

L A W S
OF THE
STATE OF NEW YORK,

PASSED AT THE
ONE HUNDRED AND EIGHTEENTH SESSION

OF THE
LEGISLATURE,

BEGUN JANUARY SECOND, 1895, AND ENDED MAY SIXTEENTH,
1895, IN THE CITY OF ALBANY.

VOL. II—PART I.



ALBANY:
JAMES B. LYON, PRINTER.
1895.

Issue and
sale of
bonds.

ment of said sum so borrowed, the town board of said town are authorized to forthwith issue its bonds, in such denominations as the said town board shall determine, but not exceeding in the aggregate the sum of two thousand dollars. Said bonds shall become due and payable as follows: One thousand dollars on the twelfth day of March, one thousand nine hundred and one, and one thousand dollars on the twelfth day of March, one thousand nine hundred and two; and shall bear interest at a rate not exceeding five per centum per annum, payable annually on the twelfth day of March in each year until the principal sum is paid. Said bonds shall not be sold for less than the par value thereof, and shall be signed by the supervisor and town clerk of said town.

Tax for in-
terest and
principal.

§ 2. It shall be the duty of the said town of Caneadea to make due provision by tax in each year for the payment of the interest falling due on said bonds and also for the payment of the principal when the same becomes due, and said interest and principal shall be assessed, levied, raised and collected in the same manner as any other public or general tax of the said town of Caneadea, and the money when collected shall be paid to the supervisor of said town and by him applied to the payment of said bonds and interest and for no other purpose.

§ 3. This act shall take effect immediately.

Chap. 536.

AN ACT to amend chapter fifty-three of the laws of eighteen hundred and seventy-nine, entitled "An act to revise the charter of the city of Auburn," and the several acts amendatory thereof.

Accepted by the city.

BECAME a law May 3, 1895, 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:

Charter
amended.

Section 1. Section sixteen of title four of chapter fifty-three of the laws of eighteen hundred and seventy-nine, entitled "An act to revise the charter of the city of Auburn," is hereby amended so as to read as follows:

Eligibility
to office.

§ 16. No person shall be eligible to any or either of the offices mentioned in this title, unless he shall be a resident elector of

said city, nor any or either of the ward offices herein mentioned unless he be a resident elector of the ward for which such officer is to be chosen; and whenever any person elected to any ward or city office shall cease to be a resident elector of the city or of the ward for which he shall have been elected, he shall be deemed thereby to have vacated his office, and the common council shall so declare. No person elected or appointed to any office created by this act, or by any special act relating to the city of Auburn, shall be eligible, or be elected or appointed to any other office in said city of Auburn, during the time such person may serve under such election or appointment. This provision shall not be construed as prohibiting or disqualifying the mayor from acting as a member of such municipal boards as he is made *ex officio* a member of.

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

§ 24. Each member of the common council shall have one vote ^{Voting by members of council.} except that on a motion, resolution or ordinance the mayor shall only vote when the votes of the other members present and voting are tied. When a ballot is taken, and when a vote is had upon the question of the removal from office of a person appointed by the council, the mayor shall vote with the other members.

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

§ 27. Any person appointed to office under the provisions of ^{Removals from office.} this act, by the common council, may be removed at any time, by the concurring vote of seven members of said common council.

§ 4. Section thirty-three of said act is hereby amended by add- ^{Powers of council.} ing thereto, at the end thereof, subdivisions fifty, fifty-one and fifty-two as follows:

50. To prevent and punish horse-racing and immoderate and ^{Horse-racing.} reckless driving and riding in the streets and highways and across and over crosswalks.

51. To regulate and provide the width of tires upon wagons ^{width of tires upon wagons.} used in drawing and hauling heavy loads upon and over the paved, macadamized and improved roads and streets of said city, and to establish and provide a system of license fees, for ^{License for draught wagons.} the use of such wagons, to be paid by the owners or users thereof, based on the width of the tires used thereon.

Ordinances for good government, etc.

52. And such other and further ordinances, not inconsistent with the laws of the State, as shall be deemed expedient for the good government of the city, the protection of its property, the safety of its citizens, the preservation of peace and good order, the suppression of vice, the benefit of trade, the preservation and protection of the public streets, the preservation of the public health, the prevention and extinguishment of fires and the exercise of its corporate powers and performance of its corporate duties.

§ 5. Section forty-two of said act, as amended by chapter four hundred and eighty-two of the laws of eighteen hundred and eighty-nine, is hereby further amended so as to read as follows:

Assessors, their powers and duties.

§ 42. The assessors shall perform the duties and possess the powers conferred upon the assessors of towns, and be subject to like obligations. They shall perform all the duties specified in this act, in reference to the assessment of property within the city for the purpose of levying the taxes imposed by the common council, or for defraying the expenses of local improvements and shall make and deliver to the city treasurer, on or before the first day of April in each year, a proper description of the lands on which taxes or assessments are levied and unpaid, with the names or* the owners or occupants, if known. They shall perform such other duties as the common council shall require and direct. For all services rendered by them they shall each receive an annual salary of seven hundred dollars, payable weekly.

Salary.

§ 6. Section fifty-three of said act, as amended by chapter one hundred and eighty-two of the laws of eighteen hundred and eighty-one, is hereby further amended so as to read as follows:

Recorder, his duties, powers and jurisdiction.

§ 53. The recorder shall hear all complaints made to him upon oath, against any person charged with the commission within said city, of a felony, misdemeanor, statutory offense or violation of any ordinance, and may compel the attendance of witnesses and examine them on oath, upon the hearing of such complaint. If he has reason to believe, from such examination, that the offense has been committed by the person charged, he shall issue his warrant in due form of law, for the apprehension of the offender. He shall possess the powers and jurisdiction and be subject to the liabilities of justices of the peace of towns,

* So in the original.]

and may be removed in like manner. Subject to the power of removal provided for in chapter one of title six of the code of criminal procedure, the recorder's court shall have in the first instance, exclusive jurisdiction to hear and determine charges of misdemeanors committed within the city of Auburn. The recorder shall have exclusive jurisdiction, as against the city judge and justices of the peace, within the city, in all criminal matters and violations of city ordinances. All courts held by him, including such as have heretofore been denominated courts of special sessions, shall be known as the recorder's court. He may sentence any person convicted before him and fined for a violation of any ordinance, to imprisonment in the county jail until the fine be paid, not to exceed the period of imprisonment named in such ordinance. If at the time of such conviction the county of Cayuga has a contract with any penal institution for the keeping of prisoners, the recorder may sentence the persons so convicted (when the imprisonment is for sixty days or more) to be imprisoned in such penal institution instead of in said county jail. He shall receive, quarterly, from the sheriff of the county all money paid to said sheriff for fines imposed by said recorder, which, together with all other money received by him for like purposes, he shall pay over to the city treasurer. He shall report in detail to the common council, at its first regular meeting in each quarter, the names of all persons convicted and sentenced by him, with the date, offense charged and convicted of and penalty imposed, respectively, and all moneys received by him on account thereof, accompanied by a receipt from the city treasurer therefor.

Recorder's court.

Sentences for violation of ordinances.

Fines.

Quarterly reports.

Process in city court.

Form of summons.

§ 7. Section fifty-six of said act, as amended by chapter two hundred and thirty-two of the laws of eighteen hundred and eighty, is hereby further amended so as to read as follows:

§ 56. Process shall be made returnable before said court by its proper title, and may be signed and issued by the city judge or recorder; a summons commencing an action in said court, in substantially the following form, exclusive of the title of the action, and the signature (the blanks being properly filled), viz.: To the above-named defendant: You are hereby summoned to appear before the city court of the city of Auburn, at its rooms in the city hall in said city, on the _____ day of _____ at _____ o'clock in the _____ noon, there to answer the com-

plaint of the above-named plaintiff in a civil action.—Dated Auburn, New York, day of , 189 , may be issued by any attorney admitted to practice in the courts of the State of New York, with the same force and effect in all things as if issued and signed by the city judge. Such summons shall be subscribed by the plaintiff's attorney and made returnable at ten o'clock a. m. or two o'clock p. m. on one of the days of the week designated by the city judge by order, as a regular return day, and shall be filed with proof of service thereof in the office of the city judge before the day on which it is made returnable. This provision in no manner affects the power of the city judge or recorder to issue summons in the form and manner provided by this title, but in addition thereto. The city judge shall have the powers and be subject to the liabilities (including removal from office) of justices of the peace in towns; in case of his absence or inability to act, the recorder or justice of the peace, upon the written request of said city judge or of the mayor (if the city judge shall not so request), shall hold said court, and shall possess all the powers of city judge in said city; the person so holding said court may hear, try and determine any case or proceeding over which said court shall have jurisdiction.

City judge,
powers,
&c., of.

Provision in
case of ab-
sence, &c.

§ 8. Section sixty of said act, as amended by chapter two hundred and thirty-two of the laws of eighteen hundred and eighty, is hereby further amended so as to read as follows:

§ 60. On the third Tuesday in May, eighteen hundred and ninety-five, and in every third year thereafter, the mayor, city judge, recorder and justice of the peace, or any three of them, shall meet at the office of the county clerk of Cayuga county and shall write the names of all persons on the jury list last made out, signed and filed by the officers of the town of Auburn in said clerk's office, with their additions, on separate pieces of paper, and deposit the same in a box to be provided for that purpose, and shall draw therefrom six hundred of said pieces of paper; a list of the names of persons so drawn, with their additions, shall be made and certified by the officers drawing the same and shall be filed in the office of the city clerk. As soon as such list shall be filed as aforesaid, the city judge, recorder and justice of the peace shall cause the same to be published in the official paper or papers of said city for three successive days, together with a

Jury list's,
how made
and filed.

Publica-
tion of list

notice that on a day and hour to be named therein, which shall not be less than ten days from the time of the first publication of said notice, they will attend at the city court-room to correct the same and hear evidence of exemption. On such day they shall receive evidence of exemption in the same manner as authorized in courts of record, and no juror who does not then furnish proof of a legal exemption shall thereafter be allowed to claim an exemption when he shall be drawn and summoned for jury duty. This provision shall not apply to such persons as may become exempt after the final completion of such jury list. The names of the persons found exempt by law shall be struck from the list and the ground thereof noted thereon. When the list shall have been corrected and completed it, together with a certificate of that fact, signed by the city judge, recorder and justice of the peace, and annexed thereto, shall be again filed in the office of the city clerk, who shall forthwith make and certify three copies of said corrected list, with the certificate annexed, and deposit them, one with the city judge, one with the recorder and one with the justice of the peace. Immediately thereafter the city judge, recorder and justice of the peace shall each write upon separate pieces of paper, as nearly of a size as may be, the names of the persons appearing on said corrected list, and place them in a box or other receptacle provided for that purpose, to be known as "jury box number one."

Notice of
revises.

Hearing of
evidence of
exemption.

Filing of
corrected
lists.

Ballots and
deposits of
same in
jury box.

§ 9. Section sixty-one of said act, as amended by chapter two hundred and thirty-two of the laws of eighteen hundred and eighty, is hereby further amended so as to read as follows:

§ 61. Whenever a jury shall be demanded in any action or proceeding in which the party so demanding is entitled to the same, in either the city court of the city of Auburn, the recorder's court or the court of the justice of the peace, the presiding officer of such court shall forthwith openly draw from jury box number one the names of eighteen persons, not then drawn or impaneled as jurors in actions then pending, who shall be summoned by venire issued by the presiding officer of said court, from whom a jury shall be drawn in the same manner as juries are required to be drawn in justices' courts of towns. Such presiding officer may order the constable or other officer in attendance, to summon from the bystanders or from the city at large, so many persons qualified to serve as jurors, as shall be sufficient to form a jury,

Drawing
and sum-
moning of
jurors.

whenever a sufficient number of jurors duly drawn and summoned do not appear or shall not be required to serve. The persons so drawn shall receive the same fees as jurors in justices' courts to be paid by the party who shall call for a jury; whenever a jury is drawn in an action or proceeding in either court, the names of such jurors, with the time of trial of such action or proceeding, shall be certified to each of the other courts by the officer by whom they are drawn. Each of said courts may excuse any person so summoned for serving therein as a juror when it shall appear that he is summoned as a juror in any other court, for the same day. After the adjournment of the court at which a jury trial has been had, the presiding officer of said court must deposit the ballots containing the names of those who attended and served, in another box provided and kept for that purpose, to be known as "jury box number two." The ballots containing the names of those who did not appear or serve must be returned to jury box number one. If at any time there is not a sufficient number of ballots remaining in jury box number one, the presiding officer upon drawing all the ballots therein, must draw the necessary number from jury box number two, and thereafter continue to draw from that box until the ballots therein are exhausted, (returning the names of jurors who serve to jury box number one), and must continue to so draw from said boxes alternately, until a new list of jurors is deposited in his office as provided for in section sixty of this act. The provisions of the code of civil procedure relating to selecting, drawing and procuring the attendance of jurors in justices' courts, and the provisions of the code of criminal procedure, relating to the selection, drawing and procuring the attendance of jurors in courts of special sessions and police courts, so far as they conflict with the provisions of this act, shall not apply to the city court of the city of Auburn, the recorders' court or the court held by the justice of the peace.

§ 10. Section seventy-two of said act, as amended by chapter two hundred and twenty-one of the laws of eighteen hundred and eighty-four, is hereby further amended so as to read as follows:

§ 72. The said board may employ not to exceed twenty men, as policemen for said city, and so many special policemen without pay as they shall at any time deem necessary, who, during

the time they shall be so employed, shall possess the powers, perform the duties and be subject to the liabilities of constables of towns. Any of said policemen may arrest without process any person offending against the laws of this State, the provisions of this act, or the ordinances of the city within his view, and may enter any house, store, building or other place where any person has, in said policeman's hearing or presence, committed any breach of the peace or violated any ordinance of said city, or where any riot, disorderly conduct, unlawful assemblage, noise, outcry, alarm or other disturbance shall be made, and bring the person so offending before the recorder or other magistrate having jurisdiction, and enter the proper complaint for trial. Any person who shall resist or interfere with a policeman in the lawful discharge of his duties shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine not exceeding one hundred dollars or by imprisonment in the common jail of Cayuga county not exceeding six months, or by both such fine and imprisonment. If at the time of such conviction the county of Cayuga has a contract with any penal institution for the keeping of prisoners, the recorder may sentence the person so convicted (when the imprisonment is for sixty days or more) to imprisonment in such penal institution instead of in said common jail. The salary fixed by the board of charities and police to be paid to the policemen appointed under this act shall be in lieu of all fees or charges; and no policeman so appointed shall receive any other compensation or reward in any case, except with the consent of said board.

Powers and duties.

Resisting and interference with policemen.

Salaries of policemen.

§ 11. Section seventy-three of said act is hereby amended so as to read as follows:

§ 73. The said board shall appoint from the number so employed a chief of police and a captain of police and shall, from time to time, prescribe rules and regulations for promoting and perfecting the discipline of the police. Each policeman shall hold his office during good behavior, unless he resigns, is incapacitated or dismissed. Any policeman may be publicly reprimanded or suspended with or without forfeiture of pay for a period not exceeding twenty days by the chief of police, or may be deprived of any official position he holds in the department and reduced to the ranks or dismissed by the board of charities and police for the commission of any criminal offense, neglect

Chief and captain of police.

Terms of police, suspensions, etc.

Dismissal
of police-
men.

of duty, violation of rules or regulations, disobedience of orders, absence without leave, corrupt or improper conduct, or conduct unbecoming an officer, breach of discipline or incapacity. No policeman shall be dismissed by said board until after an opportunity is given him to be heard before it, upon a notice of six days, accompanied with a copy of the charges preferred. The board of charities and police shall have the same power to issue subpoenas, compel the attendance of witnesses, administer oaths to witnesses and compel them to testify (in proceedings pending before it for the dismissal of a policeman) that is possessed by justices of the peace of towns in civil actions pending before them in which they have jurisdiction. Oaths to witnesses shall be administered and subpoenas signed by the presiding officer of said board.

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

Rules for
relief of
poor.

§ 79. The said board shall adopt uniform rules and regulations by and under which assistance or relief shall be administered, and shall prescribe the manner in which orders therefor shall be issued and signed. It shall have the power, when practicable, to furnish temporary employment to indigent persons applying for relief, who are chargeable to the town of Auburn, agree with such persons on the compensation to be paid therefor, and pay the same in money.

Temporary
employ-
ment of
poor.

§ 13. Section eighty-two of said act is hereby amended so as to read as follows :

Board of
charities
and police
may bor-
row money

§ 82. The said board may borrow money on the credit of the town of Auburn, at a rate of interest not exceeding five per centum per annum, to pay claims audited by them, and to provide a fund for the payment of indigent persons to whom they furnish employment, under the provisions of section seventy-nine of this act. They shall issue bonds for the principal and interest thereof, signed by them, payable at the office of the city treasurer in said city, on the first day of February next ensuing, for all money borrowed prior to the first day of the annual session of the board of supervisors of Cayuga county, in each year. They shall certify to said board of supervisors, at their annual session each year, a schedule of claims audited, persons employed, the compensation paid them, and the bonds issued during the year to pay said claims and compensation.

Issue of
bonds.

Annual cer-
tificate to
super-
visors.

The bonds so issued shall be a charge upon the town of Auburn, and shall be collected and paid in the same manner as other town charges of said town are levied, collected and paid.

§ 14. Section eighty-six of said act, as amended by chapter two hundred and twenty-six of the laws of eighteen hundred and ninety-three, is hereby further amended so as to read as follows :

§ 86. In addition to the amount of money certified and reported by the board of education to be necessary for the expenses of the public schools under the charge of said board for the ensuing year, the common council may, each year, raise by tax, a sum not exceeding sixteen thousand dollars for the fire department; a sum not exceeding sixty dollars per hydrant for supply of water for the fire department; a sum not exceeding twenty-five thousand dollars, for lighting the streets and public buildings; a sum not exceeding sixteen thousand dollars, for compensation of police; a sum not exceeding five thousand dollars, for a health fund; a sum not exceeding fifteen thousand dollars, for salaries and compensation of city officers, and a sum not exceeding two thousand dollars for contingent expenses of the city. Annual city taxes.

§ 15. Section eighty-seven of said act, as amended by chapter one hundred and ninety-nine of the laws of eighteen hundred and eighty-nine, is hereby further amended so as to read as follows:

§ 87. The common council may also raise by tax a sum not exceeding sixteen thousand dollars for repairing streets and highways; a sum not exceeding ten thousand dollars, to construct or repair one or more bridges, said bridges to be constructed or repaired under the direction of the common council, by contract or otherwise; a sum not exceeding five thousand dollars, to build a hose-house; a sum not exceeding fifteen thousand dollars, to pave one or more streets, but neither of said amounts shall be raised unless the common council shall have determined the same to be necessary, on or about the first day of May in such year, by a concurring vote of two-thirds of its members. Tax for highways and bridges.

§ 16. Section ninety of said act is hereby amended so as to read as follows:

§ 90. The common council may at any time within six months after the completion of any assessment-roll, correct any error of. For hose-house. For street paving. Assessment-roll, correction of.

made in copying the same, or levying or extending the tax thereon, but ten days' previous notice in writing shall be given by the clerk to the party or parties affected thereby. The common council may order and cause to be stricken from any assessment-roll any property which is illegally assessed and wrongfully thereon, or the assessment of which is for any reason illegal or invalid, and may cancel and annul any tax extended and apportioned on such illegal or invalid assessment. If such tax or assessment has been paid or enforced by a sale of the lands on which it was levied or otherwise, the common council may cause the same to be returned to the person so paying or against whose property it has been enforced. In case any tax or assessment shall be void or have failed for want of jurisdiction, or from any omission, error or irregularity in the levying or assessment thereof, or in the sale or proceedings taken for the sale, of the real estate upon which it was assessed, the common council shall have power and it shall be its duty to cause the reassessment of the amount of such tax or assessment, or money so returned, upon the same real estate, or a resale thereof, which shall for all the purposes of this act, be deemed and taken to be an original assessment or sale, as of the date thereof, and the same proceedings shall be had and taken thereafter by the assessors, common council, city officers and constables that are provided in and required by the provisions of this act to be done and taken by them respectively, on during and after an original assessment or sale.

Refunding
of taxes
and assess-
ments.

Re-assess-
ment and
resale.

Sale of
lands for
unpaid
taxes, etc.

Description
of lands to
be pub-
lished.

Notice of
sale.

§ 17. Section ninety-six of said act, as amended by chapter two hundred and fifty-five of the laws of eighteen hundred and eighty-five, is hereby further amended so as to read as follows:

§ 96. The city treasurer shall on or before the first day of May, in each year, cause to be published in one daily paper in said city, for at least two weeks, a proper description of the lands on which taxes are levied and unpaid, with the names of the owners or occupants, if known, the amount and nature of the taxes, with a notice in substance, that if the same are not paid to him with ten per cent. and the expenses of publication added thereto, on or before the third Tuesday of May next thereafter, that he will sell the lands on which or in respect to which they are imposed, or cause the same to be sold at public auction, to the highest bidder, at twelve o'clock (noon), on that day from

the steps of the city hall in the city of Auburn, to pay the taxes, fees, interest and expenses thereon, which may remain unpaid at the time of such sale. On the day and at the hour named in ^{Sale of lands} said notice the city treasurer shall commence the sale of said real estate, and shall continue such sale from day to day until the whole thereof shall be sold. If the real estate or any parcel thereof shall sell for more than the amount of the tax, interest, ^{Disposition of surplus.} additions and expenses aforesaid, the surplus shall be paid by the city treasurer into the county court of Cayuga county by delivering the same to the clerk thereof, accompanied by a statement of the facts connected therewith, and such court shall ascertain and determine upon application made to it for that purpose by any person interested, who is entitled to such money, and if it shall appear that such proceedings are valid and regular, shall order and decree its distribution and payment to the person or persons entitled thereto.

§ 18. Section ninety-seven of said act is hereby amended so as to read as follows:

§ 97. The treasurer shall execute to such bidder a certificate ^{Certificate of sale.} of sale, in which the lands purchased shall be described, and the sum paid therefor, and the nature of the tax shall be specified.

§ 19. Section ninety-eight of said act is hereby amended so as to read as follows:

§ 98. If for any of said lands no bid shall be made, or if the highest amount bid shall be less than the tax, interest, additions and expenses thereon, the city treasurer shall declare the same sold to the city of Auburn, and in a book kept for that purpose shall enter said declaration with the description of said land and the amount of the tax, interest, additions and expenses thereon. If the taxes on such lands thereafter and before the city is entitled to the certificate hereinafter provided for are not paid, the city treasurer shall certify that fact to the common council, who shall order the same paid from the contingent fund. If such land ^{Sale of lands to city.} is not redeemed as hereinafter provided, said corporation or its assigns shall acquire an absolute title in fee, and thereupon the mayor shall execute a certificate ^{Mayor's certificate of sale.} reciting said facts, which certificate may be acknowledged and recorded in the same manner as deeds of real estate, and said certificate or a copy thereof duly authenticated shall be presumptive evidence in all courts and places of the facts therein stated and of the regularity and cor-

Provisions
applicable
when lands
sold to city.

rectness of said sale and of all proceedings prior thereto. All of the provisions of section one hundred and two of this act shall apply to the city when lands are so declared sold to it, and the city treasurer shall give the notice and do and perform all the acts therein required to be done and performed by a "purchaser" before the city shall acquire the absolute title in fee to the real property so declared sold to it.

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

Redemp-
tion of
lands.

§ 99. The owner of or any person interested in any real property sold for taxes as aforesaid may redeem the same at any time within two years after the date of such sale by paying to the city treasurer for the use of the city or purchaser upon such sale, his heirs or assigns, the sum for which said real property was sold and any subsequent taxes paid by the city or person purchasing at such sale, his heirs or assigns, with interest thereon at the rate of ten per centum per annum on such amount, to be calculated from the dates of such certificate and subsequent payment. If upon any such sale any parcel of land be sold for more than the amount then due for the tax, fees, interest and expenses, the certificate delivered to the purchaser shall draw interest at the rate aforesaid only upon the amount so due, and legal interest upon the excess over such amount.

§ 21. Section one hundred of said act is hereby amended so as to read as follows:

Deed to
purchaser.

§ 100. If the land so sold for taxes shall not be redeemed in two years after such sale, as provided in the preceding section, the common council shall direct the mayor and city clerk to execute and deliver to the purchaser, his legal representatives or assigns, a deed under the corporate seal of the city, which deed shall contain the date thereof, the fact of the assessment, a description of the lands, the advertisement and sale, and that such lands have not been redeemed within the time required by law, and shall be presumptive evidence in all courts and places, that such assessment and tax were legally imposed, and that due proceedings to authorize said sale were had. Such deed shall vest in the grantee an absolute estate in fee.

§ 22. Section one hundred and one of said act is hereby amended so as to read as follows:

Possession
how
obtained

§ 101. The city upon the execution of the certificate, and the grantee or his assigns upon the delivery of the deed, shall be

entitled to the immediate possession of said lands and may obtain the same if necessary, by summary proceedings in the same manner as provided by law in cases of tenants holding over after the expiration of their terms without the consent of their landlords.

§ 23. Section one hundred and two of said act is hereby amended so as to read as follows:

§ 102. Notice shall be given by the purchaser of any real property sold for taxes under the provisions of this act, to the owner in fee, occupant, guardian of any infants having an interest therein, mortgagee, judgment creditor whose judgment is a lien thereon, purchaser upon any prior tax sale of the same property, or the heirs and assigns of any or either of them, at least three months before the expiration of the time for redemption fixed by this act, and the time for such redemption shall not be deemed to have expired until three months after such notice shall have been given. Such notice shall be written or partly written and partly printed, and shall state briefly the lot or parcel of land to be redeemed, the amount of the tax, additions, interest and expenses required to be paid upon such redemption, and that the money therefor is to be paid to the city treasurer for the use of the person giving such notice. Such notice shall be served personally or left with some person of suitable age and discretion, at the residence or place of business of any and all persons entitled thereto, if they or either of them reside in the city of Auburn or have a place of business therein; in case they or any of them do not reside or have a place of business in said city, such notice shall be deposited enclosed in a sealed envelope, postage paid, in the post-office, addressed to them at the post-office at or nearest their known place of residence; if the residence or address of any such person or persons be not known such notice shall be published at least once a week for three months prior to the day therein named as the last day for redemption, in the newspaper in which the notice of sale was originally published. The expense of mailing and publishing such notices, and of all necessary official searches to ascertain the persons entitled to such notice, shall be certified to the city treasurer by the person incurring or paying the same, and if received by said treasurer before such land is redeemed the amount thereof shall be added to and become a part of the

Notice by purchaser to owner, mortgagee, etc.

Service of notice.

Lien of per-
son redeem-
ing lands.

amount required and necessary to be paid for the redemption of said real property. Such notices shall not be served, nor shall the publication thereof when required be commenced, within eighteen months after the date of the certificate. If any person having a lien by mortgage or judgment upon the lands so sold for taxes, or purchaser at any prior tax sale, of the same property, shall redeem from such sale he shall have a further lien on the premises for the amount paid, with the interest which may thereafter accrue, at six per cent. per annum, in like manner as if the same had been included in his mortgage, judgment or certificate of sale, and the sale shall have no further effect. The words "he" and "his" as used in this and the last three preceding sections comprehend, include and refer to all purchasers upon tax sales and persons redeeming therefrom, whether male or female and whether a natural person or corporation. The word "person" includes a corporation as well as a natural person.

Words used
defined.

§ 24. Section one hundred and nine of said act, as amended by chapter one hundred and ninety-nine of the laws of eighteen hundred and eighty-nine, is hereby further amended so as to read as follows:

Street
repairs, of
annual
determina-
tion of
council as
to.

§ 109. The common council shall, on or before the fifteenth day of May in each year, determine what portion of the moneys determined by it as necessary to be raised for repairing streets and highways shall be used for such repairs and what portion shall be reserved for contingent repairs during the current year. The mayor may grade, regrade, pave, repave, flag, reflag, macadamize or cover with hard material and improve and repair streets, highways, public lanes, alleys, parks and squares in said city. The expense of all street repairs shall be paid out of and from the money set apart by the common council as aforesaid. In proceedings for paving or repaving a street or any part thereof (other than repairs), such paving or repaving shall include the furnishing, grading for and setting or resetting, when needed, of the curb and gutter on both sides of the street. When a street or any part thereof is paved or repaved (excepting repairs) and completed, the common council shall determine the aggregate cost of the improvement including the furnishing, grading for, setting and resetting of curbs and gutters, and shall direct the payment thereof from the paving fund.

Mayor may
improve
streets.

Paving and
repaving,
what
included in.

Payments
from pay-
ing fund.

§ 25. Section one hundred and twelve of said act, as amended by chapter one hundred and ninety-nine of the laws of eighteen hundred and eighty-nine, is hereby further amended so as to read as follows:

§ 112. When the mayor shall grade or regrade a street, highway, public lane, alley or square, which is already provided with sidewalks, curbs and gutters, laid or set according to grades previously established by said mayor or heretofore established by the common council, and in so doing shall change the line of grade or curbstone or gutter, the grading and regrading for sidewalks and the resetting of curbstone and gutter shall be done and the expense thereof defrayed in the same manner as other improvements upon streets, highways, public lanes, alleys and squares, except as otherwise provided in section one hundred and nine of this act.

Changes in street grade, etc., expenses how defrayed.

§ 26. Section one hundred and thirteen of said act is hereby amended so as to read as follows:

§ 113. The owner or occupant of lands fronting or abutting on any street, highway, traveled road, public lane, alley or square, shall make, maintain and repair the sidewalk adjoining his lands and shall keep such sidewalk and gutter free and clear of and from snow, ice and all other obstructions. Such owner or occupant and each of them shall be liable for any injury or damage by reason of omission, failure or negligence to make, maintain or repair such sidewalk or to remove snow, ice or other obstructions therefrom, or for a violation or nonobservance of the ordinances relating to making, maintaining and repairing sidewalks, and the removal of snow, ice and other obstructions from sidewalks, curbstones and gutters.

Sidewalks, owners to maintain, repair and clean.

Liability for damages.

§ 27. Section one hundred and twenty of said act, as last amended by chapter two hundred and twenty-six of the laws of eighteen hundred and ninety-three, is hereby further amended so as to read as follows:

§ 120. The common council after notice to parties interested and hearing thereon, and after confirmation or correction of the report of the commissioners, if lands are taken, may make, alter or repair sewers, and may purchase any material needed and cause the labor to be done by or under the direction of the street superintendent, city surveyor, committee on drains and sewers, or either of them, or may cause the same to be done by contract,

Construction, etc., of sewers.

**Contracts
and pro-
posals
therefor.**

in which latter case it shall cause a notice to be published for one week in a daily newspaper in said city, describing briefly the sewer to be constructed, altered or repaired, and that sealed proposals to contract therefor, or for some part thereof, to be specified, will be received by the mayor for the time named in said notice. Each sealed proposal must be accompanied by a bond, signed by the party or parties so proposing, and by two or more sureties, justifying in all in double the sum for which the party proposes to do the work. At its next meeting the mayor shall present to the common council all sealed proposals received by him and the same shall be opened and considered. The common council may reject any or all of the proposals if it deem it for the interest of the city so to do. If either of said proposals is deemed favorable to the city, and the bond accompanying the same is acceptable, the common council may direct the mayor and city clerk to contract with the party whose proposal is accepted. The common council may appoint a supervisor and inspector of said improvement and fix his compensation. The common council may at any time when a sewer is being constructed, altered or repaired, whether within or without a sewer district, pay to the contractor such portion of the contract-price, not exceeding the value of the work then done, as it may deem advisable, but such payment, if made, shall not be an acceptance of that portion of the sewer then completed or a waiver of any of the rights of the city with reference thereto. Such payments may be made from the contingent fund, or the common council may borrow money upon the credit of the city of Auburn, at a rate of interest not exceeding five per centum to make such payments, in which event it shall direct the mayor and city clerk to execute and deliver to the person or corporation from whom said money is borrowed an obligation therefor, signed by them, payable at the city treasurer's office at the time when the contract for said improvement provides the work shall be fully completed, and when due may extend the time of payment of said obligation if necessary, but not beyond the time when said improvement is actually completed. If any sewer, whether within or without a sewer district, shall be constructed, altered or repaired by the common council, as hereinbefore authorized, it may borrow the money required therefor as needed during the progress of the

**Supervisor
and in-
spector.**

**Payments
for work.**

work in the same manner as last hereinbefore provided. When a sewer, or the repair or alteration thereof, is completed, or a street laid out, opened, straightened, widened or altered, the common council shall determine the aggregate cost of the improvement, including interest paid or payable upon any obligation given as hereinbefore provided, compensation of inspectors, supervisors and all other disbursements connected therewith, and if the improvement is a sewer constructed, altered or repaired within a sewer district created as hereinbefore authorized, shall borrow money, upon the credit of the city of Auburn, at a rate of interest not exceeding five per centum per annum to pay for such improvement and shall direct the mayor and city clerk to issue ten bonds, signed by them, for the principal and interest thereof, each bond to be one-tenth of the whole amount as near as may be, payable at the city treasurer's office in said city, one in one year from their date, and one each successive year thereafter. The common council shall thereupon add to such ascertained cost interest upon the whole amount of said bonds, until the same become, by their terms, due and payable and shall by resolution direct the city clerk to divide the total amount so ascertained and declared, into ten equal parts or installments, as near as may be (conforming to the amount of said bonds), and add one of said parts or installments to the annual city tax upon all taxable real property situate within such sewer district, as well as upon all real property owned by persons, charitable, benevolent, religious, and educational corporations or societies exempt by law from general taxation, apportioning the same thereon according to the valuation of said property in the assessment-roll for that year and each year thereafter until the whole thereof is paid and after such addition by said city clerk, the aggregate amount in each case, shall be regarded and described in all proceedings as "tax" and shall be collected in the same manner, with like percentage, power and effect as the annual city taxes are now or may hereafter be collected. Any and all parcels of property lying partly within and partly without any sewer district created under the provisions of this act shall be deemed and held to be wholly within said sewer district for the purposes of this act. The assessors of said city are hereby authorized and directed to add

Determination of cost of street and sewer improvements.

Sewers, to borrow money and issue bonds for.

Interest added to cost.

Installments.

Annual tax therefor in sewer district.

The Addition of exempted property.

all exempt property situate within sewer districts created under the provisions of this act, to the assessment-rolls, each year hereafter, placing the assessed valuation thereof in a separate and additional column to be headed "exempt for all purposes except for the construction, alteration and repairs of sewers within sewer districts." When the bonds hereinbefore directed to be issued upon the completion of the improvement, are negotiated, the common council shall cause to be deducted from the avails thereof any sum taken from the contingent fund of the city or borrowed, as hereinbefore authorized, which sum shall be paid to the city treasurer who shall place the same in and to the credit of said contingent fund, if taken therefrom, or pay with it the obligation or obligations held by the person or corporation loaning the money evidenced thereby, or their assigns. Upon determining the aggregate cost of any other improvement authorized by this title, the common council shall borrow money upon the credit of the city of Auburn, at a rate of interest not exceeding five per centum per annum, to pay for such improvement, and shall direct the mayor and city clerk to issue bonds for the principal and interest, signed by them, payable at the city treasurer's office in said city in two installments one in one year and the other in two years from their date. The common council shall thereupon add to the ascertained cost of said improvement interest upon the whole amount of said bonds to be issued therefor until the last installment of said bonds becomes due, and shall by resolution direct the assessors to assess the whole thereof upon the real property benefited by such improvement as near as may be in proportion to the benefits received. The amount of bonds outstanding at any one time, exclusive of bonds issued in payment for sewers constructed, or in process of construction, within sewer districts, shall not exceed the sum of fifty thousand dollars. All bonds issued under the provisions of this title, or title seven of this act, shall contain a recital that they are issued pursuant to and in conformity with, the provisions of title seven or title ten (as the case may be) of the charter of the city of Auburn, which recital shall be conclusive evidence of their validity and of the regularity of their issue.

Reimbursement of contingent fund.

Improvements except sewers, issue of bonds for.

Assessment of cost, etc.

Limitation of bonds.

Recital in bonds.

§ 28. Section one hundred and twenty one of said act, as amended by chapter two hundred and fifty-five of the laws of

eighteen hundred and eighty-five, is hereby further amended so as to read as follows :

§ 121. Upon receipt of a copy of said resolution, the assessors shall immediately proceed to view the locality of the improvement, and shall assess the amount directed upon the real property benefited by such improvement, as near as may be, in proportion to the benefits received, and shall make and subscribe an assessment-roll thereof. Upon the completion of said assessment-roll, the assessors shall give five days' notice, by publication in a daily paper published in said city, of the fact that said assessment-roll is made, that the same can be seen and examined at the assessor's office, and that at the time appointed in said notice, which shall be within thirty days from the receipt of said resolution, they will hear the objections of parties interested. Said notice shall contain the names of all persons appearing upon such assessment-roll. At said time the assessors shall hear objections, and may adjourn, from time to time, not exceeding in all ten days, for that purpose. They may add to such assessment roll any property liable to assessment which may have been omitted therefrom, upon giving written notice to the owner, agent or occupant of such property, by mailing a copy of the same addressed to such owner, agent or occupant, at his last known place of residence, at least three days before the final correction of such roll. At the time fixed by the published notice, or upon any adjourned day, the said assessors may correct and change any of the amounts in said assessment-roll, either by increasing, diminishing, or omitting the same altogether, according to the justice of the case. The assessment-roll, when completed, shall be immediately filed in the city clerk's office, and thereafter the respective amounts assessed therein shall be a lien upon the lands upon which the same is assessed.

Assessments, how made.

Notice of review.

Review and correction.

Filing of roll.

§ 29. Section one hundred and thirty-one of said act, as last amended by chapter two hundred and twenty-six of the laws of eighteen hundred and ninety-three, is hereby further amended so as to read as follows:

§ 131. Said board shall establish rules and regulations for the appointment, discharge and dismissal of officers and members; for the hearing and trial of complaints, the settlement of disputes and for the government and discipline of the fire department.

Rules and regulations of fire department.

Suspensions, removals, etc.

ment. Any member of the fire department may be publicly reprimanded or suspended with or without forfeiture of pay for a period not exceeding twenty days by the chief engineer, or may be deprived of any official position he holds in the department, and reduced to the ranks, or dismissed by the board of fire commissioners, for the commission of any criminal offense, neglect of duty, violation of rules or regulations, disobedience of orders, absence without leave, breach of discipline or incapacity. No member of the fire department shall be dismissed by the board of fire commissioners until after an opportunity is given him to be heard before it, upon a notice of six days, accompanied with a copy of the charges preferred. Said board shall have the same power to issue, subpoenas, compel the attendance of witnesses, administer oaths to them and compel them to testify (in proceedings pending before it for the dismissal of a member of the fire department), that is possessed by justices of the peace of towns, in civil actions pending before them, in which they have jurisdiction. Oaths to witnesses shall be administered and subpoenas signed by the presiding officer of said board.

Dismissals and proceedings.

§ 30. Section one hundred and forty of said act is hereby amended so as to read as follows: •

Actions against city for personal injury.

§ 140. No action shall be maintained against the city of Auburn for any personal injury resulting from a defective or dangerous sidewalk, unless a written notice signed by the person injured, his agent or legal representative, specifying the character of such injury, the time when and the place where the same was received, accompanied by notice of an intention to commence an action against the city therefor, shall be filed in the office of the city clerk within sixty days after such injury, if notice presented by or in behalf of such injured person and within six months thereafter if presented by his legal representatives. The city clerk shall report all such notices filed in his office and all notices filed in his office of the defective or dangerous condition of sidewalks to the common council at its next meeting after such filing. All actions brought against the city to recover damages for personal injuries caused by negligence shall be commenced within one year from the time of receiving such injuries. No costs, fees, disbursements or allowances shall be recovered or inserted in any judgment against the city of

Commencement of action.

Recovery of costs, etc., against city and officers.

Auburn, or against any of its officers or authorized agents, when said city would be liable to respond to such officer or agent, unless the claim, whether arising on contract, express or implied, negligence or tort, upon which such judgment is founded, shall have been presented for payment to the common council at least thirty days before the commencement of an action thereon.

§ 31. All existing rights, both public and private, under present laws are hereby expressly preserved.

§ 32. This act shall take effect immediately.

Chap. 537.

AN ACT to authorize the police commissioners of Brooklyn to inquire into and determine the claim of William L. Bailey to be placed upon the pension-roll of the police department of said city.

Accepted by the city.

BECAME a law May 8, 1895, 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. The police commissioner of the city of Brooklyn is hereby authorized to inquire into the claim of William L. Bailey to be placed upon the pension-roll of the police department of said city; and if, upon investigation, it shall appear to the said commissioner that the claim of the said William L. Bailey is a just and reasonable claim, notwithstanding his term of service was less than twenty years, the said commissioner is hereby authorized and empowered in his discretion to place the name of the said William L. Bailey upon the pension-roll of said police department with such annual allowance, from the time his name is placed on said roll, as his rank, while in active service as patrolman in the police force of said city, would entitle him to receive under chapter four hundred and thirty-eight of the laws of eighteen hundred and seventy-seven.

(investigation of claims)

(Placing of name upon pension-roll.)

§ 2. This act shall take effect immediately.