[illegible] NEW YORK—by Authority

[illegible] law, unless a different time shall be prescribed therein, shall commence and take effect throughout the State, on and not before the twentieth day after the day of its final passage, as certified by the Secretary of State. Sec. 12, title 4, chap. 7, part 1, Revised Statutes.]

CHAP. 115.

AN ACT to supply the deficiency in the appropriation to pay the expenses of the superintendence, ordinary repairs and maintenance of the canals for the remainder of the fiscal year which commenced on the first day of October, eighteen hundred and seventy-one, and to regulate the manner of drawing warrants by the Auditor of the Canal Department upon the Treasurer.

Passed March 19, 1872, three-fifths being present.

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

SECTION 1. Whereas, by act, chapter six hundred and fifty-four of the Laws of eighteen hundred and seventy-one, entitled "An act making an appropriation to pay the expenses of the collection of tolls, superintendence, ordinary repair and maintenance of the canals for the fiscal year commencing on the first day of October, eighteen hundred and seventy one." passed April twenty, eighteen hundred and seventy-one, the following, among other, appropriations were made, to wit: For the payment of the expenses of the ordinary repairs of the completed canals of this State, and for the sums that may be due to the contractors for repairs under their contracts, and for no other object and purpose whatever, the sum of one million dollars, or so much thereof as may be necessary, to be distributed, assigned and apportioned in the first instance to the three divisions of the canals, as now constituted, as follows: To the eastern division of the canals, the sum of four hundred thousand dollars; to the middle division of the canals, the sum of three hundred thousand dollars; to the western division of the canals the sum of three hundred thousand dollars. And whereas, there remains now unexpended in the treasury but ninety five thousand seven hundred and sixty-nine dollars and sixty-three cents balance of one million dollars so as above appropriated; therefore, the sum of seven hundred thousand dollars, or so much thereof as may be necessary, is hereby appropriated out of the revenues of the State canals for the fiscal year commencing on the first day of October, eighteen hundred and seventy one, for the payments of the ordinary repairs of the completed canals of the State, and for the sums that may become due to the contractors for repairs under their contracts, and for no other object and purpose whatever, to be distributed, assigned and apportioned in the first instance to the three divisions of the canals as now constituted, as follows: To the eastern division of the canals, the sum of three hundred and fifty thousand dollars; to the middle division of the canal, the sum of one hundred and fifty thousand dollars; to the western division of the canals, the sum of two hundred thousand dollars.

§ 2. The Auditor of the Canal Department shall notify the Canal Commissioners of the sums of money that will be needed to pay the drafts during the fiscal year to the contractors for repairs under their contracts upon their respective divisions, and he shall reserve such sums out of the appropriations made by this act, for the purpose of paying the monthly drafts to contractors, and no part of the sums so reserved shall be paid or applied to any other object or purpose, and no draft shall be drawn on the auditor in favor of any contractor unless upon a certificate from the Canal Commissioner in charge that the contractor has fulfilled his contract during the preceding month.

§ 3. The commissioners of the canal fund are hereby authorized and required to borrow, on the credit of the State, reimbursable out of the revenues of the State canals within this fiscal year, and in anticipation of such revenues, such sum or sums of money, not exceeding in all the sum of seven hundred thousand dollars, as may from time to time be necessary to pay the expenses for the superintendence, ordinary repairs and maintenance of the canals during the remainder of this fiscal year, as provided for in this act.

§ 4. Hereafter each warrant that may be drawn by the Auditor of the Canal Department upon the Treasurer for the payment of any moneys heretofore or hereafter appropriated by law, shall particularly specify the chapter and date of the passage of such law, and when more than one item of appropriation is contained in any such law, then the said warrant shall also specifically state the item of the appropriation out of the sum of which the amount of such warrant shall be paid.

§ 5. This act shall take effect immediately.

STATE OF NEW YORK, } ss.
Office of Secretary of State. }

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

G. Hilton Scribner, Secretary of State.

Every law, unless a different time shall be prescribed therein, shall commence and take effect throughout the State on and not before the twentieth day after the day of its final passage, as certified by the Secretary of State. Sec. 12, title 4, chap. 7, part 1, Revised Statutes.]

CHAP. 92.

AN ACT to amend an act entitled "An act to amend an act passed March twenty-three, eighteen hundred and fifty, entitled 'An act for the protection of purchasers of real estate upon sales by order of surrogates;' " passed April twenty, eighteen hundred and sixty-nine.

Passed March 7, 1872; 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 an act entitled "An act to amend an act passed March twenty-three, eighteen hundred and fifty, entitled 'An act for the protection of purchasers of real estate upon sales by order of surrogates,'" passed April twenty, eighteen hundred and sixty-nine, is hereby amended so as to read as follows:

§ 1. Section three of the act entitled "An act for the protection of purchasers of real estate upon sales by order of surrogates," passed March twenty-three, eighteen hundred and fifty, is hereby amended so as to read as follows:

§ 3. No [illegible] any such sale be invalidated [illegible] impeached, by reason [illegible] was or shall be presented [illegible] the whole number of [illegible] nor by reason of [illegible] such petition [illegible] has been,

or shall be, given by less than the whole number of the executors or administrators petitioning; nor by reason that any further proceeding, notice, sale, deed, or return, has been, or shall be had or made, by less than the whole number of executors or administrators petitioning; nor by reason of any omission to serve upon any minor, heir or devisee, personally, or by publication, a copy of the order to show cause required by the fifth section of the fourth title of chapter six, part second, of the Revised Statutes; provided such order shall have been duly served on the general guardian of the minor, or the guardian appointed in such proceeding; nor by reason of any irregularity in any matter or proceeding after the presenting of any petition, and the giving notice of the order to show cause why the authority or direction applied for should not be granted, and before the order confirming such sale; nor after a lapse of five years from the time of such sale, where the notice of such sale has been published for six weeks successively before the day of such sale, although such publication may not have been for the full period of forty-two days: and in all cases where the records of the office of the surrogate, before whom such proceedings were taken, have been removed from the house, office, or other building in which such proceedings were taken, to another house, office or other building, after such proceedings were taken, and the full period of twenty-five years has elapsed since said sale, it shall be presumed that guardians have been duly appointed for all minor devisees of the real estate sought to be sold in such proceeding, such presumption to be rebutted only by record evidence in such office showing affirmatively that such guardian or guardians were not appointed; provided, that nothing in this act contained shall be construed to effect in any manner any suit or proceeding already commenced for the recovery of any lands or the proceeds thereof, sold under or by virtue of any order of a surrogate's court.

§ 2. This act shall take effect immediately.

STATE OF NEW YORK, }
Office of the Secretary of State. } ss

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

G. HILTON SCRIBNER, Secretary of State.

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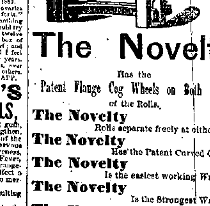

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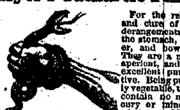

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100	" 85 each	8,500
200	" 55 each	7,700
20	" 50 each	1,000
250	" 40 each	[illegible]
50	" 50 each	[illegible]

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Description of Real estate.—The Pattinson Market was built by T. S. Pattinson about three years ago, situated one block from the Post Office, Elmira, N. Y., fronting on Market st., three stories high, with hotel known as Market Hotel attached, seventy-five feet front on Market street, running north two hundred feet, forming an L, running west two hundred and fifty feet, fronting on Baldwin street, being four hundred and fifty feet, with Public Hall above, two hundred feet long, and an office in the center, with a burglar and fire proof vault. Market built and fitted up in the most convenient and improved style.

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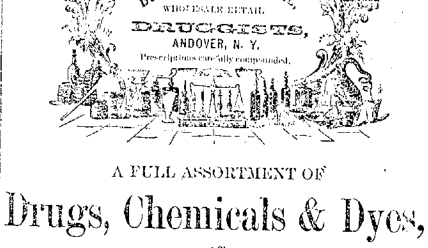

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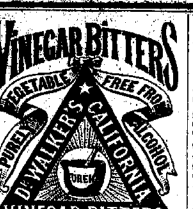

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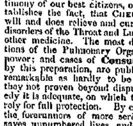

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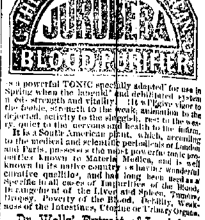

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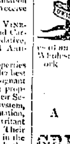

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