

L A W S

OF THE

STATE OF NEW YORK,

PASSED AT THE

ONE HUNDRED AND TWELFTH SESSION

OF THE

LEGISLATURE,

BEGUN JANUARY FIRST, 1889, AND ENDED MAY SIXTEENTH, 1889,
IN THE CITY OF ALBANY.



ALBANY:
BANKS & BROTHERS, PUBLISHERS.
1889. w

urer, upon the warrant of the Comptroller, issued upon the certificates of the Governor, and chairmen of the judiciary committees of the Senate and Assembly, for the year eighteen hundred and ninety, as aforesaid.

Vacancies,
how filled.

§ 6. In case either of the commissioners so appointed shall decline or omit to act in the premises, or shall die, resign, or remove from the State, before the completion of the duties hereby assigned to said commissioners, the Governor may appoint another commissioner in his stead, who shall have the like powers and be entitled to the like compensation and allowance for expenses, to be fixed and determined as aforesaid.

§ 7. This act shall take effect immediately.

CHAP. 290.

AN ACT to fix the compensation of the surrogate of the city and county of New York.

APPROVED by the Governor May 15, 1839. 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 surrogate of the city and county of New York, from and after the passage of this act, shall receive for his services the same annual salary and compensation as is now paid to and received by the several justices of the court of common pleas and superior court in said county of New York, to be paid in equal monthly payments.

§ 2. All laws inconsistent with the provisions of this act are hereby repealed.

§ 3. This act shall take effect immediately.

CHAP. 291.

AN ACT to establish and maintain a water department in and for the city of Syracuse.

APPROVED by the Governor May 15, 1839. Passed, three-fifths being present.

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

Water
commis-
sioners,
appoint-
ment of.

Qualifica-
tions and
terms of
office.

SECTION 1. Within thirty days after the first Tuesday in June, eighteen hundred and eighty-nine, the mayor of the city of Syracuse shall appoint a board of water commissioners to be known as the "Syracuse water board," which shall at all times consist of six members, residents of said city, three from each of the two principal political parties. The first six commissioners shall respectively hold office until the first Tuesday in January, one thousand eight hundred and ninety-one, one thousand eight hundred and ninety-two, one thousand eight hundred and ninety-three, one thousand eight hundred and ninety-four, one thousand eight hundred and ninety-five and one thousand eight hundred and ninety-six. When appointed their respective terms of office shall be designated, and so that the commissioners whose terms of office expire in an even year shall belong to the same political

party. The terms of office of all other water commissioners appointed under this act, except to fill vacancies, shall be six years, and they shall be respectively appointed by the mayor within twenty days prior to the expiration of the term of any commissioner they are appointed to succeed. In case of a vacancy for any cause the mayor shall appoint a commissioner for the unexpired term. Each commissioner shall hold office until the appointment and qualification of his successor.

Vacancies, how filled.

§ 2. Within fifteen days after the appointment of the first six commissioners, at a time designated by the mayor, they shall meet at the office of the city clerk, take and file the oath of office prescribed by the Constitution of this State and organize by electing one of their number president. They shall also at the same time, or at a subsequent meeting, appoint and have at all times a secretary, who shall keep the books, records and accounts of the board, and who shall hold office at their pleasure. A record of the appointment and qualification of the commissioners and of the organization of the board shall be kept by the city clerk, and notice thereof in writing shall be given to the city treasurer.

Organization of board.

To appoint secretary.

Record of organization.

§ 3. The said Syracuse water board is hereby authorized and directed, for and in the name of the city of Syracuse, to acquire, construct, maintain, control and operate a system of water-works to furnish the city of Syracuse and its inhabitants with water from Skaneateles lake and may employ engineers, surveyors, superintendents, officers, agents and such other persons as may be necessary for that purpose, and fix their compensation and terms of employment. The board may also contract for, purchase and acquire by deed or otherwise, in the name of the city of Syracuse, all lands, waters, easements, property, tenements, hereditaments, rights, privileges and franchises, and any fountains, dams, mains, pipes, conduits, hydrants, machinery and all other real and personal property whatsoever necessary for the acquisition, construction, maintenance, control and operation of said water-works, and to contract for the execution of said work or any part thereof; and for supplying any and all necessary materials therefor. Said board may also acquire the property, rights of property and franchises owned or possessed by any existing corporation or company organized to supply the city of Syracuse and its inhabitants with water, or having or claiming any right so to do, and control, maintain and operate the same. The title to any and all property acquired pursuant to this act shall vest and be in the city of Syracuse. The board, its officers, agents and employees are authorized to enter upon any lands or waters for the purpose of making such surveys, examinations and investigations as shall seem to them necessary in the faithful performance of their duties.

Board to maintain system of water-works.

May purchase lands, waters, etc., therefor.

May contract for work.

May acquire franchises of any existing corporation.

Title, how vested.

May enter upon lands and make surveys, etc.

§ 4. In case the Syracuse water board shall be unable to acquire by purchase any property necessary for the acquisition, construction, maintenance, control, and operation of the system of water-works contemplated by this act, including the property, rights of property, privileges and franchises owned or possessed by any corporation or company organized to supply said city of Syracuse and its inhabitants with water, or having or claiming any right so to do, it is hereby authorized to acquire the same in the manner following:

Board may acquire property or franchises.

§ 5. The board may present its petition to the supreme court at a general or special term thereof, held in the fifth judicial district, praying for the appointment of commissioners of appraisal to ascertain and determine the amount of compensation which ought justly to be made to either or any of the owners or persons interested in any or all of the

Petition to court, for appointment of appraisal commissioners.

property, rights, privileges and franchises deemed necessary by the board. Such petition shall be signed and verified by a member of the board. It shall contain a description of the property sought to be acquired, and must state in effect that the property is requisite to the acquiring, constructing, improving, maintaining, controlling or operating said water-works; that the board has not been able to acquire title thereto, and the reason of such inability. It must also state the names and places of residence of the owners or parties interested in the property sought to be acquired, so far as the same can by reasonable diligence be ascertained. If any such persons are infants, their ages as near as may be, must be stated; if any are idiots or persons of unsound mind, or unknown, that fact must be stated, together with such other allegations and statements of liens or encumbrances as the board may see fit to make.

§ 6. A copy of such petition, with a notice of the time and place when and where the same will be presented to the court, must be served on all persons whose interests are to be affected, at least ten days prior to its presentation to the court. If the person upon whom such service is to be made resides in this State, and is not an infant, idiot or person of unsound mind, service of a copy of the petition and notice must be made upon him personally, or by leaving the same at his usual place of residence with some person of suitable age. If the person on whom such service is to be made resides out of the State, or is unknown, or his residence cannot by reasonable diligence be ascertained, such service must be made by delivering to such person personally or by leaving at his last place of residence, if known, a copy of such petition and notice, at least twenty days before presenting the same to the court; or such service may be made by publishing a notice, stating briefly the object of the application and giving a description of the land or other property to be taken, in two daily newspapers published in the city of Syracuse, twice a week for three successive weeks; and by depositing a copy of the petition and notice in the post-office at Syracuse, New York, properly folded and directed to such person at his post-office address, if the same can be ascertained; and if not, at the post-office at or nearest his last place of residence, at least twenty days before presenting such petition to the court, and paying the postage thereon. If such person is an infant and resides in this State, service shall be made as aforesaid, upon his general guardian, if he has one, and on such infant personally if over the age of fourteen years; if under that age, then upon the person who has the care of or with whom such infant resides. If the person to be served is an idiot or of unsound mind, and resides in this State, service may be made upon the committee of his person or estate; if he has no committee, then upon the person who has the care and charge of such person. In all cases not herein provided for, service of the petition, notice and other papers in the proceedings authorized by this act shall be made as the supreme court in the fifth judicial district, or a judge thereof, shall direct.

§ 7. In case any party to be affected by the proceedings hereby authorized is an infant, idiot or person of unsound mind, and has no general guardian or committee, the court to which such petition shall be presented, shall, before taking any proceedings thereon, appoint a special guardian to attend to the interest of such person. If a general guardian or committee has been appointed for such person in this State, it shall be his duty to attend to the interest of such infant, idiot or person of unsound mind in such proceeding. The court may require such security to be given by such general or special guardian

Statements therein.

Petition, how served.

Upon residents of other States, or unknown owners.

Service by publication, etc.

Service upon infants.

Upon idiots, etc.

Service, in other cases.

Court may appoint special guardians for infants, idiots, etc.

Duty of general guardians and committees.

or committee as it may deem necessary to protect the rights of such infant, idiot or person of unsound mind. All notices required to be served in the progress of the proceedings, may be served on such guardian or committee. Any person may appear in such proceedings by attorney, and all papers shall be served at the place designated by him. The court shall appoint some competent attorney to appear for and protect the rights of any party in interest who is unknown or whose residence is unknown, and who has not appeared in the proceedings by an attorney or agent.

Unknown owners, rights of, how protected.

§ 8. On presenting such petition to the supreme court as aforesaid, with proof of service of a copy thereof and notice aforesaid, any of the persons whose estates or interests are to be affected by the proceedings may show cause against granting the prayer of the petition, and may to that end disprove any of the facts alleged therein: The court shall hear the proofs and allegations of the parties, and if no sufficient cause is shown against granting the prayer of the petition, it shall make an order for the appointment of three disinterested and competent freeholders, residents of the State of New York, as commissioners to ascertain and determine the compensation which ought justly to be made to the owners or persons interested in the property so to be acquired, and shall fix the time and place for the first meeting of such commissioners. The commissioners shall take and subscribe the oath prescribed by the twelfth article of the Constitution. Any of them may issue subpoenas and administer oaths to witnesses. A majority of them may adjourn the proceedings from time to time in their discretion. They shall view the premises described in the petition, hear the proofs and allegations of the parties, and reduce the testimony taken by them, if any, to writing, and after the testimony is taken and closed in such proceedings, they or a majority of them, all being present or having notice of the meeting to the end that they may be present, shall, without unnecessary delay, ascertain and determine the compensation which ought justly to be made to either or any of the owners or persons interested in the property so sought to be acquired. They or a majority of them shall also determine what sum ought to be paid to the general or special guardian or committee of any infant, idiot or person of unsound mind, or attorney appointed to attend to the interests of any unknown owner or party in interest not personally served with notice of the proceeding and who has not appeared for his costs and expenses. They shall make a report of their proceedings to the supreme court, with the minutes of the testimony taken by them. The compensation to which they each shall be entitled, shall be fixed by the court, and such compensation, together with their necessary expenses, shall be paid by the Syracuse water board. When the owners or persons interested in the property sought to be acquired, shall have awarded to them an amount not exceeding the compensation offered by the board, the costs and expenses of such proceedings, or any part thereof to be fixed by the court, may be deducted from any such award, and proof of the amount of compensation offered by the board may be made by affidavit to the court upon the application for the confirmation of the report of the appraisers, as hereinafter provided.

Proceedings, on presenting petition to court.

Appointment of commissioners of appraisal.

Their official oath, duties and powers.

Report of their proceedings. Compensation.

Change of ownership.

Notice, of application for confir-

§ 9. When any proceedings of appraisal under this act shall have been commenced, no change of ownership shall in any manner affect such proceedings.

§ 10. On such report being made by the commissioners, the board may give notice to the owners or parties interested, or their attorneys according to the rules and practice of the supreme court, that applica-

mation of report.

Action of court thereupon.

Order of court, how recorded.

Right to enter and use lands, etc., on payment or deposit of award.

Title, how vested.

Appeals from report.

Proceedings upon appeal.

Second report of appraisers, to be final.

Effect of appeals.

Payment of awards into court, in certain cases.

Appraisals, power of court to give effect to.

Further powers of court.

Amendment of defects in proceedings, etc.

tion will be made to the court at a general or special term thereof to be held in the fifth judicial district, for the confirmation of such report, and the court shall thereupon confirm the same, and shall make an order containing a recital of the substance of the proceedings, a description of the property appraised, and shall direct to whom the money shall be paid, or in what bank and in what manner it shall be deposited by the board.

§ 11. A certified copy of the order so made shall be recorded in the clerk's office of the county in which the property described is situated, and thereupon and on the payment or deposit by the board of the sums to be paid as compensation for the property, and for costs and expenses as directed by the order, the board shall be entitled to enter upon, take possession of, and use the property for the purposes of the water-works aforesaid; and all persons who have been made parties to the proceedings shall be divested of all right, estate, title and interest in or to the same. All property acquired pursuant to the provisions of this act shall be deemed to be acquired for public use, and the title thereto shall vest in the city of Syracuse. Within twenty days after the confirmation of the report, either party may appeal, by notice in writing to the others, to the supreme court, from the appraisal and report of the commissioners. Such appeal shall be heard by the supreme court at a special or general term thereof, to be held in the fifth judicial district, on the usual notice required by the rules and practice of the court. On the hearing of such appeal, the court may direct a new appraisal before the same or new commissioners, in its discretion. The second report shall be final and conclusive on all parties interested. If the amount of compensation to be made by the board is increased by the second report, the difference shall be paid by the board to the parties entitled thereto, or deposited in the bank as the court shall direct. If the amount is diminished, the difference shall be refunded to the board by the party to whom the same may have been paid, and judgment therefor may be rendered by the court on the filing of the second report, against the party liable to pay the same. No appeal shall affect the possession or right of possession or use by the board of the property so appraised, and when an appeal is taken by others than the board, it shall not be heard except upon stipulation of the party appealing not to disturb such possession.

§ 12. If there are adverse and conflicting claimants to the money, or any part of it, to be paid as compensation for the property taken, the court may direct the moneys to be paid into court, and may determine who is entitled to the same, and to whom the same shall be paid, in a summary manner, and may order a reference to ascertain the facts on which such determination and order shall be made.

§ 13. In cases of appraisal under this act, the court shall have power to make all necessary orders and directions to carry into effect the object and intent of this act, and to compel the delivery to the board of the possession and control of all property or rights acquired thereby. The practice in such cases shall conform as nearly as may be to the ordinary practice of said court.

§ 14. When the mode or manner of conducting any proceedings for the appraisal of property sought to be taken, and the proceedings consequent thereon, are not expressly provided for in this act, the court before whom such proceedings are pending shall have power to make all necessary orders to that end. And the court shall also have power at any time to amend any defect or informality in any of the proceedings authorized by this act, or to cause new parties to be added and

other notices to be given to any party in interest, as it may deem proper, and shall also have power to appoint commissioners in place of any who shall die, refuse or neglect to serve, or be incapable of serving.

§ 15. The Syracuse water board shall have power to make all contracts necessary or incidental to the execution of the powers conferred by this act, but no contract or agreement requiring an expenditure of more than five hundred dollars shall be entered into, except for the employment of officers, agents and other employees of the board, without first advertising at least twice a week for two successive weeks in two or more of the daily newspapers published in the city of Syracuse, for proposals to enter into contract for the work or materials required; and all such contracts shall be let to the lowest bidder who shall furnish such security for faithful performance as shall be approved by the board; but the board may reject such bids in its discretion and re-advertise for proposals. A copy of each proposal received and of every contract entered into by the board, shall be filed with the city clerk.

Water board may enter into contract.

Proposals for work when to be advertised.

Contracts to be let to lowest bidder.

Right to reject bids.

Contract, how filed.

§ 16. No member of the board, or any of its officers, or any officer of the city of Syracuse shall be directly or indirectly interested in any contract relating to the work done for or materials furnished to the board, as such; and any violation of this provision shall be a misdemeanor. No member of the board shall receive any compensation for his services as such.

Board, etc., not to be interested in contracts.

§ 17. The Syracuse water board and all persons acting under its authority and direction, shall have the right to enter, appropriate, occupy and use any public street, highway, square, avenue, road or other public ground for the purpose of constructing, maintaining and operating water-works for supplying the city of Syracuse with water, and for all the other purposes of this act; but the board shall in all cases, restore such public street, highway, square, avenue, road and other public ground to its former state of usefulness.

Use of public streets, etc., authorized.

Proviso.

§ 18. The Syracuse water board by and with the consent of the Canal Board is hereby authorized and empowered to appropriate so much of the waters of Skaneateles lake as may be necessary to supply the city of Syracuse and its inhabitants with water; upon the express condition, however, that the city of Syracuse shall, when so required by the Canal Board furnish from such source or sources, and in such manner as the Canal Board may designate, as much water for the use of the Erie canal as shall be taken by the city from Skaneateles lake, and the power granted in this act shall be deemed to include authority and power to provide such compensating water supply for the Erie canal, and to do and perform all those acts and things which shall be needful to acquire for said city and its inhabitants the waters of Skaneateles lake.

Waters of Skaneateles lake, when to be appropriated.

Powers of Canal Board, as to same.

§ 19. It shall be the duty of the Syracuse water board, as soon as practicable, to make a map and profile showing the proposed location of the conduit line, and all lands, waters, inlets, reservoirs, stations and other structures to be used for or in connection with the system of water-works herein provided for, which shall embrace a full and complete system of conduits, mains and pipes for the distribution of water throughout all parts of the city, and the location of all hydrants, fountains, standpipes and other structures for the use of the city. Copies of this map and profile, duly certified by the president and engineer of the board, shall be filed in the office of the clerk of the city, and in the office of the clerk of the county of Onondaga. If at any

Map of location of conduit, and of lands, waters, etc., to be taken, how filed.

Amended map, when filed.

time the board shall change the plan shown upon said map and profile, an amended map shall be made and duly certified and filed as aforesaid.

Requisition, upon mayor and council, for issue of city bonds.

Aggregate issue limited.

When payable and rate of interest.

City treasurer, to advertise for proposals for purchase of bonds.

Conditions of delivery to purchasers.

To become valid city obligations.

Water fund create

Payments therefrom, how made.

Transfer of funds.

Restrictions, as to deposits with banks or trust companies, etc.

Duties of city clerk and treasurer, as to sales of bonds.

§ 20. Whenever the Syracuse water board shall consider it necessary that any bonds of the city of Syracuse shall be issued for the purposes of this act, it shall certify to the mayor and common council of the city the amount so desired and the purpose or purposes for which required; whereupon it shall be the duty of the mayor and common council, by resolution, to cause bonds for the amount so certified to be issued in the name and upon the credit of the city of Syracuse, which shall be executed by the mayor under the corporate seal of the city, and countersigned by the city clerk. Provided, however, that the aggregate amount of bonds issued under the provisions of this act shall not in any event exceed the sum of three million dollars. All such bonds shall be payable on the first day of July, one thousand nine hundred and twenty. Such bonds shall bear interest at the rate of three per cent per annum, payable semi-annually, and may be either registered or coupon bonds or both, and of such denominations and payable at such place or places as the common council may direct by resolution. Upon the passage of any resolution authorizing an issue of such bonds, the city treasurer shall properly advertise for proposals for the purchase of such bonds, and shall sell them to the party or parties offering to pay the highest price therefor, but not less than par. Upon the acceptance of any proposal for the purchase of such bonds the city treasurer shall immediately deposit the same with a bank or trust company designated by resolution of the common council, with a statement of the terms of sale. Upon payment, in accordance with such terms said bank or trust company shall deliver such bonds duly countersigned by it, to the purchaser. Thereupon such bonds shall become valid obligations of the city of Syracuse, and the faith and credit of the city is hereby pledged for the payment thereof and the interest thereon. The payment so received and all interest which may accrue thereon shall be placed by the said bank or trust company to the credit of the city of Syracuse water fund. No part of such moneys shall be paid out, except upon the written order of the Syracuse water board, signed by the president and secretary thereof and countersigned by the city treasurer. No order for the payment of such moneys shall be issued except upon the resolution of the board, duly entered upon its minutes, a certified copy whereof shall be filed with the city treasurer. The voucher or other paper on account of which such order is issued shall be filed with the secretary of the board, and shall bear a number corresponding with the number of the order issued thereon; the board may, however, at any time, by resolution and order issued in the manner aforesaid, transfer any funds from any bank or trust company to any other bank or banks or trust company which shall have been approved by the common council as depositories of the funds of the Syracuse water board. The funds so transferred, and all interest accruing thereon, shall be held and paid out by such bank or banks or trust company only in the manner above provided. The amount of moneys on deposit at any time with any such bank or banks or trust company shall not exceed thirty per cent of the full paid capital stock and surplus of any such bank or banks or trust company. Upon the passage of any resolution authorizing the issue of bonds under this act the city clerk shall forthwith transmit a certified copy thereof to the secretary of the water board. Upon the sale of any such bonds, the city treasurer shall forthwith transmit to the secretary of the water board a statement showing the amount of bonds sold and the amount

realized thereon, and shall also furnish to the city clerk a detailed statement showing the date, number and denomination of each bond sold, the price realized, the name of the purchaser, and the expenses of such sale.

§ 21. The proceeds of all bonds issued under the provisions of this act shall be used and applied by the Syracuse water board solely for the acquisition and construction of the system of water-works herein provided for, and for the purpose of acquiring property, rights, privileges and franchises therefor or to be used in connection therewith, and for providing a compensating water supply for the Erie canal as specified in section eighteen of this act, and in no case for the operation or management of the water-works or for any other purpose whatsoever.

Proceeds from sale of bonds, how applied.

§ 22. The Syracuse water board shall from time to time fix and determine the water rates to be paid by all consumers of water, including a just annual rate to be paid by the city at large on account of the use of water for municipal purposes. All moneys and income which shall be received by the board for water or on account of said system of water-works shall be deposited to the credit of the "city of Syracuse water fund" in the bank or banks or trust company designated by resolution of the common council, and shall be paid out only as provided by section twenty of this act.

Water rates, how fixed.

Deposit of income.

§ 23. All moneys collected by the board for water, and any and all other income which it may receive for or on account of said system of water-works, or from other property, rights, privileges or franchises connected therewith, shall be devoted, first, to the payment of the necessary cost of the operation, management and maintenance of works; second, to the payment of all sums of interest when and as the same shall become due and payable, upon any bonds issued under the provisions of this act; third, to the payment of the cost of necessary extensions and additions. After all such obligations shall have been paid and discharged, if there shall remain any surplus of income it shall be applied to the purchase or payment of the bonds issued pursuant to the provisions of this act, and any bonds so purchased or paid shall be marked canceled by the Syracuse water board, and shall be delivered to the treasurer of the city.

Collections for water and income, how applied.

Surplus, if any, how applied.

§ 24. No obligation shall be incurred or money expended, or issue of bonds demanded under this act, by the Syracuse water board, except by resolution duly passed by a majority of the members of the board. In every case the vote shall be taken by yeas and nays, and every such resolution and the vote thereon shall be recorded in full in the minutes of the board.

Incurring of obligations by board, how voted on.

§ 25. Any and all actions and proceedings authorized by this act shall be brought, taken and instituted by the Syracuse water board in the name of the city of Syracuse; and all actions, suits or other legal proceedings brought, instituted or commenced by any person or corporation, on account of any act or thing done or omitted by said board, shall be brought, instituted and commenced against the city of Syracuse in its name, and shall be defended by it under the direction of the board; and all such claims and demands may be compromised and paid by said board, and any final judgment recovered thereon shall be satisfied by it. Such payments to be made only in the manner hereinbefore provided. No commissioner appointed under this act shall be personally liable for any act done in the performance of his official duty.

Actions, how brought by board, etc.

No personal liability by commissioners.

§ 26. The books, records, vouchers, contracts and all other papers

Records of

board,
open to
inspection.

kept by the Syracuse water board, or in their possession or under their control, shall at all reasonable times be subject to inspection by any officer or duly authorized agent of the city of Syracuse. The board shall on or before the first day of August in each year, and at such other times as the mayor and common council may require, prepare and deliver to the mayor and common council reports which shall show full and in detail the situation and condition of the board, its receipts from all sources and its disbursements during the year and any and all obligations which it has incurred and claims made against it and remaining unpaid, the amount of work done by it and the condition of such work, and shall furnish at all times such other or further information as to the business and affairs of the board as may be required by the mayor and common council.

Reports to
council.

"Water-
works
record,"
how kept
by city
clerk.

§ 27. The city clerk of the city of Syracuse is hereby authorized and directed to prepare and at all times keep a book, which shall be known and designated as "water-works record," in which shall be recorded at length, in regular order and properly indexed, all resolutions passed by the common council and all papers and instruments made, executed, received or delivered by said city, and all other acts and things done by said city or by said clerk pursuant to the provisions of this act. The treasurer of the city of Syracuse is hereby authorized and directed to prepare and at all times keep a book, which shall be known and designated as "water-works record," in which shall be recorded at length and properly indexed all resolutions, instruments, and other papers sent or received by him and all acts and things required to be done by said treasurer under the provisions of this act.

Record to
be kept by
city treas-
urer.

By-laws
and ordi-
nances of
water
board.

§ 28. The Syracuse water board shall have power to make such ordinances, by-laws, rules, and regulations as they may deem proper in the establishment, maintenance, and control of the system of water-works provided for in this act, and for the general conduct of its business, and the exercise of any of the powers hereby conferred or intended to be, and shall have power to enforce the same as provided by law.

Special
city elec-
tion,
ordered.

§ 29. On the first Tuesday in June next a special election shall be held in the city of Syracuse, at which the voters in said city qualified to vote and registered as voters at the last preceding general election may vote a written or printed ballot in either one of the following forms: "In favor of city ownership and control of the water supply" or "against city ownership and control of the water supply." The inspectors of such election shall be the persons who were elected at the last preceding charter election and the polling places the same unless otherwise prescribed by said common council. Said inspectors shall on the day or evening of such election, and without adjournment, count and certify the number of affirmative and negative votes in the several election districts and file such certificates within twenty-four hours thereafter in the office of the clerk of Onondaga county, who shall thereupon and within twenty-four hours after the filing of such certificates ascertain the whole number of affirmative and negative votes given at said election; and a written statement and declaration thereof shall be recorded by him in the book or books in which other election canvasses are recorded. Except as herein provided, all general laws regulating elections in cities shall be deemed applicable to the said election. The inspectors of election aforesaid shall sit as a board of registration in each of the election districts of said city, on Friday preceding such special election from nine o'clock in the morning until six o'clock in the evening of said day, and also on Saturday prior

Form of
ballots
thereat.
Inspectors
of election
and their
duties.

Certificate
of result,
how filed.
Duty of
county
clerk, as to
statement
and decla-
ration.

Laws ap-
plicable to
election.

Registra-
tion.

to such election from nine o'clock in the morning until nine o'clock in the evening of said day, and at such sittings shall proceed to make lists of persons entitled to vote at such election. As a basis for such lists they shall first copy the poll lists of those who voted at the last general election held in said city. Except as herein otherwise provided, all the provisions of law relating to the registration of voters at general and municipal elections shall, so far as the same are applicable, apply to the said election required to be held under this act.

Laws applicable to registration.

§ 30. The city clerk of the city of Syracuse shall cause to be printed at least fifty thousand of each of said ballots, which shall be distributed to the inspectors of the several election districts of said city for use at said election proportionate to the vote of said ward at the general election next preceding such special election, at least three days prior to the day of the election herein provided for, and it shall be the duty of said inspectors to have at least half of each kind of the said ballots so furnished them at the polls at such election for distribution on election day.

Ballots, how printed and distributed.

§ 31. The city clerk of the city of Syracuse shall cause a proper notice of said election herein provided for to be published once a day for at least one week prior to said election in each of the daily papers published in said city; and shall also cause three copies of said notice to be posted in conspicuous places in each election district of said city at least one week prior to said election.

City clerk to publish and post notice of election.

§ 32. This act shall take effect immediately; but none of the powers herein given to the said board of water commissioners or to the said mayor and common council (except as to the special election herein provided for) shall be exercised by them or either of them until or unless a majority of all the votes to be given at the election herein provided for shall be in favor of city ownership and control of the water supply.

Act, when to take effect.

Powers, when to be exercised.

CHAP. 292.

AN ACT to amend chapter four hundred and thirty-eight of the laws of one thousand eight hundred and eighty-six, entitled "An act to create the New York Post Graduate Medical School and Hospital."

APPROVED by the Governor May 15, 1889. 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 four hundred and thirty-eight of the laws of one thousand eight hundred and eighty-six, entitled "An act to create the New York Post Graduate Medical School and Hospital," is hereby amended so as to read as follows:

Charter amended.

§ 1. Daniel B. St. John Roosa, Frederick R. Sturgis, Thomas E. Satterthwaite, Andrew H. Smith, William Oliver Moore, Bache McEvers Emmet, Clarence C. Rice, James L. Skillin, and their successors, as hereinafter provided, shall be, and are hereby ordained, constituted, and appointed, a body corporate and politic, in fact and in name, by the name of the "New York Post Graduate Medical School and Hospital," and by that name they and their successors may and shall have succession, and shall be in law capable of suing and being sued, pleading and being impleaded, defending and being defended, in all courts and

Corporators.

Corporate name and powers.