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Suffolk
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SUPREME COURT-NASSAU COUNTY, N.Y.

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In the Matter of the Petition

of

Claude V. Pallister, as President of the :
Village of Shoreham, Nassau County, N.Y., :
to legalize the bonds of said Village in :
the amount of \$18,000, and the proceedings :
for the issuance thereof. :

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NOTICE IS HEREBY GIVEN that at a Special Term of the
Supreme Court appointed to be held at Part I thereof in the
County Court House, Borough of Brooklyn, New York City

on the second day of July - - - 1914, at the opening of the
Court on that day, or as soon thereafter as counsel can be
heard, a petition will be presented, and an application made
for the Court to investigate the law and facts in the above
entitled proceeding as stated and set forth in such petition,
and to legalize the bonds of the Village of Shoreham, and the
proceedings for the issuance thereof referred to therein, and
sold for the purpose of raising the sum of \$18,000, for laying
out, altering, grading and paving the streets within the
limits of said Village.

This notice is given pursuant to Chapter 769 of the Laws
of 1911, in relation to legalizing municipal bonds or for pro-
ceedings for the issuance thereof.

Dated June 10th, 1914.

Reed & Pallister
Attorney for Petitioner,
O. and P.O. Address,
233 Broadway, Borough of
Manhattan, New York City.

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TO THE SUPREME COURT OF THE STATE OF NEW YORK :

The petition of the Village of Shoreham, Suffolk County, N.Y., by Claude V. Pallister, the President thereof, shows :

I. That the said Village of Shoreham is a municipal corporation duly organized and acting under the provisions of the Village Law of the State of New York.

II. That at a duly held meeting of the board of trustees of said Village held October 20th, 1913, a resolution was unanimously adopted calling a special election of the qualified electors thereof to be held on the 4th day of November, 1913, between the hours of 11 o'clock a.m., and 3 o'clock p.m., at the Woodville store in said Village for the purpose of voting on the following proposition :

"Whether or not the said Village shall issue its bonds for \$18,000 for the purpose of using the proceeds thereof, or so much as may be necessary for the purchase and construction of streets, drains, and for any and all other purposes permitted by Section 128 of the Village Law."

That notice of said special election was given, and said election was held on said 4th day of November, and a vote upon said proposition was had, which resulted in fifteen votes being cast, all of which were for said proposition.

III. That at a duly held meeting of the board of trustees of said Village held on the 22nd day of November, 1913, the following was adopted :

"Whereas at a special election held in the Village of Shoreham on the 4th day of November, 1913, a proposition in the following form was submitted to the voters of the said Village and was thereupon unanimously adopted :

"Shall the Village of Shoreham issue its bonds for \$18,000, for the purpose of using the proceeds thereof or so much thereof as may be necessary for the purchase and construction of streets, drains and for any and all other purposes permitted by Section 128 of the Village Law"

And whereas it was called to the attention of the meeting by Mr. Varian that the said proposition had been voted upon and that it was informal by virtue of an amendment to the Village Law, and that it would therefore be necessary

to call a new election, it was therefore resolved:

That a special election be called to be held on Saturday, December 13th, 1913, between the hours of 10 A.M. and 2 p.m. on the following propositions:

First : Shall the Village of Shoreham hold its annual election on the third Tuesday in June.

Second : Shall the board of trustees for the Village of Shoreham be changed, and the number of such trustees be increased to four.

Third : Shall the village of Shoreham borrow the sum of eighteen thousand (\$18,000) Dollars for the purpose of applying the same for laying out, altering, grading and paving the streets within the limits of said Village ; and to issue bonds therefor, said bonds to be paid within twenty-one (21) years from the date of issue, and to be payable in twenty (20) equal annual installments, each installment amounting to five (5%) per cent of their face value, the first installment to be payable in two (2) years from date of issue, and said bonds to bear interest at the rate of five (5%) per cent per annum, payable semi-annually. And the Village Clerk was directed to post the notices of such election in ten (10) conspicuous places in the Village."

IV. That on the 1st day of December, 1913, the following notice was posted in ten public places in said Village :

"Notice is hereby given that in pursuance of a resolution of the board of trustees of the Village of Shoreham duly adopted at a meeting held on the 22nd day of November, 1913, a special election will be held in the Village of Shoreham at the residence of John R. Melvin, on the 13th day of December, 1913, between the hours of 10 a.m., and 2 p.m., on the following propositions :

First : Shall the Village of Shoreham hold its annual election on the third Tuesday in June.

Second ; Shall the Board of Trustees for the Village of Shoreham be changed, and the number of such trustees be increased to four (4).

Third : Shall the Village of Shoreham borrow the sum of eighteen thousand (\$18,000) Dollars for the purpose of applying the same for laying out, altering, grading and paving the streets within the limits of said Village ; and to issue bonds therefor, said bonds to be paid within twenty-one (21) years from the date of issue; and to be payable in twenty(20) equal annual installments, each installment amounting to five (5%) per cent of their face value, the first installment to be payable in two (2) years from date of issue, and said bonds to bear interest at the rate of five (5%) per cent per annum, payable semi-annually."

V. That no newspaper is published in said Village, and that the designated official paper of said Village is the Port Jefferson Times, a newspaper published at Port Jefferson in said County of Suffolk.

VI. That said special election was held at the time and place

specified in said notice, and the polls thereof were kept open from 10 o'clock a.m., to 2 o'clock p.m., and four votes were cast upon said propositions, all of which voted "Yes." That all of said votes were cast by qualified voters of said Village by ballot and in accordance with the provisions of the Election Law relating to ballots. That said proposition or one embracing the same object had not theretofore been submitted to the qualified voters of said Village, except as herein above stated.

VII. That at a duly held meeting of the board of trustees of said Village on March 31st, 1914, the following resolution was adopted :

"Resolved, that bonds to the extent of \$18,000, authorized at a special election held in the Village on the 13th day of December, 1913, be sold, and that notice of the sale be given by posting and publishing in accordance with the Village Law."

VIII. That on the 1st day of April, 1914, the following notice of sale of said bonds, viz :

"Notice is hereby given that the undersigned, Trustees of the Village of Shoreham, Long Island, will receive, at the residence of John R. Mellville, Shoreham, Long Island, on the 18th day of April, 1914, at 1 p.m., sealed proposals for the purchase of \$18,000 twenty-one (21) year five (5%) per cent bonds of said Village, to be paid in twenty equal annual installments, each installment amounting to five (5%) per cent of the face value, the first installment to be payable two years after date of issue, interest payable semi-annually.

Pursuant to Section 129 of the Village Law, it is hereby provided that no bid for less than the par value of said bonds will be accepted.

Dated, Shoreham, L.I., March 31st, 1914.

Claude V. Pallister,
Alfred W. Varian,
A.G. Fradenburgh.

John R. Mellville,
Village Clerk."

was posted in three public places in said Village, and on the 4th and 11th days of April, 1914, said notice was published in the Port Jefferson Times, the official paper of said Village.

IX. That pursuant to said notice of sale a bid was received for said bonds from Adams & Company of No. 40 Wall Street, New York City, offering a premium of \$18.00 therefor, which was the only bid received for the same, and that thereafter at a duly held meeting of the board of trustees of said Village, all the members thereof present, the following was adopted :

" 12 "Whereas, at a meeting of this board held October 20, 1913, a special election was called to be held on the 4th day of November, 1913, for the purpose of authorizing the issuance of the bonds of the Village of Shoreham, Suffolk County, in the amount of \$18,000, for the purpose of constructing streets and other purposes provided for by section 128 of the Village Law, which said special election was held and the said proposition adopted by a majority of the qualified voters present and voting thereon ; and

" 13 Whereas, at a meeting of this board held November 22d, 1913, it was called to the attention of the board of trustees that the said proposition was irregular by virtue of an amendment to the Village Law and it would be necessary to call a new election, and that thereupon a resolution was adopted, calling a special election, to be held December 13th, 1913, at which said special election a proposition was adopted authorizing the issuance of the bonds of said Village in the amount of \$18,000 for the purpose of laying out, altering, grading and paving streets within the said Village, said bonds to be payable in twenty annual installments of \$900 each, the first installment to be payable two years from the date of issue, and to bear interest at the rate of 5% per annum, payable semi-annually ; and

" 14 Whereas, such proceedings were thereafter had and taken that said bonds were sold to Adams & Company of No. 40 Wall Street, New York City, at par and a premium of \$18, therefore

Resolved, that the said resolutions adopted by this board on the 25th day of October, 1913, calling a special election to be held November 4, 1913, and all proceedings had thereon be and the same hereby are repealed and annulled, and further

" 15 Resolved, that the sum of \$18,000 be borrowed from said Adams & Company pursuant to the sale under the proposition adopted December 13th, 1913, for the purposes specified in said proposition, and that twenty registered bonds of said Village of the denomination of \$900 each, numbered 1 to 20 inclusive, dated as of June 1st, 1914, and payable one bond as consecutively numbered on the 1st day of June in each of the years 1916 to 1935 inclusive, bearing interest at the rate of 5% per annum, payable semi-annually, be prepared, executed, and delivered to said Adams & Company, upon receipt of the amount offered for said bonds, as security for the payment of the sum so borrowed, and that said bonds be in form substantially as follows - the blanks therein to be properly filled - viz :

NO. UNITED STATES OF AMERICA
STATE OF NEW YORK, COUNTY OF SUFFOLK
VILLAGE OF SHOREHAM
STREET IMPROVEMENT BOND 1914.

\$900

KNOW ALL MEN BY THESE PRESENTS, that the Village of Shoreham, in the County of Suffolk, and State of New York, a municipal Corporation, for value received, hereby acknowledges itself indebted and promises to pay to Adams & Company of No. 40 Wall Street, New York City, their legal representatives, successors or assigns, the sum of Nine Hundred Dollars, lawful money of the United States of America, on the first day of June, in the year nineteen hundred and at

together with interest thereon at the rate of five per centum per annum, payable semi-annually, on each first day of December and June after the date hereof until the said principal sum is fully paid. Both interest and principal to be paid in New York Exchange.

This bond is registered in the office of the Clerk of said Village, and is transferable only by a written assignment duly acknowledged or proved, such transfer to be endorsed hereon and entered on the books of said Clerk kept for that purpose, and is one of an issue of twenty bonds of like date and tenor, but maturing at different times, and is issued pursuant to the Village Law of the State of New York, for the purpose of improving the streets in said Village, and pursuant to proceedings and resolutions in all respects authorizing the same.

It is hereby certified that all conditions, acts and things essential to the validity of this bond, exist, have happened and have been done, and that every requirement of law affecting the issue hereof has been duly complied with and that the total indebtedness of said Village, including this issue of bonds, is within every debt and other limit prescribed by the Constitution and Laws of said State, and that the faith and credit of said Village are hereby irrevocably pledged to the punctual payment of the interest and principal of this bond according to its terms.

IN WITNESS WHEREOF, these presents have been signed for and on behalf of said Village of Shoreham by its President and Treasurer, and attested by its Clerk under its corporate seal as of the 1st day of June, A.D., 1914.
Village of Shoreham,

BY

President.

Treasurer.

Attest :

Village Clerk.

Form for registration on the back thereof as follows :

.....
Date of Registry: In whose name registered; Village Clerk, Registrar.
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and be it further

RESOLVED, that there shall be raised annually, by tax upon the taxable property of said Village, such sums as shall be necessary to pay the interest and principal of said bonds as the same shall become due."

X. That the purchasers of said bonds object to the regularity of the proceedings and the validity of said bonds for the following reasons :

1. The resolution of the board of trustees calling the special village election of December 13th, 1913, at which election the proposition under which the said bonds are proposed to be issued did not designate the place of holding the said election as required by Section 52 of the Village Law, which Section also provides that a vote upon a proposition shall be void unless due notice of the election has been given.

2. The voters by the proposition authorizing the issuance of the bonds fixed the rate of interest at 5% per annum, contrary to the provisions of Section 129 of the Village Law which requires that the rate of interest on Village bonds shall not exceed 5% per annum, and that they shall be sold to the person who will take them at the lowest rate of interest.

XI. That notwithstanding the objections so raised, your petitioner alleges that there was a substantial compliance with the provisions of the Village Law for the reason (1) that although the resolution calling said special election failed to designate a place for holding the same, yet the notice of said special election posted and published, stated the place where such special election would be held ; and (2) that although the rate of interest was fixed by the proposition at the rate of 5% per annum, at the time of its adoption, contrary to Section 129 of the Village Law, your petitioner alleges upon information and belief that said section 129 of the Village Law

at the time said bonds were sold had been so amended by Chapter 54 of the Laws of 1914, as to authorize such bonds to be sold at a fixed rate of interest to the person who would take them at the highest price.

" 23 XII. That the total assessed valuation of the real property of said Village of Shoreham subject to taxation as it appeared upon the last preceding assessment-roll is \$183,500. - - - and the total contract indebtedness thereof exclusive of liabilities for which taxes have been levied and obligations issued to provide for the supply of water is \$ (nothing)

XIII. That this proceeding is taken under and pursuant to Chapter 769 of the Laws of 1911, amending the General Municipal Law in relation to legalizing municipal bonds or proceedings for the issuance thereof, and your petitioner is informed and believes that if an order herein is granted legalizing said bonds and the proceedings for the issuance thereof, that the purchasers thereof are ready and willing on their part to carry out the terms of sale as herein stated and set forth, and take up and pay for said bonds.

" 24 WHEREFORE your Petitioner prays that the Court will investigate the law and facts in relation to the sale and issuance of said bonds, and if found that the statute under which the same are issued confers the power to issue and sell said bonds, and that there has been a substantial compliance with the provisions of such statute in the exercise of such power, that an order be granted and entered, legalizing such bonds and the proceedings for the issuance thereof, with the same force and effect as if all the provisions of such statute had been strictly complied with.

Claude V. Ralston
President of Village of Shoreham,
Suffolk County, N.Y.

STATE OF NEW YORK,)
COUNTY OF SUFFOLK) SS.:

Claude V. Pallister, being duly sworn, says that he is the President of the Village of Shoreham in the said County of Nassau, and the petitioner named in and who signed the foregoing petition, and knows the contents thereof, and that the same is true to his knowledge except as to the matters therein stated to be alleged on information and belief, and that as to those matters, he believes it to be true.

Claude V. Pallister

Sworn to before me this
10th day of June, 1914.

Wm. J. Doyle, Jr.

Commissioner of Deeds
New York City, residing in Kings Co.
N. Y. County Clerk's No. 16
N. Y. County Register No. 15053
Kings County Register No. 5037