

L A W S

OF THE

STATE OF ~~NEW~~ YORK,

PASSED AT THE

ONE HUNDRED AND THIRTEENTH SESSION

OF THE

LEGISLATURE,

BEGUN JANUARY SIXTH, 1890, AND ENDED MAY NINTH, 1890,
IN THE CITY OF ALBANY.



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1890.

from the last assessment-roll of the town of Kinderhook, and in cases where the valuation of taxable property can not be ascertained from the said assessment-roll, the trustees shall assess the property to be taxed from the best evidence in their power, giving notice to the persons interested, and proceeding in the same manner as the town assessors are required by law to proceed in the valuation of taxable property. And the said trustees shall by warrant authorize the collector under their hands and seals, to collect the said tax and pay the same, as fast as collected, over to the treasurer, retaining only two per cent for collecting. All taxes remaining unpaid at the expiration of the time mentioned in the warrant for the same to be paid, shall pay for the use and benefit of said corporation, the additional amount of one per cent for each and every month or fractional part of a month that they shall remain unpaid. And the collector shall, at least thirty days before the expiration of the time mentioned, in the warrant, post, in at least five public places in said village, notices stating the place where and the time during which he will receive said taxes and that to all taxes remaining unpaid at the expiration of the time mentioned, there will be added one per cent for each month or fractional part of a month they remain unpaid. And the said collector after giving security to the said trustees, to be approved by the president of the said board and filed in the office of said clerk, shall proceed to the collection, with like power and authority as collectors of towns, and shall pay the said tax to the treasurer at the time directed in his warrant, and in case any sum assessed upon any real estate can not be collected in the manner aforesaid, said trustees may renew said warrant from time to time, and said tax shall remain a debt of record against the owner or occupant, and may be sued for and recovered in the name of the said trustees, with costs, and when received shall be paid to the treasurer together with the other moneys belonging to the corporation, subject to the order of the trustees, and to be applied to the purposes for which it may be raised, provided, however, that no greater sum than five hundred dollars shall be raised in any one year under this act.

ascertained and assessed.

Collection of taxes.

Annual tax limited.

§ 2. This act shall take effect immediately.

CHAP. 154.

AN ACT to provide a mode for ultimate disposition of property belonging to the Jubilee water system in the city of Buffalo, and investment of the proceeds.

BECAME a law without the approval of the Governor, in accordance with the provisions of article four, section nine of the Constitution, April 22, 1890. 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 common council of the city of Buffalo may, at any time after the passage of this act, by resolution call an election to be held upon the propriety of abandoning any part or the whole of the property belonging to the Jubilee water system for public purposes, and direct such election to be held in the parish tract as hereinafter provided, to determine whether or not, the property described in such

Calling of election upon question of abandonment.

Inspectors. resolution, shall be abandoned for public purposes. After the approval of such resolution by the mayor, he shall designate three property owners, electors, and residents of the parish tract to act as inspectors of such election.

Notice of election. § 2. The Jubilee water commissioners, upon the approval of such resolution by the mayor, shall cause to be published in the official paper of the city twice a week for three weeks preceding the election, a notice of the holding of such election, stating the object of the same, the day of election which shall be at least three weeks from the date of the first insertion, and the property to be abandoned; which shall be described with particularity, and the place in the parish tract where the polls will be open, and the election held, and the hours during which the polls shall be open during the day, which shall be from nine o'clock in the morning to eight o'clock in the evening, and such further notice of such election may be given as the said commissioners

Qualifying of inspectors. may deem proper. At least one week before the election, the inspectors of election shall qualify by taking the oath of office before the city clerk, and in case of failure to qualify, the vacancy shall be filled by the mayor. The assessors of the city shall prepare, certify and deliver to the inspectors, before the day of election, an alphabetical list

List of property owners. of all the owners of real property in the parish tract, as the same appear upon the books and maps in their office, designating after each name the streets on which property is owned or some other appropriate description to identify the same, and every person shall have one vote whose name appears thereon, being of full age and a natural person, and none other shall be qualified to vote at said election. The Jubilee commissioners shall cause to be provided for such election,

Qualification of voters. one ballot box; and the ballots to be voted, shall be printed, or written, "for" or "against" the proposed abandonment of the property described in the resolution of the common council. The polls shall be opened and closed, at the times designated in the notice, and the inspectors shall forthwith proceed to canvass the votes cast in the

Ballot box and ballots. same manner that votes are canvassed upon a constitutional amendment, and all the provisions of law relative to illegal voting, so far as the same are applicable, shall apply to an election held under this act.

Polls. The inspectors shall make two certificates; in each of which shall be stated the number of votes cast for, and the number of votes cast against the proposed abandonment, and within twenty-four hours after the closing of the polls, file one copy with the city clerk, and one copy with the county clerk, and the county clerk shall cause the same to be recorded in the book of miscellaneous records; two elections for the same purpose cannot be held hereunder within six months of each other.

Canvass of votes. § 3. Upon said return should it appear, that the number of votes cast in favor of abandonment, exceeds the number cast against the proposed abandonment of the property described in the resolution, the same shall thereupon cease to be deemed devoted to public purposes; the Jubilee commissioners shall advertise the same for sale at public auction, in such parcels as the said commissioners shall deem for the best advantage of the sale, and cause an advertisement of such sale to be published in the official paper of the city twice a week for three weeks immediately preceding the sale; reserving, should they deem it necessary or beneficial, to the remainder of the Jubilee system the right to maintain their pipes across the lands to be sold, and reserving the right to reject any or all bids. There shall not be received any bid less than forty thousand dollars for the entire Dela-

Illegal voting.

Certificates of result.

Restriction on holding elections.

Property, when deemed abandoned.

Advertisement of sale.

Reservation.

Bids limited.

ware avenue lot, or at that rate for the portion sold, in case a part only of the lot be sold. The Jubilee water commissioners and the city of Buffalo, by the mayor thereof, shall execute a deed or deeds of the parcel or parcels of land sold, and such deed or deeds shall convey to the purchasers all the interest or estate held by said city in said property, in his own right or for the use and benefit of any person or persons whatsoever.

Conveyances to purchasers.

§ 4. All proceeds of sales shall be paid to the said Jubilee commissioners, who are hereby appointed trustees for such purpose, and for the purposes hereinafter named. Before receiving said money unless they shall elect to have the same paid into the city treasury to the special fund of the Jubilee water system, subject to warrants drawn for the purposes to which the property owners of the parish tract shall determine by vote, the said moneys shall be applied as hereinafter provided, the said commissioners shall give and file with the comptroller of the city of Buffalo, a bond in the penalty of twice the sum to be received, to be approved by the comptroller for the faithful discharge of the duties of their office. Upon completion of the sale and transfer of the property, and after receiving the proceeds, the said commissioners shall appoint a day for election, to determine what shall be done with the proceeds; of which election inspectors, as hereinbefore provided, shall be appointed by the mayor; the same kind of notice whereof shall be given by the commissioners, and a list of property-owners in the parish tract shall be furnished by the assessors; and the qualifications of electors, and canvass of ballots cast, shall be the same as hereinbefore provided, relative to elections, to determine the question of abandonment. Each ballot shall express one purpose only to which the funds shall be applied; and a plurality of votes shall decide, that purpose having the most votes to prevail.

Payment of proceeds of sales to trustees.

Bond of trustees.

Election to determine what to be done with proceeds.

§ 5. Said trustees shall thereupon proceed to apply or dispose of the moneys, after deducting the expenses incident to the proceedings hereunder, in accordance with the determination at said election; and shall annually file with the comptroller of the city of Buffalo a report of moneys received and expended by them, and of all acts by them performed in the year immediately preceding. The common council may, upon being satisfied that their trust has been faithfully and honestly fulfilled, direct the comptroller to surrender said bond.

Disposal of moneys.

Reports to comptroller.

Surrender of trustees' bond.

§ 6. The final abandonment of the entire Jubilee system shall not take place until city mains are laid in all streets of the parish tract, at the passage of this act, supplied by Jubilee water through mains laid therein.

Final abandonment of system.

§ 7. And in case the supply of Jubilee water shall at any time fail, or be insufficient, in the judgment of the Jubilee water commissioners, to supply the consumers thereof, the said Jubilee water commissioners, after agreeing upon the sum payable therefor, which shall be agreed upon by and between themselves, and the water commissioners of the city of Buffalo shall be entitled to connect with the city water mains laid near their reservoir, and receive therefrom so much supply of city water as they shall require and shall have agreed upon.

Connection with city water mains.

§ 8. The ordinary powers and duties of the Jubilee water commissioners are continued, and they are authorized to compensate their officers and employes for all extraordinary service performed in connection with the execution of the provisions of this statute, as well as for the ordinary services rendered; and pay the same out of any funds realized from sales or otherwise derived, as well as all incidental expenses and disbursements.

Powers, etc., of Jubilee commissioners continued.

Rights of
property
owners.

Title to
property
held in
trust.

Repeal.

§ 9. This act shall not be construed to alter or impair the rights of the property owners of the parish tract, in and to the funds, property rights, and franchises of the Jubilee water system. The city of Buffalo is hereby declared to hold the title to the same in trust for the owners of real property in the parish tract, subject to disposition as hereinbefore provided.

§ 10. All acts and parts of acts inconsistent herewith, are hereby repealed.

§ 11. This act shall take effect immediately.

CHAP. 155.

AN ACT to amend chapter seventy-four of the laws of eighteen hundred and seventy, entitled "An act in relation to the records of surrogates' courts."

BECAME a law without the approval of the Governor, in accordance with the provisions of article four, section nine of the Constitution, April 23, 1890. Passed, three-fifths being present.

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

SECTION 1. Section one of chapter seventy-four of the laws of eighteen hundred and seventy, entitled "An act in relation to the records of surrogates' courts," is hereby amended so as to read as follows:

Acts of
surrogates
in signing
records,
confirmed.

§ 1. All acts hitherto of surrogates and officers acting as such in completing by certifying in their own names any uncertified wills and by signing and certifying in their own names the unsigned and uncertified records of wills, and of other proofs and examinations taken in the proceeding of probate thereof, before their predecessors in office, are hereby confirmed and declared to be valid and in full compliance with the pre-existing requirements.

§ 2. This act shall take effect immediately.

CHAP. 156.

AN ACT to amend section three of article one of title four of chapter two of part four of the Revised Statutes.

BECAME a law without the approval of the Governor, in accordance with the provisions of article four, section nine of the Constitution, April 22, 1890. Passed, three-fifths being present.

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

Prepara-
tion of
grand jury
list.

SECTION 1. Section three of article one of title four of chapter two of part four of the Revised Statutes is hereby amended so as to read as follows:

Who to be
placed on
list.

§ 3. In preparing such lists the said boards of supervisors shall select such persons only, whose names appear upon the last assessment-roll of the town or ward, as they know, or have good reason to believe, are possessed of the qualifications by law required of persons to serve as jurors for the trial of issues of fact, and are of approved integrity, fair character, sound judgment and well informed.

§ 2. This act shall take effect immediately.