

L A W S
OF THE
STATE OF NEW YORK,

PASSED AT THE
NINETY-SIXTH SESSION

OF THE
LEGISLATURE.

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



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

of the said railroad shall be laid flush with the surface of the said streets and shall conform to the grade as it now is, or shall be from time to time established or altered by the proper authorities; and the said company and their assigns shall keep the surface of the said streets and highways within the rails and for one foot outside thereof and to the extent of the ties, in good and proper order and repair. No person or persons or corporation formed under the act entitled "An act to authorize the formation of railroad corporations, and to regulate the same," passed April second, eighteen hundred and fifty, or acts amendatory thereof or in addition thereto, shall be permitted to construct any street railroad in or upon any or either of the said streets or public highways and they are prohibited from doing any act to hinder, delay or obstruct the construction or operation of the said railroad as herein authorized.

§ 3. The legislature may at any time alter, repeal or amend this act.

§ 5. This act shall take effect immediately.

CHAP. 277.

AN ACT to amend an act entitled "An act to supply the city of Binghamton with pure and wholesome water," passed April twenty-fifth, eighteen hundred and sixty-seven.

PASSED April 24, 1873; three-fifths being present.

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

SECTION 1. Section third of the act entitled "An act to supply the city of Binghamton with pure and wholesome water," passed April twenty-fifth, eighteen hundred and sixty-seven, is hereby amended so as to read as follows:

§ 3. On the first Monday in June, in the year eighteen hundred and seventy-three, and upon the same day in each year thereafter, an election shall be held in said city for the purpose of electing a suitable person to fill the place of the commissioner whose term of office shall expire on that day, and to fill any vacancy that may have occurred; and public notice of such election shall be given by said common council by publishing notice of such election in all the newspapers of said city once in each week for two weeks previous to such time of election, and such election shall be held at some convenient and central place in said city, to be designated by the common council, who shall annually appoint three freeholders of the city inspectors of election to hold said election, and may fill vacancies occurring in their number; with said exceptions, said election shall be conducted in all respects as elections of mayor are directed to be conducted; and the term of office of each commissioner (except one chosen to fill vacancy) shall be the period of five years, and the term of one elected to fill a vacancy shall be the unexpired term of the person whose place he was elected to fill. All commissioners shall be electors of said city, and no other officers shall be elected on the same day with the commissioners. All commissioners shall continue in office until a successor shall be elected and shall qualify. In case of failure to hold the election at the time aforesaid, or in case of failure for any cause to elect a commissioner or commissioners at the time aforesaid, said common council shall immediately thereafter name a day for the holding of an election, giving the like notice of such time, as above provided, and such elec-

Election
of water
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Inspect-
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Qualifica-
tions of
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tion shall be conducted in all respects as provided for the election of the first Monday of June. In case of vacancy in office by death, removal or resignation, or any other inability to serve, the commissioners then duly in office shall fill such vacancy by appointment, and the person appointed shall hold his office until the next annual election, and until another shall be qualified to fill his place.

§ 2. This act shall take effect immediately.

CHAP. 278.

AN ACT to release the title and interest of the people of the State of New York in and to certain real estate in the village of Waverly, county of Tioga, State of New York, to David Decker, the surviving husband of Sarah Decker, deceased.

PASSED April 24, 1873, by a two-third vote.

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

SECTION 1. All the right, title and interest of the people of the State of New York, in and to the real estate situated in the village of Waverly, Tioga county, New York, conveyed by Arthur Yates and Elizabeth H. Yates, his wife, to Sarah Decker, deceased, on the first day of March, A. D. one thousand eight hundred and sixty-six, and which land and premises are described as all that piece of land situate, lying and being in the village of Waverly, town of Barton, county of Tioga, and State of New York, being the same premises as purchased at above date and bounded as follows, to wit: "Beginning in the center of Clark street at the north-west corner of Mrs. Frances Moore's lot; thence running north seven degrees west, along the center of said street one hundred and five feet to the south-west corner of Mrs. Arminda Quick's lot; thence north eighty-three degrees east, along her south line, about one hundred and forty-five feet, to the east line of Benjamin H. Davis' farm; thence along said line south six degrees east one hundred and five feet to the said Moore's north-east corner and the north-west corner of J. Adams' lot; thence south eighty-three degrees west, along said Moore's north line, about one hundred and forty-three feet to the place of beginning, being part of the B. H. Davis farm, deeded by said Davis to G. H. Fairchild and H. M. Moore, and by them deeded to Arthur Yates; deed recorded in liber sixty of deeds, at page three hundred and thirty-three, and by him deeded to said Sarah Decker, lately deceased, said deed recorded in Tioga county clerk's office, April twenty-third, eighteen hundred and sixty-six, in liber seventy-four of deeds, at page four hundred and eighty-three," of which the said Sarah Decker died seized or possessed, the title to said land being in the people of the State of New York, acquired by escheat thereof on the death of the said Sarah Decker, by reason of the said Sarah Decker having died without any living heirs. The title of lands hereby released is, and the same shall be vested in David Decker, the husband of the said Sarah Decker, deceased, his heirs and assigns forever.

§ 2. Nothing in this act contained shall affect the rights of any heir at law, devisee, mortgagee or creditor in and to said real estate or any part thereof.

§ 3. This act shall take effect immediately.