commission will give a hearing to persons interested therein.

No person or public corporation to be affected shall be heard in opposition to the organization of the proposed district, or the proposed improvements, unless prior to the date specified in such notice, or within such additional time as may be allowed by order of the commission, they shall file in the office of the state engineer and surveyor written objections thereto. Every objection so filed shall specifically state the ground thereof.

The commission shall upon the day specified in such notice, or upon such subsequent day or days to which it may adjourn the hearing, proceed to examine the said maps and profiles and to hear the proofs and arguments submitted in support of and in opposition to the proposed project, but no person, municipal corporation or local authorities shall be heard in opposition thereto except on objections filed as authorized by this section. The commission shall determine whether the plans proposed are justified by public necessity, whether they provide for the proper and safe construction of all work contemplated by the project, they provide for the proper protection of the supply and the watershed from contamination or provide for the proper filtration of such additional supply, and whether such plans are just and equitable to the other municipalities and civil divisions of the state affected thereby and to the inhabitants thereof, particular consideration being given to their present and future necessities for sources of water supply, and whether said plans make fair and equitable provisions for the determination and payment of any and all legal damages to persons and property, both direct and indirect, which will result from the execution of said plans or the acquiring of said lands. The commission shall within ninety days after the final hearing and with all convenient speed either approve such project, maps and plans as presented or with such modifications in the application, maps and plans submitted as it may determine to be necessary for the protection of the supply and the interests of the applicant or of the inhabitants of the territory supplied by it with water, or the water supply and interests of any municipal corporation, or other civil division of the state, or the inhabitants thereof, or the water supply and interests of any other person or waterworks corporation, engaged in supplying water to any other municipal corporation or other civil division of the state or the inhabitants thereof; or to bring into co-operation all municipal corporations, or other civil divisions of the state, which may be affected thereby; or to make just and equitable the submitted plan or scheme to determine and provide for the payment of the proper compensation for any and all legal damages to persons or property, whether direct or indirect, which will result from the acquiring of said lands and the execution of said plans, or to make safe and adequate provision for the same and shall be used by it in paying from time to time such legal damages provided. In withdrawing such deposits, the commission shall withdraw not more than one-half of the amount so deposited by any municipality shall be used, or of the separate deposits of other municipalities shall have been withdrawn.

Upon concurrence in a sufficient number of municipalities by affirmative votes on submission of the proposition aforesaid and the deposit of an aggregate amount of money equal to the estimate of the cost reported as herein provided, the commission shall proceed to construct such project as described in its report or as the same may after such hearing be modified, subject only to such minor changes in the design as circumstances may make desirable and shall have the power to acquire by condemnation by the commission shall be certified by said commission to the person, waterworks corporation, municipal corporation or other civil division of the state making such application and shall be paid by said applicant within thirty days thereafter upon the certificate of the commission to the persons entitled thereto.

§ 38-a. Section five hundred and twenty-[illegible] of such chapter is hereby repealed.

§ 38-b. Sections five hundred and thirty-one, five hundred and thirty-two, five hundred and thirty-three, five hundred and thirty-four and five hundred and thirty-seven of such chapter, as added by chapter two hundred and thirty-three of the laws of nineteen hundred and thirty, are hereby amended to read as follows:

§ 531. Petition to commission; [illegible]

§ 17. Section four hundred and twenty-[illegible] of such chapter, as added by chapter [illegible] of the laws of nineteen hundred and [illegible] and amended by chapter one hundred and eighty of the laws of nineteen hundred and twenty, is hereby amended to read as follows:

§ 420. Hearing; determination of expense. The commission shall view the premises affected and at or before the time specified shall hear all parties interested and such witnesses as they may produce. Such hearing may be adjourned at the discretion of the commission. The close of such hearing, if the commission shall determine that the occupying of the lands and properties specified is necessary for the construction of the work of the petitioner, it shall assess the damages to the person or persons owning the same and fix the compensation to be made therefor, in fixing the amount of compensation for lands or property to be taken the commission shall make such allowance or deduction on account of any benefit to the value of the property remaining from the proposed work as the commission shall determine are just and equitable in the premises. A copy of such determination, duly certified by the commission, shall be filed in the clerk's office of the county or counties in which such lands and properties are located.

§ 421. Municipal corporations must submit maps and profiles of new or additional sources of water supply. No municipal corporation or other civil division of the state shall support the commission or other body of or for any such municipal corporation or other civil division of the state shall, now shall any municipal corporation or other civil division of the state, or any corporation engage in supplying or proposing to supply the inhabitants of any municipal corporation or other civil division of the state with water after the chapter takes effect, have any power to acquire, or to take a water supply or an additional water supply, or to take or condemn land for any new or additional sources of water supply, until such person, corporation or civil division has first submitted the maps, plans and profiles specified in the commission, as hereinafter provided, and until the commission shall have approved the same, or approved the same with such modifications as it may determine to be necessary as hereafter provided. Approval shall not be necessary of any plans heretofore approved by the state water supply commission, or of any plans or work for a new or additional water supply or filtration plant authorized in pursuance thereof or in compliance therewith, or any plans work for the extension of supply or distributing mains or pipes of a municipal water supply plant into and for the purpose of supplying any municipality within the limits of the municipality owning such plant, including territory which has not been heretofore supplied with such municipal water, or is now provided by law. All water shall be metered at such central points under the direction and control of the commission, and the state water supply commission, if in favor of the project shall determine what proportion of the whole original cost of establishing conservation water supply, including the cost of the first delivery of water at such central points shall be borne by each municipality.

The pendency of a proceeding on the part of a municipal corporation or district for procuring an independent supply of water under any statute, shall not prevent such municipality or water district from availing itself of the benefits of the aqueduct line and the flow lines of the water when impounded, maps, plans and surveys and abstract of official reports relating to the same, showing the need for a particular source of sources of supply and the reasons therefor, the plan proposed for protecting the new supply and watershed from contamination, or the proposed plan for filtering such new supply, and such application shall be accompanied by a plan or scheme to determine and provide for the payment of the proper compensation for any and all legal damages to persons or property, whether direct or indirect, which will result from the acquiring of said lands and the execution of said plans, or to make safe and adequate provision for the same and shall be used by it in paying from time to time such legal damages provided. In withdrawing such deposits, the commission shall withdraw not more than one-half of the amount so deposited by any municipality shall be used, or of the separate deposits of other municipalities shall have been withdrawn.

Upon concurrence in a sufficient number of municipalities by affirmative votes on submission of the proposition aforesaid and the deposit of an aggregate amount of money equal to the estimate of the cost reported as herein provided, the commission shall proceed to construct such project as described in its report or as the same may after such hearing be modified, subject only to such minor changes in the design as circumstances may make desirable and shall have the power to acquire by condemnation by the commission shall be certified by said commission to the person, waterworks corporation, municipal corporation or other civil division of the state making such application and shall be paid by said applicant within thirty days thereafter upon the certificate of the commission to the persons entitled thereto.

§ 522. Petition for approval of plans for water supply and proceedings thereupon. Any municipal corporation or other civil division of the state, any person or waterworks corporation, may make application by petition in writing to the commission for the approval of its maps, plans and profiles for supplying an additional water supply or for such new or additional source or sources of water supply. Such application shall be accompanied by a plan or scheme to determine and provide for the payment of the proper compensation for any and all legal damages to persons or property, whether direct or indirect, which will result from the acquiring of said lands and the execution of said plans, or to make safe and adequate provision for the same and shall be used by it in paying from time to time such legal damages provided. In withdrawing such deposits, the commission shall withdraw not more than one-half of the amount so deposited by any municipality shall be used, or of the separate deposits of other municipalities shall have been withdrawn.

Upon the issuance and sale by a municipality of bonds as herein provided, the proceeds shall be deposited in a national or state bank or in a trust company by each municipality separately, but to the credit of the commission, and shall be used by it from time to time in the construction of such project as described in its report. Such municipality shall select the depositories which shall agree to pay the highest rate of interest upon such deposit and the deposit shall be secured by bonds to the municipality approved by the commission. The interest accumulating upon such deposits shall be credited to the municipality making the same and shall be used by it in paying from time to time such legal damages provided. In withdrawing such deposits, the commission shall withdraw not more than one-half of the amount so deposited by any municipality shall be used, or of the separate deposits of other municipalities shall have been withdrawn.

Upon concurrence in a sufficient number of municipalities by affirmative votes on submission of the proposition aforesaid and the deposit of an aggregate amount of money equal to the estimate of the cost reported as herein provided, the commission shall proceed to construct such project as described in its report or as the same may after such hearing be modified, subject only to such minor changes in the design as circumstances may make desirable and shall have the power to acquire by condemnation by the commission shall be certified by said commission to the person, waterworks corporation, municipal corporation or other civil division of the state making such application and shall be paid by said applicant within thirty days thereafter upon the certificate of the commission to the persons entitled thereto.

§ 533. Acquiring of lands. The commission or its members or agents, and such other persons as may be necessary for the execution of the powers and duties herein provided, including engineers designated by the state engineer and surveyor, may enter upon any land or water for the purpose of making surveys, examinations and investigations for preparing the maps, plans, specifications and estimates herein provided for, and the persons damaged thereby shall be entitled to the claims therefor with the court of claims and recover against the state such damages.

The commission shall have the power to purchase and take possession of in the name of the people of the state of New York and to be held by said people for the purposes authorized by this article, the [illegible]

[illegible] of the state, except as herein otherwise provided, such election shall be conducted according to the statutes applicable to the submission of a proposition for the affirmative may through said board of trustees apply to the commission to certify the proportion of cost which such municipality should bear of such project, as herein provided to be modified by reason of the elimination of the municipalities voting in the negative, and on a vote of the municipalities of such estimate, a proposition based thereon shall be submitted to each municipality in the manner herein provided for the submission of an original proposition and in that case the provision aforesaid as to the issuance and sale of bonds shall be deemed modified but in such case any municipality shall vote in the negative, no further proceeding shall be had upon such petition and said union water district shall cease to exist.

Provided that in such case the municipalities voting in the affirmative may through said board of trustees apply to the commission to certify the proportion of cost which such municipality should bear of such project, as herein provided to be modified by reason of the elimination of the municipalities voting in the negative, and on a vote of the municipalities of such estimate, a proposition based thereon shall be submitted to each municipality in the manner herein provided for the submission of an original proposition and in that case the provision aforesaid as to the issuance and sale of bonds shall be deemed modified but in such case any municipality shall vote in the negative, no further proceeding shall be had upon such petition and said union water district shall cease to exist.

Upon the issuance and sale by a municipality of bonds as herein provided, the proceeds shall be deposited in a national or state bank or in a trust company by each municipality separately, but to the credit of the commission, and shall be used by it from time to time in the construction of such project as described in its report. Such municipality shall select the depositories which shall agree to pay the highest rate of interest upon such deposit and the deposit shall be secured by bonds to the municipality approved by the commission. The interest accumulating upon such deposits shall be credited to the municipality making the same and shall be used by it in paying from time to time such legal damages provided. In withdrawing such deposits, the commission shall withdraw not more than one-half of the amount so deposited by any municipality shall be used, or of the separate deposits of other municipalities shall have been withdrawn.

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[illegible]