

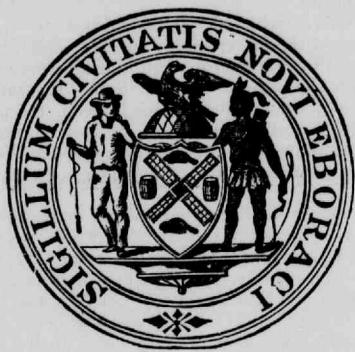
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LAWS OF 1878.

Acts of the Legislature of the State of New York, relating to the City and County of New York, Passed at the Regular Session for 1878.

CHAPTER 9.

AN ACT to legalize and confirm the official acts of John W. C. Leveridge, of the city of New York, a Notary Public.

Passed January 26, 1878; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:
SECTION 1. The official acts and proceedings of John W. C. Leveridge, of the city of New York, performed by him as notary public for the city and county of New York, since the thirtieth day of March, one thousand eight hundred and seventy-seven, are hereby made as legal and shall be held to be of the same force and validity, as if the term of office of the said John W. C. Leveridge, as such notary public, had not expired on the thirtieth day of March, one thousand eight hundred and seventy-seven.

Sec. 2. This act shall not affect any action or legal proceeding now pending.

Sec. 3. This act shall take effect immediately.

CHAPTER 17.

AN ACT to release to Catherine Ringler the interest of the people of the State of New York in and to the surplus moneys deposited with the chamberlain of the city of New York to the credit of the action in the Supreme Court, wherein John Adelhardt was plaintiff, and Catherine Ringler and others were defendants.

Passed February 8, 1878, 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 estate, claim, right, title and interest of the people of this state, in and to the surplus moneys, amounting to two hundred and fifty-nine dollars and sixty-two cents, arising on the foreclosure sale of certain real estate, whereof Christian Ringler, late of the city of New York, died seized, situate in the twenty-third ward of said city, and now in deposit with the chamberlain of the city of New York to the credit of the action in the Supreme Court, wherein John Adelhardt was plaintiff, and Catherine Ringler, Jacob Ringler, Daniel Ringler, and the people of the state of New York were defendants, is hereby released to Catherine Ringler, widow of Christian Ringler, late of the city of New York, deceased.

Sec. 2. Nothing herein contained shall be construed to impair or affect any legal right, claim, or interest of any purchaser, heir-at-law, devisee, or of any creditor of, in or to said real estate or surplus money.

SEC. 3. This act shall take effect immediately.

CHAPTER 33.

AN ACT to amend chapter five hundred and sixteen of the laws of eighteen hundred and sixty-seven, entitled "An act for the further protection of female employees in the city of New York."

Passed February 25, 1878; 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 five hundred and sixteen of the laws of eighteen hundred and sixty-seven, entitled "An act for the further protection of female employees in the city of New York," is hereby amended so as to read as follows:

Sec. 1. No property now exempt by law shall be exempt from levy or sale, under an execution, issued upon a judgment obtained in any court in the city of New York, for work, labor or services done or performed by any female employee when the amount of such judgment does not exceed the sum of fifty dollars, exclusive of costs.

Sec. 2. Section two of said act is hereby amended so as to read as follows:

Sec. 2. Whenever any execution issued upon a judgment as aforesaid, shall be returned unsatisfied, the clerk of the court wherein such judgment was obtained, shall issue a further execution to any marshal of the city of New York commanding him to collect the amount due upon such judgment or in default of judgment thereof, to arrest the defendant in such execution, and him safely convey to the jail or debtor's prison of the county of New York, and commanding the jailor of said jail to keep the said defendant without benefit of jail limits until the said defendant shall pay the said judgment, or be discharged according to law, but such imprisonment shall in no case extend beyond the period of fifteen days.

Sec. 3. This act shall not apply to any action or proceeding already commenced.

Sec. 4. This act shall take effect immediately.

CHAPTER 35.

AN ACT granting free passage, through toll-gates and over toll-bridges and ferries, to the national guard.

Passed February 27, 1878; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:
SECTION 1. Any member or members of the national guard of this state, when in uniform, going to or returning from any parade, encampment, drill or meeting, which he or they may be required to attend in compliance with orders from any competent authority, shall, together with such conveyance or conveyances or military property of the state, as he or they may be in charge of, be allowed, without any hindrance or delay, to pass free through all toll-gates and over all toll-bridges and ferries within the state.

Sec. 2. Any toll-gate or toll-bridge keeper or any ferry master, or any other person or persons, who may be in charge of any toll-gate, toll-bridge or ferry, who shall willfully hinder or delay any member or members of the national guard, or shall refuse free passage to such member or members of the national guard, who shall be acting under the provision of the first section of this act, shall be guilty of a misdemeanor, and on conviction be fined no less than ten dollars and no more than twenty dollars or be imprisoned no less than five days and no more than ten days.

Sec. 3. This act shall take effect immediately.

CHAPTER 81.

AN ACT to amend chapter two hundred and twenty-five of the laws of eighteen hundred and fifty-one, entitled "An act to incorporate the Ladies' Union Aid Society of the Methodist Episcopal Church in the city of New York."

Passed March 25, 1878; three-fifths being present.

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

SECTION 1. Section first of chapter two hundred and twenty-five of the laws of eighteen hundred and fifty-one, entitled "An act to incorporate the Ladies' Union Aid Society of the Methodist Episcopal church in the city of New York," is hereby amended so as to read as follows:

Sec. 1. Mrs. W. M. Mason, Mrs. E. A. Farr, Mrs. Henry Moore, Mrs. Benjamin F. Howe, Mrs. William Graham, Mrs. W. B. Thompson, Mrs. John A. Kennedy, Mrs. John D. Adams, and Miss Mary E. E. Bangs, and such other persons as are now associated or may hereafter associate with them and their successors, are hereby constituted a body corporate by the name of "The Methodist Episcopal Church Home in the City of New York."

Sec. 2. Section three of said act is hereby amended to read as follows:

Sec. 3. The said corporation may purchase and hold real and personal estate, and may take and hold real and personal estate by bequest or devise, subject to the restrictions imposed by chapter three hundred and sixty of the laws of eighteen hundred and sixty, entitled "An act relating to wills." But the annual income of real or personal estate which said corporation may at any one time hold shall not exceed fifty thousand dollars. And all of the real estate owned by said corporation shall be exempt from taxation so long as the same, or the income thereof, shall be used exclusively for the purposes of said corporations.

Sec. 3. This act shall take effect immediately.

CHAPTER 88.

AN ACT to establish the exterior bulkhead and pier lines of the harbor of New York, on the Staten Island side.

Passed March 29, 1878; three-fifths being present.

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

SECTION 1. The exterior bulkhead and pier lines of the harbor of New York, on the Staten Island side, are hereby declared to be established for that portion of said harbor extending from Fort Wadsworth at the Narrows to the entrance of Kill von Kull on the lines and at the distances from the shores of Staten Island, as shown on a map, entitled, "Hydrographic Chart, showing the proposed pier and bulkhead lines between Fort Wadsworth and New Brighton, Staten Island, New York harbor," and signed April fifth, eighteen hundred and seventy-seven, by A. A. Humphreys, brigadier-general and chief of engineers, United States Army, C. P. Patterson, superintendent coast survey, and John Newton, lieutenant-colonel of engineers and brevet major-general; said map being filed in the office of the secretary of state of this state, and the lines being described as follows: Beginning at the northeast angle of the coffer dam crib at Fort Wadsworth, and running thence on a straight line six thousand feet to a point on the south boundary of Maple avenue, produced easterly one thousand three hundred and eighty-five feet from the west line of New York avenue; thence curving eastward with a uniform radius of twenty-six thousand five hundred feet, a distance of nineteen hundred feet, to a point on the south line of Vanderbilt avenue, produced easterly one thousand four hundred and sixty-five feet from the west line of Bay street; thence curving eastward with a uniform radius of three thousand three hundred and thirty-three feet, a distance of one thousand feet, to a point on the south line of Canal street, produced easterly one thousand seven hundred and twenty-five feet from the east line of Bay street; thence curving easterly with a uniform radius of ten thousand nine hundred feet, a distance of one thousand and ninety-five feet, to a point on the south line of Ware street, produced easterly one thousand seven hundred and sixty-five feet from the east line of Bay street; thence curving easterly with a uniform radius of six thousand four hundred feet, a distance of one thousand two hundred and twenty-five feet to a point on the south line of Washington street, produced easterly one thousand one hundred and sixty-five feet from the west line of Bay street; thence running on a straight line one thousand six hundred and twenty feet to a point on the south line of Arrietta street, produced easterly one thousand three hundred and eighty feet from the east line of Griffin street; thence running on a straight line one thousand six hundred and thirty feet to a point on the south line of South street, produced easterly one thousand one hundred feet from the east line of Stuyvesant street; thence curving westerly with a uniform radius of three thousand one hundred and twenty-five feet, a distance of nine hundred and sixteen feet to a point on the south line of De Kalb street, produced easterly seven hundred and ten feet from the west line of Brighton place; thence curving westerly with a uniform radius of three thousand one hundred and twenty-five feet, a distance of eight hundred and fifty feet to a point on the south line of Hamilton avenue, produced easterly eight hundred and fifty feet from the west line of Jay street; thence curving westerly with a uniform radius of three thousand one hundred and twenty-five feet, a distance of one thousand five hundred feet to a point on the south line of Nicholas street, produced easterly five hundred and ninety feet from the west line of shore road leading from New Brighton landing to Tompkins landing. The bulkhead line being parallel to the above described pier line and distant six hundred feet westerly therefrom.

Sec. 2. It shall be lawful for the owners of piers or bulkheads constructed or hereafter to be constructed, or owners of land under water granted by the State of New York on the Staten Island side of the harbor of New York, to extend or construct piers or bulkheads to the exterior lines of piers and bulkheads, respectively fixed and established by this act.

Sec. 3. This act shall take effect immediately.

CHAPTER 93.

AN ACT to authorize the religious society in the city of New York, known as the "Congregation Rodef Scholem," to bury, hold, and dispose of land for cemetery purposes.

Passed March 30, 1878.

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

SECTION 1. The religious society or corporation of the city of New York, known as the "Congregation Rodef Scholem," are hereby authorized to purchase, hold, and dispose of, for cemetery purposes, land not exceeding nine acres in extent, adjoining the cemetery known as Union cemetery in the town of Newtown in the county of Queens.

Sec. 2. The said grounds and real estate occupied by said society shall not be exempt from taxation, but remain subject to all public, general, and local taxes, rates or assessments, and for that purpose chargeable against said society as undivided real property; but the several lots or plots of ground assigned to individuals by said society when the same shall become occupied for burial purposes, shall not be liable to be sold on execution for debt, or in any manner be subject to the payment of any debts from any proprietor, his heirs or devisees so occupying the same, as long as the said grounds shall remain dedicated for the purpose aforesaid; and during such time no street, road, or avenue shall be laid through said grounds without the consent of said society first had and obtained, except by permission of the legislature.

Sec. 3. This act shall take effect immediately.

CHAPTER 95.

AN ACT to legalize the execution of a certain conveyance by the Kips Bay Methodist Episcopal Church of the city of New York.

Passed March 30, 1878; three-fifths being present.

Whereas, The Kips Bay Methodist Episcopal Church of the city of New York did, on the thirtieth day of April, in the year one thousand eight hundred and seventy-seven, execute and deliver to the New York City Church Extension and Missionary Society of the Methodist Episcopal Church a deed of conveyance of certain lands situate in the city of New York, forming part of the block bounded by Thirty-seventh and Thirty-eighth streets and Second and Third avenues, with the church edifice erected thereon, which conveyance bears date on the thirtieth day of April, one thousand eight hundred and seventy-seven, and was executed under and by virtue of an order of

the supreme court, made on the twenty-sixth day of April, in the year one thousand eight hundred and seventy-seven, giving leave to the said Kips Bay Methodist Episcopal Church to transfer and convey the real estate to said New York City Church Extension and Missionary Society of the Methodist Episcopal Church, and authorizing and directing the execution of said deed of conveyance;

And whereas doubts have arisen as to the sufficiency of the authority conferred by said order to execute said conveyance,
The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The above recited deed of conveyance, bearing date the thirtieth day of April, one thousand eight hundred and seventy-seven, made by the Kips Bay Methodist Episcopal Church of the city of New York, to the New York City Church Extension and Missionary Society of the Methodist Episcopal Church, of certain lands situate in the city of New York, forming part of the block bounded by Thirty-seventh and Thirty-eighth streets and Second and Third avenues, with the church edifice erected thereon, is hereby in all respects ratified and confirmed, and the same shall be valid and effectual to vest in the grantee named therein all the right, title and interest which the said Kips Bay Methodist Episcopal Church had in or to the real estate described therein at the time of the delivery thereof. Provided that nothing herein contained shall affect any action now pending, or impair any intermediate right acquired by lien or otherwise in or to the property affected by said conveyance.

Sec. 2. This act shall take effect immediately.

CHAPTER 99.

AN ACT to repeal chapter two hundred and fifty of the laws of eighteen hundred and fifty-three, entitled "An act relating to incorporated banks, banking associations and individual bankers located in the city of New York."

Passed April 2, 1878.

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

SECTION 1. Chapter two hundred and fifty of the laws of eighteen hundred and fifty-three, entitled "An act relating to incorporated banks, banking associations and individual bankers located in the city of New York," passed April fifteen, eighteen hundred and fifty-three, is hereby repealed.

Sec. 2. This act shall take effect immediately.

CHAPTER 104.

AN ACT to authorize the New York Protestant Episcopal public school to mortgage real estate in the nineteenth ward of the city of New York.

Passed April 4, 1878.

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

SECTION 1. The New York Protestant Episcopal public school is hereby empowered, at its option, to mortgage such part or parts of its real estate in the nineteenth ward of the city of New York, as it is authorized to sell in fee simple by chapter seven hundred and fourteen of the laws of eighteen hundred and seventy-three.

Sec. 2. This act shall take effect immediately.

CHAPTER 105.

AN ACT to amend chapter two hundred and forty-nine of the laws of eighteen hundred and fifty-seven, entitled "An act to amend an act, entitled 'An act to incorporate the American Female Guardian Society.'"

Passed April 4, 1878; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:
SECTION 1. Section two of chapter two hundred and forty-nine of the laws of eighteen hundred and fifty-seven, entitled "An act to amend an act entitled 'An act to incorporate the American Guardian Society,' " is hereby amended so as to read as follows:

Sec. 2. Any order so made by any such magistrate shall be executed by any policeman to whom it shall be delivered by the magistrate, by conveying the child therein named to the home for the friendless, and such child shall be detained in said home until discharged or removed therefrom in the manner hereinafter provided. The society shall receive for the maintenance of such child the sum of two dollars for each and every week until such child is discharged or removed from said institution.

Sec. 2. This act shall take effect immediately.

CHAPTER 106.

AN ACT to amend chapter three hundred and eighty-six of the laws of eighteen hundred and fifty-one, entitled "An act to amend, consolidate and reduce to one act, the various acts relative to common schools of the city of New York," passed July three, eighteen hundred and fifty-one, and the several acts amendatory thereof.

Passed April 4, 1878; three-fifths being present

The People of the State of New York, represented in Senate and Assembly, do enact as follows:
SECTION 1. Section thirty-five of "An act to amend, consolidate and reduce to one act, the various acts relative to common schools of the city of New York," passed July three, eighteen hundred and fifty-one, is hereby amended so as to read as follows:

Sec. 35. All children between the ages of five and twenty-one years residing in the city and county shall be entitled to attend any of the common schools therein; and the parents, guardians or other persons having the custody or care of such children shall not be liable to any tax, assessment or imposition for the tuition of any children, other than is hereinbefore provided.

Sec. 2. This act shall take effect immediately.

CHAPTER 110.

AN ACT in relation to arrears of taxes in the city of New York, and to provide for the reissuing of revenue bonds in anticipation of such taxes.

Passed April 4, 1878; three-fifths being present.

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

SECTION 1. At any time within one year after the passage of this act, any person may pay to the comptroller of the city of New York the amount of any tax upon real property belonging to such person, heretofore laid or imposed and now remaining unpaid, together with interest at eight per cent. per annum, to be calculated from the time that such tax was imposed to the time of such payment, and the comptroller shall make and deliver to the person so making such payment a receipt therefor, and shall forthwith cancel the record of any such tax. Upon such payment such tax shall cease to be a lien upon the property and shall be deemed fully paid, satisfied and discharged, and there shall be no right to any further interest or penalty by reason of such tax not having been paid within the time heretofore required by law, or by reason of any statute passed requiring the payment heretofore of any penalty or interest over seven per cent. upon any unpaid tax.

Sec. 2. Any revenue bonds heretofore issued in anticipation of the taxes in the first section specified, which may fall due and become payable before such taxes are collected, may be reissued by the comptroller of said city, in whole or in part for such period as he may determine, not exceeding one year.

Sec. 3. This act shall take effect immediately.

CHAPTER 112.

AN ACT to amend chapter one hundred and fifty-nine of the laws of eighteen hundred and fifty-five, entitled "An act to allow the trustees, directors, or managers of incorporated asylums to bind out orphans or indigent children surrendered to their care."

Passed April 6, 1878.

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

SECTION 1. Section one of chapter one hundred and fifty-nine of the laws of eighteen hundred and fifty-five, entitled "An act to allow the trustees, directors or managers of incorporated asylums

to bind out orphans or indigent children surrendered to their care," is hereby amended so as to read as follows:

Sec. 1. The trustees, directors or managers of any incorporated orphan asylum (or other incorporated institution for the care of friendless children) may bind out any orphan or indigent child, if a male, under the age of twenty-one years, or if a female under the age of eighteen years, which has been or shall be surrendered to the care and custody of said society by the parent or guardian thereof (or which has been left to its care with no provision for its support, for the space of one year), or placed therein by the superintendent of the poor of the county, or the overseers of the poor, or board of charities of any city or town in the county within which said asylum is located, to be clerks, apprentices or servants, until such child, if a male, shall be twenty-one years old, or, if a female, shall be eighteen years old, which binding shall be as effectual as if such child had bound himself with the consent of his father.

Sec. 2. Section two of the said act is hereby amended so as to read as follows:

Sec. 2. In case of the death of the father of any indigent child, or in case the father shall have abandoned his family or neglected to provide for them (during a period of six months), the mother shall be guardian of said child for the purpose of surrendering the said child to the care and custody of said society; and in case of the death of both parents, the mayor of the city, or county judge of the county within which the said asylum may be located, shall be, ex officio, the guardian of said child for the purpose of enabling said trustees, managers or directors to bind out said child, but this act shall not apply to cases where testamentary guardians have been appointed by either parent.

Sec. 3. When a child or children shall have been placed under the care and custody of any incorporated charitable institution, and supported in part or in whole by the city of New York, by taxes imposed for that purpose, shall be considered as deserted, then if no inquiry has been made about their welfare and no board has been paid by parents or guardian for the space of one year, any judge of a court of record, in the county where such child or children may be taken care of, is authorized and empowered, on application of the charitable institution having the charge of such child or children, to order their adoption by suitable persons named by said institution, or their transfer to any incorporated non-sectarian institution or society to be selected by parties or persons seeking homes or occupation for children, if said societies shall consent to receive them; and the said named societies, when consenting to receive such child or children may bind out such child or children as set forth in sections one and two of this act.

Sec. 4. This act shall take effect immediately.

CHAPTER 115.

AN ACT to amend the charter of the corporation of the Chamber of Commerce of the State of New York.

Passed April 6, 1878.

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

SECTION 1. The corporation of the Chamber of Commerce of the State of New York, re-incorporated by an act of the Legislature of the State of New York, passed on the thirteenth day of April, one thousand seven hundred and eighty-four, is hereby empowered to take and receive from the United States of America, or from any corporation, or from any person or persons, any real or personal estate, also to take by devise or purchase any real or personal estate, for the purposes of said corporation, and to convey, lease or mortgage the same, or any part thereof, the net annual income of which real estate shall not exceed one hundred thousand dollars.

Sec. 2. It shall be lawful for the said corporation to elect, from among its members, at its first meeting called for the purpose after the passage of this act, six trustees, who with the president of said corporation, shall constitute a board, and have the charge and control of the real estate of said corporation; said trustees at said first election shall be classified so that two of them be elected for one year, two of them for two years, and two of them for three years, and at each annual election after the first, two trustees shall be elected to fill the class of those whose terms expire; and said corporation, at any regular meeting of the chamber, shall have power to fill any vacancy in said board of trustees.

Sec. 3. All conveyances, mortgages, leases or contracts of, or affecting any real estate of said corporation, shall be authorized by said board of trustees, and president of the chamber, or of a majority thereof, and shall, when so authorized, be executed under the seal of the corporation, attested by the signatures of the president and secretary of the chamber.

Sec. 4. This act shall take effect immediately.

CHAPTER 116.

AN ACT to amend chapter three hundred and twenty-eight of the laws of eighteen hundred and sixty-eight, entitled "An Act to amend and continue in force an act entitled 'An act to incorporate an association for the relief of respectable, aged indigent females in the city of New York,' passed March tenth, eighteen hundred and fifteen, and the acts continuing in force and amending the same."

Passed April 6, 1878.

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

SECTION 1. Section 1 of chapter three hundred and twenty-eight of the laws of eighteen hundred and sixty-eight, entitled "An act to amend and continue in force an act entitled 'An act to incorporate an association for the relief of respectable aged indigent females in the city of New York,' passed March tenth, eighteen hundred and fifteen, and the acts continuing in force and amending the same," is hereby amended so as to read as follows:

Section 1. So much of the first section of the act, entitled "An act to incorporate an association for the relief of respectable, aged indigent females in the city of New York," passed March tenth, eighteen hundred and fifteen, as amended by the act of April fourteen, eighteen hundred and sixty, as limits the amount of real and personal property, which the said association may hold, to three hundred thousand dollars is hereby repealed, and the said association is hereby authorized to hold real and personal property to an amount not exceeding seven hundred and fifty thousand dollars.

Sec. 2. This act shall take effect immediately.

CHAPTER 125.

AN ACT relating to contracts for lighting the public lamps in the city of New York.

Passed April 11, 1878; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:
SECTION 1. The board authorized to make and enter into contracts for lighting the streets, avenues and places of the city of New York with gas, consisting of the mayor, comptroller and commissioner of public works, is hereby authorized and empowered to contract for such lighting the public lamps with gas or other illuminating material in said city by one or more contracts, to be let at public lettings, as provided by law, for a period of one year, or any part of a year, and commencing and terminating at any dates the said board may determine.

Sec. 2. All acts or parts of acts inconsistent with the provisions of this act are hereby repealed.

Sec. 3. This act shall take effect immediately.

CHAPTER 172.

AN ACT to amend chapter forty-two of the laws of eighteen hundred and fifty-six, entitled, "An act to incorporate the College of Pharmacy of the City of New York," passed March twentieth, eighteen hundred and fifty-six.

Passed April 25, 1878.

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

SECTION 1. Section three of chapter forty-two of the act entitled, "An act to incorporate the College of Pharmacy of the City of New York," passed March twentieth, eighteen hundred and fifty-six, is hereby amended so as to read as follows:

Sec. 3. The officers of the college shall be a president, three vice-presidents, a treasurer, and a secretary, whose respective duties may be assigned by the by-laws, and who shall be elected at the stated meeting in March of each year, and any vacancy or vacancies that may occur may be supplied by a special election by the members of said college. There shall also be elected at the first stated meeting in March, after the passage of this act, a board of trustees consisting of not less than nine members, and the officers of the college shall be ex-officio members of the board of trustees, and the said board of trustees, of whom not less than one-third shall constitute a quorum, shall conduct the ordinary affairs of the College of Pharmacy of the city of New York as they may deem fit and proper, and perform such duties as are or may be from time to time committed to them by said college; the acts of the board of trustees, however, to be subject to the revision of the college at

each stated meeting. The board of trustees immediately after the first election after the passage of this act shall classify themselves by lot into three equal classes, of whom the term of office of the first class shall continue for three years, of the second for two years, and of the third class for one year, so that a like number of trustees shall be elected at the stated meeting in March of each year for the term of three years each.

Sec. 2. Section four of said act is hereby amended so as to read as follows:

Sec. 4. The trustees shall have power to issue certificates of membership, to adopt rules and regulations in the examination of candidates, and the granting of diplomas to those who have undergone a satisfactory examination by the trustees, assisted by the professors of the college. Students who have attended one course of lectures in any other regularly constituted college of pharmacy, may be entitled to graduate after attending one course of lectures in this college and complying with the other requisitions provided herein, and in the by-laws of said college.

Sec. 3. This act shall take effect immediately.

CHAPTER 175.

AN ACT to amend section two, chapter thirty-three of the laws of eighteen hundred and seventy-eight, entitled "An act to amend chapter five hundred and sixteen of the laws of eighteen hundred and sixty-seven, entitled 'An act for the further protection of female employees in the city of New York.'"

Passed April 25, 1878; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows: SECTION 1. Section two of chapter thirty-three of the laws of eighteen hundred and seventy-eight, entitled "An act to amend chapter five hundred and sixteen of the laws of eighteen hundred and sixty-seven, entitled 'An act for the further protection of female employees in the city of New York,'" is hereby amended so as to read as follows:

Sec. 2. Whenever any execution issued upon a judgment as aforesaid shall be returned unsatisfied, the clerk of the court wherein such judgment was obtained shall issue a further execution to any marshal of the city of New York, commanding him to collect the amount due upon such judgment, or in default of payment thereof, to arrest the defendant in such execution, and him safely convey to the jail or debtor's prison of the county of New York, and commanding the jailor of said jail to keep the said defendant without benefit of jail limits until the said defendant shall pay the said judgment, or to be discharged according to law, but such imprisonment shall in no case extend beyond the period of fifteen days.

Sec. 2. This act shall not apply to any action or proceeding already commenced.

Sec. 3. This act shall take effect immediately.

CHAPTER 192.

AN ACT to release the interest of the state in the real estate of which Frederick Tornquest, otherwise known as Frederick John Tornquest, late of the city, county, and state of New York, died seized, to Annie Tornquest, his widow.

Passed April 27, 1878, 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 estate, right, title, and interest of the state of New York, acquired by escheat of, in and to the real estate of which Frederick Tornquest, otherwise known as Frederick John Tornquest, of the city and county of New York, died seized, which said real estate is situated in the city and county of New York, and is more particularly described by a certain deed of conveyance made and executed by Emma Galloway to Frederick Tornquest, bearing date the twenty-sixth day of August, eighteen hundred and seventy-two, and recorded in the office of the register of the city and county of New York, in liber twelve hundred and thirty-one of conveyances, page forty-eight, on the twenty-sixth day of August, eighteen hundred and seventy-two; and in Queens county, which said real estate, situated in Queens county aforesaid, is more particularly described by a certain deed of conveyance made and executed by James Welch to Frederick John Tornquest, bearing date the fifteenth day of November, eighteen hundred and seventy, and recorded in the Queens county clerk's office, in liber three hundred and thirty-four of deeds, page one hundred and sixty-eight, November fifteenth, eighteen hundred and seventy, is hereby released to Annie Tornquest, widow of the said deceased.

Sec. 2. Nothing in this act contained shall impair or effect the rights, title, or interest of any devisee, heir-at-law, mortgagee, grantee, or creditor of said Frederick Tornquest, otherwise known as Frederick John Tornquest, deceased, in the said real estate.

Sec. 3. This act shall take effect immediately.

CHAPTER 212.

AN ACT to establish the right of citizens of this State to carry on their business in all parts thereof.

Passed May 3, 1878.

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

SECTION 1. It shall not be lawful for the authorities of any county, city or village to impose upon the inhabitants of any other county, city or village within this state, carrying on or desiring to carry on any lawful trade, business or calling within the limits thereof, any restriction or condition whatever except such as may be necessary for the proper regulation of such trade, business or calling and such as apply equally and impartially to the citizens of all parts of the state alike, and all ordinances in violation of the provisions of this act are hereby declared to be null and void.

Sec. 2. This act shall take effect immediately.

CHAPTER 214.

AN ACT to authorize the commissioners of the sinking fund of the city and county of New York to convey certain lands to the "Home for Aged and Infirm Hebrews of New York."

Passed May 3, 1878; three-fifths being present.

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

SECTION 1. The commissioners of the sinking fund of the city and county of New York are hereby authorized and empowered to assign, grant and convey to the "Home for Aged and Infirm Hebrews of New York," upon such terms and conditions as may be agreed upon, all the right, title and interest of the city of New York in and to that certain piece or parcel of land situate, lying and being in the nineteenth ward of the city of New York, and bounded by Sixty-seventh street, Third avenue, Sixty-eighth street and Lexington avenue, or so much of the same as they may deem suitable for the erection thereon of a "Home for Aged and Infirm Hebrews;" provided, however, that the said piece or parcel of land, or any part thereof, shall not be assigned, granted or conveyed except on such terms as the common council of said city may by resolution determine.

Sec. 2. This act shall take effect immediately.

CHAPTER 219.

AN ACT in relation to evidence in civil and criminal cases.

Passed May 7, 1878.

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

SECTION 1. Any act, ordinance, resolution, by-law, rule, or proceeding of the common council of a city, or of the board of trustees of an incorporated village, or of a board of supervisors of any county within this state, and any recital of occurrences taking place at the sessions of any thereof may be read in evidence on any trial, examination or proceeding, whether civil or criminal, either from a copy thereof certified by the clerk of the city, village, common council or board of supervisors, or from a volume printed by authority of the common council of the city or board of supervisors of the county.

Sec. 2. This act shall take effect immediately.

CHAPTER 255.

AN ACT in relation to the payment of assessments for local improvements in the city of New York.

Passed May 14, 1878; three-fifths being present.

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

SECTION 1. At any time within two years after the passage of this act, any person liable therefor may pay to the officer authorized to receive the same the amount of any assessment for any local

improvement in the city of New York, heretofore confirmed and now unpaid, with interest thereon at the rate of eight per cent. from the date of confirmation.

Sec. 2. Where any installment or installments of any assessment have been paid under the provisions of chapter one hundred and three of the laws of eighteen hundred and seventy-six, or of chapter one hundred and fifty-nine of the laws of eighteen hundred and seventy-seven, the amount of such assessment or assessments remaining unpaid may be paid within the time aforesaid, with interest thereon at the rate of eight per cent. from the date of confirmation.

Sec. 3. Upon such payment in full as hereinbefore provided, such assessment or assessments shall cease to be a lien upon the property, and shall be deemed fully paid, satisfied and discharged, and there shall be no further interest or penalty by reason of such assessment or assessments not having been paid within the time heretofore required by law, or by reason of any statute heretofore requiring the payment of any penalty or interest over the rate of eight per cent. per annum upon any unpaid assessment.

Sec. 4. No provision of this act shall be construed as applicable to or affecting any assessment for the collection of which assessment the property has been sold.

Sec. 5. This act shall take effect immediately.

CHAPTER 256.

AN ACT relating to the coroners of the city and county of New York, their duties and compensation.

Passed May 15, 1878; three-fifths being present.

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

SECTION 1. Each of the coroners of the city and county of New York, hereafter elected as provided by law, shall be paid in full satisfaction for his services, a yearly salary of five thousand dollars, and shall be allowed for contingent expenses, including clerk and office hire, and all other incidental expenses, a sum not to exceed two thousand dollars per annum, which contingent and incidental expenses shall be audited and paid as the contingent and incidental expenses of other offices of the said city and county are audited and paid; and said salary and allowance shall be in lieu of all his fees or compensation heretofore a charge upon the county of New York or the mayor, aldermen, and commonalty of the city of New York.

Sec. 2. In all cases where the coroners of said city and county are authorized to issue a subpoena to a qualified physician to view the body of a person deceased, or make an autopsy thereon, as may be required, the subpoena of the coroner shall hereafter be issued only to one of the physicians appointed, as in this statute directed, and it shall be the duty of the physician to whom such subpoena is so issued, to make the inspection and autopsy required and to give evidence in relation thereto at the coroner's inquest.

Sec. 3. The board of coroners of the city of New York shall within five days after the passage of this act, by a writing filed in their office and published in the CITY RECORD, appoint four qualified physicians, who shall be residents in said city, to perform the duties in the preceding section specified, and shall be known as "coroners' physicians." Thereafter each coroner of said city elected as provided by law, shall on assuming office, appoint successors to the physicians herein provided for. Any vacancy in the office of coroners' physicians shall be filled by the board of coroners. The board of coroners, for cause, may remove the physicians appointed by them.

Sec. 4. It shall be the duty of the board of estimate and apportionment of said city, from time to time as it may determine, to fix the salary to be paid to the physicians appointed as in this statute directed, for performing the duties herein provided. The salary to be paid to each of said physicians shall not in any one year exceed the sum of three thousand dollars. The salaries in this act provided for shall be paid monthly by the mayor, aldermen, and commonalty of the city of New York.

Sec. 5. Each of said coroners heretofore elected shall attend to an equal or proportionate part of the cases in which a coroner is required to act in said city and county; and after the thirty-first day of December, eighteen hundred and seventy-eight, there shall be paid to each of said coroners, during the remainder of his term of office, the fees or compensation now provided by law.

Sec. 6. So much of section one of chapter four hundred and sixty-two of the laws of eighteen hundred and seventy-one, as provides that "For making said external examination, the physician shall receive three dollars; for making such autopsy he shall receive ten dollars, and such sum shall be a county charge, and paid by the board of supervisors," is hereby repealed. The act, chapter five hundred and sixty-five of the laws of eighteen hundred and sixty-eight, entitled, "An act to fix the compensation of the coroners of the city and county of New York," passed May four, eighteen hundred and sixty-eight, is also hereby repealed, but such repeal shall not take effect until the first day of January, eighteen hundred and eighty.

Sec. 7. This act shall take effect immediately, except as herein otherwise specially provided.

CHAPTER 267.

AN ACT for the dissolution of the corporation known as "the Jews' Orphan and Indigent Asylum in New York," and for the division of its property.

Passed May 15, 1878.

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

SECTION 1. The trustees of the corporation known as the Jews' Orphan and Indigent Asylum in New York, incorporated January eleventh, one thousand eight hundred and fifty-two, are hereby authorized to make application to the supreme court for the first judicial department by petition presented to said court, at a special term for an order empowering and directing the said trustees to divide the property and effects of the said corporation equally, share and share alike, between the two corporations respectively known as "the Hebrew benevolent and orphan asylum society of the city of New York" (for the orphan asylum thereof), and "the home for aged and infirm Hebrews of New York."

Sec. 2. If it shall appear to the satisfaction of the court, or the justice to whom such application shall be presented, that the said order should be made, such order may thereupon be entered and the said trustees shall thereupon forthwith make a formal transfer of the property and effects of the said corporation, and on the acceptance thereof by the two corporations last named in the preceding section of this act, the said corporation heretofore known as "the Jews' orphan and indigent asylum in the city of New York," shall thereupon cease and be dissolved.

Sec. 3. Nothing herein contained shall be so construed as in any manner to affect any pending suit or liability of said corporation.

Sec. 4. This act shall take effect immediately.

CHAPTER 275.

AN ACT to amend chapter eighty of the laws of eighteen hundred and seventy, entitled "An act to provide for the enrollment of the militia, for the organization of the national guard of the state of New York, and for the public defense, and entitled the Military Code."

Passed May 18, 1878; three-fifths being present, and two-thirds of the members of each House present, concurring therein.*

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

SECTION 1. Section three of chapter eighty of the laws of eighteen hundred and seventy, entitled "An act to provide for the enrollment of the militia, for the organization of the national guard of the state of New York, and for the public defense, and entitled the Military Code," is hereby amended so as to read as follows:

Sec. 3. Under the direction of the commander-in-chief, and whenever he deems it necessary, and orders such enrollment to be made, all persons liable to military duty, other than members of the national guard, shall be enrolled by suitable persons, to be appointed by the commander-in-chief in each town and city of the state. Such enrollment shall distinctly state the name and residence of each person enrolled. Three copies of such enrollment shall be prepared by the person making it, and after the same have been corrected, as herein provided, one shall be filed in the office of the town or city clerk in which such enrolling person's district is situated, one shall be filed in the office of the clerk of the county wherein such district is situated, and one shall be filed in the adjutant-general's office. The person making such enrollment may, with the approval of the commander-in-chief, appoint one or more proper persons, to assist in making said enrollment and copying said rolls; the persons making such enrollment shall be compensated at the rate of two dollars and fifty cents per day for every day necessarily spent in making and copying the same; the number of days to be certified by the adjutant general, and not to exceed ten, and the amount of such compensation to be paid by the comptroller upon production of such certificate, together with certificates of the town clerk, county clerk and adjutant-general, that the said rolls have been duly filed in their offices. Such rolls shall be so filed within ten days after the said enrollment shall be made; and the officer or person making such enrollment shall, at the time of making the same, serve upon each person enrolled, a notice, by delivery to him personally, or by leaving it with some person of suitable age and discretion at his place of residence, that he is enrolled as liable to military duty. All persons, except members of the national guard and of regularly organized fire companies or departments, claiming exemption from such duty, must on or before the fifteenth day then next ensuing file a written statement of such exemption, verified by affidavit, in the office of the county, town or city

*Sec. 6 of Article XI of the Constitution of the State of New York.

clerk, to be designated in said notice; blank notices for such purpose shall be furnished by the adjutant-general. Such clerk shall thereupon, if such person be exempt according to law, mark the word "exempt" opposite his name; and the remainder of all thus enrolled, and not thus found to be exempt, shall constitute the reserve militia of the state, and such clerk shall transmit a copy of such corrected roll to the adjutant-general. To the end that the members of the national guard and of regularly organized fire companies or departments shall not be thus enrolled, the commanding officer highest in rank in the national guard and in the fire department in each city or town shall, whenever an enrollment is ordered, file in the office of such county, town or city clerk a certified list of the names of all persons in his command.

Sec. 2. Section four of said act is hereby amended so as to read as follows:

Sec. 4. For the purpose of preparing such enrollment, the assessors in each city, village, town or ward of this state, shall allow persons appointed for that purpose, as above provided, at all proper times, to examine their assessment rolls and to take copies thereof, and the clerks of all counties, towns and cities shall, in like manner, at all proper times, allow the said persons to examine and copy the poll lists on file in their offices.

Sec. 3. Section five of said act is hereby amended so as to read as follows:

Sec. 5. All hotel, inn or tavern keepers, keepers of boarding houses, persons having boarders in their families, and any master or mistress of any dwelling-house, shall, upon the application of any person authorized to make such enrollment, give information of the names of all persons residing or lodging in such houses, liable to be enrolled, and all other proper information concerning such persons as such authorized person may demand.

Sec. 4. Section six of said act is hereby amended so as to read as follows:

Sec. 6. If any person of whom information is required by any such authorized person, in order to enable him to comply with the provisions of this act, shall refuse to give such information, or shall give false information, he or she shall forfeit and pay ten dollars for each item of information demanded of him or her by any such authorized person and falsely stated, and the like sum for each individual name that may be refused, concealed or falsely stated; and every person who shall refuse to give his own name and proper information, when applied to by any such authorized person, or shall give a false name or information, shall forfeit and pay a like sum; such penalties to be recovered in any court of competent jurisdiction, in the name of the people of the state of New York; and it is hereby made the duty of such authorized person to report the names of all persons who may incur any penalty in this section prescribed, to the district attorney of the district in which they reside, whose duty it shall be to prosecute the same; and any person against whom a judgment may be recovered for the said penalties shall be liable to arrest upon execution in the same manner and to like effect as executions against the person are now issued from courts of record of this state.

Sec. 5. Section seven of said act is hereby amended so as to read as follows:

Sec. 7. The commander-in-chief shall organize and arrange the state into such division districts as local circumstances and public convenience will permit; and he may alter, divide, annex, consolidate or disband the districts in his discretion, and retire any officer rendered supernumerary by any such alteration, division, annexation, consolidation or disbandment. The present division districts shall remain as now established, subject, however, to the power of the commander-in-chief to alter, divide, annex, consolidate, transfer, or disband the same.

Sec. 6. Section eight of said act is hereby amended so as to read as follows:

Sec. 8. The national guard of the state of New York shall consist of the present uniformed militia, and such volunteers as shall enroll themselves or enlist therein, and shall be organized in such number of divisions, brigades, regiments, battalions, troops, batteries, and companies, and of such arms of the service as the commander-in-chief may determine and designate. The present divisions, brigades, regiments, battalions, troops, batteries, and companies shall remain as now established, subject however, to the power of the commander-in-chief to alter, divide, consolidate, transfer or disband the same; provided that the aggregate force of the same, in time of peace, fully armed, uniformed and equipped, shall not exceed the number of twenty thousand, non-commissioned officers, musicians, and privates; but the commander-in-chief shall have power, in case of war, insurrection, or invasion, or imminent danger thereof, to increase the force beyond the said twenty thousand, and organize the same as the exigencies of the service may require.

Sec. 7. Section nine of said act is hereby amended so as to read as follows:

Sec. 9. The commander-in-chief is authorized and empowered to appoint the brigade, regimental, battalion, troop, battery, and company officers in the first instance, necessary to complete any organization hereafter created, and to fill all vacancies necessary to complete any organization now existing in the state, but not sufficiently organized for an election.

Sec. 8. Section ten of said act is hereby amended so as to read as follows:

Sec. 10. The commandant of each division district is authorized and empowered to appoint the non-commissioned officers required by law for each company in his district, and to issue to such non-commissioned officers warrants of their appointment, which shall remain in force until the organization of the regiment or battalion is completed.

Sec. 9. Section eleven of said act is hereby amended so as to read as follows:

Sec. 11. To every troop, battery, or company of cavalry, artillery or infantry, there shall be one captain, one first lieutenant, one second lieutenant, one first sergeant, one quartermaster sergeant, four sergeants, eight corporals, two musicians; and to every troop or company of cavalry or infantry, there shall be from thirty to thirty-four privates, and to every battery of artillery there shall be from sixty-four to one hundred and four privates; and in the discretion of the commander-in-chief there may be added to the battery organization one first lieutenant, two sergeants, four corporals, and one guidon, and to every troop of cavalry, and battery of artillery there shall be one additional second lieutenant, and also one veterinary surgeon, with rank of sergeant-major.

Sec. 10. Section twelve of said act is hereby amended so as to read as follows:

Sec. 12. Forty-six non-commissioned officers, musicians, and privates shall be the minimum, and one hundred the maximum of the troop and company organization of cavalry, infantry, and Gatling battery; and eighty and one hundred and twenty of the same, the minimum and maximum of the battery organization of artillery; and all troop, battery and company officers shall use their best efforts to obtain volunteers and recruit their commands so that the minimum shall always be exceeded.

Sec. 11. Section thirteen of said act is hereby amended so as to read as follows:

Sec. 13. Volunteers may be received and enlisted in any troop, battery, or company; and they shall be enlisted in the first instance for a term of five years, and, on the expiration of that term they may be re-enlisted, either immediately or at any time thereafter, for terms of one or more years, at the option of the volunteer; and the same privileges of re-enlistment shall be accorded to all persons who have been honorably discharged from the army or navy or volunteer force of the United States; but no person above the age of forty-five years shall be enlisted; and no person under the age of twenty-one years shall be enlisted without the consent of his parent or guardian; and no non-commissioned officer, musician or private shall leave one troop, battery, or company to enlist in another, without the written consent of the commandant of the regiment or battalion, and of the commandant of the troop, battery or company to which he belongs, provided, however, that non-commissioned officers, musicians and privates who have changed their residences from one division district to another division district may enlist in a troop, battery, or company of the division district into which they have removed, without such consent, and in that case they shall be dropped from the rolls of the troop, battery, or company in which they were serving, and a certificate of their time of service therein shall be furnished to them; and in case of re-enlistments, the whole time of service in both troops, batteries or companies shall be computed and allowed in determining the question of discharge after five years' service. On their own application enlisted men (non-commissioned officers being first reduced to the ranks) may be transferred from one company to another in the same regiment or battalion by the commanding officer of the regiment or battalion. If the transfer be from one regiment or battalion to another in the same brigade, it must be ordered by the commanding officer of the brigade. If from brigade to brigade, in the same division, by the commanding officer of the division. If from division to division, by the commander-in-chief. In cities or villages where there are no regimental or battalion organizations of infantry, separate companies of that arm of the service may be organized, to be attached to brigades or divisions; and all the provisions of the military code relating to separate troops or batteries shall apply to such separate companies of infantry, except as herein otherwise provided.

Sec. 12. Section fourteen of said act is hereby amended so as to read as follows:

Sec. 14. Each regiment of cavalry, artillery and infantry shall consist of not less than eight nor more than ten companies, one colonel, one lieutenant-colonel, one major, one adjutant with rank of first lieutenant, one quartermaster with rank of first lieutenant, one commissary of subsistence with rank of first lieutenant, one surgeon with rank of captain, one assistant surgeon with rank of first lieutenant, one chaplain with rank of captain, who shall be a regularly ordained minister of some religious denomination, one inspector of rifle practice with rank of captain, one sergeant-major, one quartermaster-sergeant, one commissary-sergeant, one ordnance-sergeant, one hospital steward, and one drum-major, one band-leader (if it have a band), with rank of sergeant, two sergeant standard bearers, and two general guides with rank of sergeant; and in addition to the foregoing, each regiment of cavalry and artillery shall have one major, and each regiment of cavalry shall have one veterinary surgeon with rank of second lieutenant, and one saddler-sergeant.

Sec. 13. Section fifteen of said act is hereby amended so as to read as follows:

Sec. 15. The battalion organization shall consist of not more than seven nor less than four companies, one lieutenant-colonel, one major, one adjutant with rank of first lieutenant, one quartermaster with rank of first lieutenant, one commissary of subsistence with rank of first lieutenant, one surgeon with rank of captain, one chaplain with rank of captain, who shall be a regularly ordained minister of some religious denomination, one inspector of rifle practice with rank of captain, one sergeant-major, one quartermaster-sergeant, one commissary-sergeant, one ordnance-sergeant, one hospital steward, and one drum-major, one band-leader (if it have a band), with rank of sergeant, two sergeant standard bearers, and two general guides with rank of sergeant; and each battalion of cavalry shall have an additional major, a veterinary surgeon with rank of second lieutenant, and one saddler-sergeant. Whenever any regiment shall fall below the number of eight companies, it may be reorganized as a battalion.

Sec. 14. Section eighteen of said act is hereby amended so as to read as follows:

Sec. 18. Any officer, non-commissioned officer, musician or private who may change his residence from within the bounds of any division into an adjacent county, shall not thereby vacate his office or post, but he may be held to duty in the division, brigade, regiment, battalion, troop, battery or company to which he was attached at the time of such change of residence, and shall be eligible to promotion, election or appointment to office therein, and shall be entitled to all privileges, immunities and exemptions allowed by law, and shall be liable to fines and penalties, and the collection of them, in the same manner as if such change of residence had not taken place, and process for the collection of such fines and penalties may be executed in any county in the state; provided, however, that non-commissioned officers, musicians and privates may avail themselves of the provisions relating to their change of residence from one division district to another, contained in section thirteen.

Sec. 15. Section twenty of said act is hereby amended so as to read as follows:

Sec. 20. All existing uniformed companies of the national guard in any city or village shall be deemed to be organized under the provisions of this act, provided that each such company is of the minimum strength required by section twelve of this act.

Sec. 16. Section twenty-one of said act is hereby amended so as to read as follows:

Sec. 21. Whenever four uniformed companies of infantry shall be organized in the first instance in any of the division districts of this state, the commander-in-chief may organize them into a battalion, and order an election to be held for the choice of suitable persons to fill the offices of lieutenant-colonel and major in such battalion, by directing some suitable officer to give the proper notice of such election, and to preside thereat.

Sec. 17. Section twenty-two of said act is hereby amended so as to read as follows:

Sec. 22. As soon as the field officers of two or more regiments or battalions in any of the division districts of the state shall be duly chosen and commissioned, the commander-in-chief shall order an election to be held for the choice of a suitable person to fill the office of brigadier-general in such brigade, by directing some suitable officer to give the proper notices of such election, and preside thereat, unless such brigadier-general shall already have been elected or appointed as provided by this act.

Sec. 18. Section twenty-four of said act is hereby amended so as to read as follows:

Sec. 24. Commissioned officers rendered supernumerary by consolidation, alteration or disbandment of regiments, battalions, troops, batteries or companies, or in any other lawful manner, shall be exempt from jury duty and also from military duty, except in case of war, insurrection or invasion; provided they shall, within one year from date of being rendered supernumerary, and yearly thereafter, report themselves as such to the adjutant-general; and the commander-in-chief may assign to active duty supernumerary officers who have so reported to the adjutant-general, and when on such active duty, they shall enjoy all the privileges, emoluments and immunities to which commissioned officers of the same grade, in the national guard, on active duty, are entitled.

Sec. 19. Section twenty-six of said act is hereby amended so as to read as follows:

Sec. 26. The inspector-general shall have the rank of brigadier-general; and in the corps of inspectors-general there shall be an assistant inspector-general with the rank of colonel, and such acting assistants as shall be required may be appointed by the inspector-general, with the approval of the commander-in-chief, who shall hold office during the pleasure of the inspector-general; and to each division an inspector with the rank of lieutenant-colonel, and to each brigade an inspector with the rank of major.

Sec. 20. Section twenty-eight of said act is hereby amended so as to read as follows:

Sec. 28. The engineer-in-chief shall have the rank of brigadier-general; and in the corps of engineers there shall be to each division an engineer, with the rank of lieutenant-colonel; and to each brigade an engineer with the rank of major.

Sec. 21. Section twenty-nine of said act is hereby amended so as to read as follows:

Sec. 29. The judge-advocate-general shall have the rank of brigadier-general; and in the corps of judge-advocates there shall be to each division a judge-advocate with the rank of lieutenant-colonel; and to each brigade a judge-advocate with the rank of major.

Sec. 22. Section thirty of said act is hereby amended so as to read as follows:

Sec. 30. The surgeon-general shall have the rank of brigadier-general; and in the medical corps there shall be to each division a surgeon with the rank of lieutenant-colonel; to each brigade a surgeon with the rank of major; and to each regiment a surgeon with the rank of captain, and an assistant surgeon with the rank of first lieutenant; and to each battalion a surgeon with the rank of captain; all of whom shall be graduates of some incorporated school of medicine, and commissioned by the commander-in-chief on the recommendation of the surgeon-general.

Sec. 23. Section thirty-two of said act is hereby amended so as to read as follows:

Sec. 32. The paymaster-general shall have the rank of brigadier-general; and in the paymaster's corps there shall be an assistant paymaster-general with the rank of colonel, and so many paymasters with the rank of major, as the exigencies of the service may require; to be appointed by the commander-in-chief, on the recommendation of the paymaster-general, and hold their offices during the pleasure of the commander-in-chief.

Sec. 24. Section thirty-five of said act is hereby amended so as to read as follows:

Sec. 35. The commander-in-chief is authorized and empowered, in his discretion, to make such changes in the organization of the several staff corps, as he may deem expedient, and to prescribe, by rules and regulations, the appointment of and the duties to be performed by the officers of such corps, which shall conform to those that are prescribed for the government of the staff corps of the army of the United States in so far as it is practicable; and in time of war, insurrection or invasion, or imminent danger thereof, and when the exigencies of the service shall require, the commander-in-chief may appoint and commission, not exceeding three, additional aids on his staff, with the rank of colonel; and also, such number of assistants, with the rank of colonel, lieutenant-colonel, or major, in the several staff corps, as in his judgment shall be necessary; but such assistants shall hold their commissions only during the pleasure of the commander-in-chief, and during the term of service of the chief of the staff corps in which they shall be appointed; and the commander-in-chief may detach officers of the general staff from their special service, and detail them for other duties whenever he deems it expedient to do so; and he may also impose upon them additional duties by giving them acting appointments for such purpose.

Sec. 25. Section thirty-six of said act is hereby amended so as to read as follows:

Sec. 36. The adjutant-general shall keep a roster of all the officers of the military forces of the state, containing the date of their commissions, their rank, the division, brigade, regiment, battalion, troop, battery, or company to which they belong, and the places of their residence, as accurately as can be ascertained, which roster shall be revised and corrected every year; and he shall also enter into a book, to be kept for that purpose, a local description of the several division districts.

Sec. 26. Section forty-two of said act is hereby amended so as to read as follows:

Sec. 42. It shall be the duty of the inspector-general to visit, at least once in every two years, each regiment and battalion in the state. He shall critically inspect, as often as he may deem necessary, every branch connected with the military service, including armories, arsenals, and military store-houses; and he shall report to general headquarters the improvement in discipline and tactical instruction of the national guard, as well as other matters appertaining to his department.

Sec. 27. Section forty-seven of said act is hereby amended so as to read as follows:

Sec. 47. The division and brigade inspectors, whenever required by the inspector-general, shall report to him the condition of their respective divisions or brigades, and shall also, upon his request, report to him upon any matter properly belonging to his department, which may require examination within their respective division districts.

Sec. 28. Section fifty-two of said act is hereby amended so as to read as follows:

Sec. 52. He shall, under the direction of the commander-in-chief, dispose of, to the best advantage, all damaged powder, and all ordnance, arms, ammunition, accoutrements, tools, implements, and warlike stores of every kind whatsoever, that shall be deemed unsuitable for the use of the state, after a proper inspection by an officer of his department.

Sec. 29. Section fifty-four of said act is hereby amended so as to read as follows:

Sec. 54. On the requisition of any commanding officer, transmitted through his intermediate commanders, and having their approval, the chief of ordnance, with the approval of the commander-in-chief, shall issue to such commanding officer for the use of his command, such military property of the state, belonging to the ordnance department, as the command is entitled to, and as may be found necessary for its use, and, under the direction of the commander-in-chief, he may make purchases for such purpose.

Sec. 30. Section fifty-five of said act is hereby amended so as to read as follows:

Sec. 55. The division and brigade ordnance officers shall annually report to the chief of ordnance the condition of the ordnance, arms, implements and other equipments in use by the organizations attached to their respective divisions or brigades, and the commanders of regiments and battalions and of separate troops, batteries and companies shall annually, on or before the thirtieth day of September, make a return to the chief of ordnance of the number and condition of all the arms and equipments and ordnance stores in their possession, under such regulations as he may prescribe.

Sec. 31. Section sixty-four of said act is hereby amended so as to read as follows:

Sec. 64. The staff of the commander-in-chief shall consist of the adjutant-general, who shall be chief of staff, the inspector-general, the chief of ordnance (who shall be the commissary-general named in the constitution), the engineer-in-chief, the judge-advocate-general, the surgeon-general, the quartermaster-general, the paymaster-general, the commissary-general of subsistence, the general inspector of rifle practice, three or more aides-de-camp, with the rank of colonel and a military secretary with the rank of colonel; all of whom, except the chief of ordnance, shall be appointed by the governor, and their commissions shall expire with the term for which the governor appointing them shall have been elected.

Sec. 32. Section sixty-five of said act is hereby amended so as to read as follows:

Sec. 65. Major-generals shall be entitled to two aides-de-camp with the rank of major, and one aide-de-camp with the rank of captain; and brigadier-generals to one aide-de-camp, with the rank of captain, and one aide-de-camp with the rank of first lieutenant, in addition to the staff officers hereinbefore provided for.

Sec. 33. Section sixty-six of said act is hereby amended so as to read as follows:

Sec. 66. Major-generals, brigadier-generals and commanding officers of regiments or battalions

shall appoint, subject to the provisions of section sixty-nine of this act, the staff officers of their respective divisions, brigades, regiments or battalions, whose term of office, unless they are reappointed, shall expire when the officers appointing them shall retire from office; provided, however, that they shall continue in their office until their successors shall be appointed and have qualified.

Sec. 34. Section sixty-seven of said act is hereby amended so as to read as follows:

Sec. 67. Sergeant-majors, quartermaster-sergeants, commissary-sergeants, ordnance-sergeants, hospital stewards, drum-majors, band leaders, sergeant standard bearers and general guides shall be appointed by the commanding officer of the regiment or battalion to which they belong, by warrant under the hand of such commanding officer, and shall hold their offices during his pleasure.

Sec. 35. Section sixty-nine of said act is hereby amended so as to read as follows:

Sec. 69. The commissioned officers of the national guard shall be commissioned by the governor, but he may, in his discretion, withhold such commission in order to determine the qualifications of the person for the office to which he shall have been elected or appointed, except in the case of aides-de-camp; and, if upon reference to the inspector-general, or an examining board, or in the case of a staff officer, other than aides-de-camp, upon reference to the chief of the staff corps to which he belongs, who shall examine the person elected or appointed and report thereon, such person shall be adjudged unqualified for such office, another person shall within twenty days after due notice of such adverse decision, be elected or appointed, and, in default of such election or appointment, the vacancy shall be filled by the commander-in-chief. No commissioned officer can be removed from office, unless by the senate, on recommendation of the governor, stating the grounds on which such removal is recommended, or by the decision of a court-martial, or retiring or examining board or pursuant to law. But, whenever any regiment shall fall below the minimum strength, as is established by this act, and the same shall have been designated as a battalion, the colonel shall be relieved from command of such battalion and rendered supernumerary, unless otherwise ordered by the commander-in-chief.

Sec. 35. Section seventy of said act is hereby amended so as to read as follows:

Sec. 70. In case of the election or appointment of a supernumerary officer who has complied with the requirements of section twenty-four of this act, to office in a regiment, battalion, troop, battery or company, he may be commissioned with rank from the same date as that conferred by his previous commission for like office; and the commander-in-chief may assign any supernumerary officer of sufficient rank, who has complied with the requirements of section twenty-four of this act, to fill a vacancy on the staff of any major-general or brigadier-general or commandant of regiment or battalion who requests the same.

Sec. 37. Section seventy-nine of said act is hereby amended so as to read as follows:

Sec. 79. The presiding officer at any election for commissioned officers shall keep the polls open at least one hour after the time appointed for holding the same, unless all entitled to vote thereat shall have deposited their ballots prior to the expiration of that hour. He shall then publicly canvass the votes received from the electors for the officers to be elected, and shall forthwith declare the result, and give notice to every person elected of his election. If such person shall not, within ten days after being notified of his election, signify to such officer his acceptance, he shall be considered as declining the office to which he shall have been chosen, and an election shall be held for a new choice.

Sec. 38. Section eighty-one of said act is hereby amended so as to read as follows:

Sec. 81. If at any election an officer, then in commission, shall be elected to fill a vacancy, and shall accept the office to which he may be elected, the electors present, if authorized by law, may proceed to elect a person to fill the place of the officer so promoted.

Sec. 39. Section eighty-six of said act is hereby amended so as to read as follows:

Sec. 86. The commanding officers of brigades shall transmit the names of persons duly elected and approved, or appointed to offices in their respective brigades, to the commander-in-chief, to the end that commissions may be issued to them. But before making such transmittal, the commandant of brigade shall require the persons so elected and may require those appointed, to be examined with respect to their qualification and fitness to fill the offices to which they have been elected or appointed by a board of examiners consisting of three commissioned officers in the brigade, above the rank of captain, to be appointed by the commandant of the brigade. On the report of such board of examiners, the commandant of the brigade shall approve or disapprove of the person elected or appointed, and state his reasons therefor, in transmitting the return of the election or appointment. And, if the commander-in-chief shall adjudge the person unqualified for the office, another person shall, within twenty days after due notice of such adverse decision, be elected or appointed, and in default of such election or appointment, the vacancy shall be filled by the commander-in-chief.

Sec. 40. Section ninety-two of said act is hereby amended so as to read as follows:

Sec. 92. Such election for non-commissioned officers shall be directed and conducted by the commanding officer of such troop, battery, or company for the time being, who shall certify the names of the persons elected to the commanding officer of the regiment or battalion to which the troop, battery, or company belongs, or in case of a separate troop, battery, or company, to the commandant of the division or brigade to which such separate troop, battery, or company is attached, who shall decide upon the legality of the election, and shall issue warrants to the persons duly elected. But before issuing such warrants, the commandant of the regiment or battalion to which the troop, battery, or company belongs, or in the case of a separate troop, battery, or company, the commandant of the brigade or division to which it is attached, shall require the persons so elected to be examined with respect to their qualifications and fitness to fill the offices to which they have been elected, by a board of examiners consisting of three commissioned officers, to be appointed by the commandants of regiments, battalions, brigades, or divisions, as the case may be, respectively; and if, on the report of such board of examiners, the commandant of the regiment, battalion, brigade, or division, as the case may be, shall adjudge the person so elected unqualified for the office, another person shall, within ten days after due notice of such adverse decision, be elected, and in default of such election, the vacancy shall be filled by the commandant of the regiment, battalion, brigade, or division, as the case may be.

Sec. 41. Section ninety-six of said act is hereby amended so as to read as follows:

Sec. 96. Resignations of commissioned officers shall be in writing, directed to the adjutant-general, and transmitted immediately by all intermediate commanders, who will indorse the same with their approval or disapproval. No officer shall be considered out of the service on the tender of his resignation, nor until it shall have been accepted by the commander-in-chief.

Sec. 42. Section one hundred of said act is hereby amended so as to read as follows:

Sec. 100. Except as provided in section eighteen of this act, every officer who shall be absent from his command twelve months without leave of the commanding officer of his division or brigade, or, in case of a major-general or brigadier-general, without leave of the commander-in-chief, shall be considered as having vacated his office, and a new election shall be held, or a new appointment made, without delay, to fill the vacancy so created.

Sec. 43. Section one hundred and one of said act is hereby amended so as to read as follows:

Sec. 101. The commander-in-chief is hereby authorized, so often as he may deem that the good of the service requires, to appoint a military board or commission of not less than three nor more than five officers, to sit at such places as he shall direct, which board is hereby invested with the powers of courts of inquiry and courts-martial; and it shall be the duty of the said board to examine into the physical ability, moral character, capability, attainments, general fitness for the service, and efficiency of such commissioned officers as the commander-in-chief may order to be thus examined. And the commandants of divisions, brigades, regiments, or battalions may report to the adjutant-general any of their subordinate commissioned officers for such examination. If the decision of said board be unfavorable to such officers, and be approved by the commander-in-chief, they shall be discharged from the service; provided always, that the members of said board shall, before entering upon the duties of their position, be sworn to an honest and impartial performance of those duties, such oath to be taken by the ranking officer of said board according to the provisions of section eighty-eighth of this act, and such ranking officer shall then administer a like oath to each of the other members of said board; and provided further, that no officer whose rank or promotion would in any way be affected by the decision of said board, in any case that may come before it, shall participate in the examination or decision of the board in such case; and that two of its members shall be of at least equal grade with the officer to be examined; and that no officer shall be examined on irrelevant subjects, or in reference to military matters relating to a grade higher than that for which he is commissioned. The officers constituting such board shall receive the same pay and allowances for traveling expenses as members of court-martial.

Sec. 44. Section one hundred and thirteen of said act is hereby amended so as to read as follows:

Sec. 113. In lieu of uniforms and equipments being furnished by the state to non-commissioned officers and privates, as heretofore provided by law, there shall annually be paid by the state to the military fund of each regiment, battalion, and separate troop, battery, or company of infantry, for the purpose of aiding the non-commissioned officers, musicians, and privates of said organizations in procuring their uniforms and equipments, a sum equal to eight dollars for each of its non-commissioned officers, musicians, and privates, who paraded during the year preceding, fully uniformed, armed, and equipped, according to the provisions of this act, at least seven different times, four of which, in the case of regiments and battalions, shall have been on the occasion of the parade of the whole organization. And in order to determine the amount of money to which each regiment, battalion, separate troop, battery, or company will be entitled under the provisions of this section, the commandant of each regiment, battalion, and separate troop, battery, or company, shall transmit to the adjutant-general, during the month of December, and prior to the fifteenth day thereof in every year, a roll giving the name and description of each non-commissioned officer, musician, and private in his command who paraded at least seven different times, as hereinbefore specified, stating the occasions, during the year next preceding the said month of December, which roll the said commandant shall certify to on honor. And for the purpose of paying the said sums of money, the comptroller shall draw his warrants upon the treasurer in favor of the county treasurers, in the same manner as is provided in section one hundred and seventy-eight of this act, on the certificate of the adjutant-general and inspector-general, approved by the commander-in-chief, showing the amount that each regiment, battalion, separate troop, battery, or company is entitled to. The said money, thus appropriated for uniforms and equipments shall be held sacred and inviolate for such purpose, and shall not, in any event, be expended for any other; provided, however, that uniforms and equipments may be furnished to new organizations, in the first instance, directly by the state. But the provisions of this

section and the next preceding one relating to equipments, shall not apply to the enlisted men of the cavalry and artillery, except in so far as their personal equipments are concerned.

Sec. 45. Section one hundred and fourteen of said act is hereby amended so as to read as follows:

Sec. 114. Whoever shall secrete, sell, dispose of, offer for sale, or retain after proper demand made, or in any manner pawn or pledge any arms, uniforms, or equipments, which shall have been issued under the provisions of the military code, shall be deemed guilty of a misdemeanor, and shall be punished by imprisonment in the county jail for not less than one, nor more than two months, or by a fine of not more than one hundred or less than fifty dollars, and any member of the national guard who shall, when not on duty, wear any such uniform or equipments without the permission of his commanding officer shall be subject to a fine of not more than ten dollars, which fine shall be forthwith paid over to the county treasurer for the uniform and equipment fund of the regiment, battalion, separate troop, battery, or company to which said arms, uniforms, or equipments belonged; and it is hereby made the duty of any police justice in any city or incorporated village of this state, and of any justice of the peace, upon complaint duly made upon affidavit, showing a violation of this section, to issue a warrant for the arrest of the offender, and to cause him to be brought before such police justice or justice of the peace, to be dealt with according to law.

Sec. 46. Section one hundred and twenty-one of said act is hereby amended so as to read as follows:

Sec. 121. The expense of erecting or renting such armories, and for providing the necessary camp stools, apparatus and fixtures for heating and lighting, and the fuel and gas or oil for the same, and water closets in such building, and for properly preserving from injury the arms, equipments, uniforms, and records stored therein, by the construction of suitable lockers, closets, gun racks, and cases for uniforms, equipments, arms, and records, and for the maintenance thereof in good and safe repair, shall be a portion of the county charges of such county, and shall be levied, collected, and paid in the same manner as other county charges are levied, collected, and paid. But no moneys shall be appropriated, or expense incurred, for furnishing or decorating any building erected or rented under the provisions of this act.

Sec. 47. Section one hundred and twenty-two of said act is hereby amended so as to read as follows:

Sec. 122. In case such armory shall not be erected or rented by the supervisors for the use of such troop, battery, or company within three months after the proper application has been made therefor, and there shall have been a meeting of the board of supervisors, or in case such armory so erected or rented by the supervisors shall, upon inspection by the inspector-general, be certified by him to be unfit or inadequate for use as an armory, the commandant of the regiment or battalion, or, in the case of a separate troop, battery, or company, the commandant of the brigade or division to which such separate troop, battery, or company is attached, in his discretion, with the approval of the inspector-general, may rent a room or building, to be used as an armory, and the amount of annual rent thereof, provided the same shall not exceed the sum of five hundred dollars for each troop, battery, or company in the several cities of this state, and two hundred and fifty dollars for each troop, battery, or company not located in cities, shall be a county charge, and shall be levied, collected, and paid by such supervisors in the same manner as other county charges are levied, collected, and paid.

Sec. 48. Section one hundred and twenty-seven of said act is hereby amended so as to read as follows:

Sec. 127. Any person who shall willfully injure any arsenal or armory, or its fixtures, or any uniforms, arms or equipments, or any other property therein deposited, shall be deemed guilty of a misdemeanor; and any person who shall introduce any wine, spirituous or malt liquor into any state arsenal, or who shall allow the selling thereof in any armory used by any part of the national guard, shall, upon conviction, be deemed guilty of a misdemeanor, and punished by a fine of not less than fifty nor more than one hundred dollars, or imprisonment in the county jail or prison for not less than thirty nor more than one hundred days. But nothing herein contained shall be so construed as to prevent the introduction thereof when prescribed for medical purposes by a surgeon of the national guard.

Sec. 49. Section one hundred and thirty of said act is hereby amended so as to read as follows:

Sec. 130. An annual inspection and muster of all general and staff officers, and of all organizations of the national guard, shall be made at such time and place, between the first day of May and the first day of November, as the commander-in-chief shall order and direct. No person shall be mustered at the annual muster and inspection, or be permitted in the ranks on any parade or drill required by this act, who does not appear uniformed, armed, and equipped suitably to the troop, battery, or company to which he belongs, and according to the provisions of this act; and all members of the national guard who shall appear without such suitable uniform, arms, and equipments at any parade or drill required by this act, shall be returned as absent, and fined accordingly. Such inspection and muster shall be made by the inspector-general, assistant inspector-general, or an acting assistant inspector-general, of each commissioned and non-commissioned officer, musician, and private present and absent, and four muster-rolls shall be officially certified to by such inspector, in accordance with such regulations and restrictions as may be prescribed by the commander-in-chief. And the said inspector shall, within fifteen days after the day of muster and inspection, file one of the said muster-rolls in the office of the adjutant-general, one with the commandant of the regiment or battalion, one with the commandant of the troop, battery, or company, and retain one for filing in the office of the inspector-general.

Sec. 50. Section one hundred and forty-eight of said act is hereby amended so as to read as follows:

Sec. 148. The commandant of each brigade, accompanied by the officers of the brigade staff, uniformed, armed, and equipped, as the law and regulations direct, shall annually inspect and review the several regiments and battalions in his brigade.

Sec. 51. Section one hundred and forty-nine of said act is hereby amended so as to read as follows:

Sec. 149. It shall be the duty of the commandants of troops, batteries, or companies, twenty days prior to the annual muster and inspection, to furnish the inspector-general with four copies of a muster-roll and inspection return, which will show the names and rank or grade of all the officers, non-commissioned officers, musicians, and privates belonging to such troop, battery, or company, upon such form as may be prescribed by the commander-in-chief, and which will also show:

1. The number of uniforms belonging to said troop, battery, or company.
2. The arms and equipment in the possession of said troop, battery, or company.

Sec. 52. Section one hundred and fifty of said act is hereby amended so as to read as follows:

Sec. 150. It shall be the duty of each commandant of a regiment or battalion, twenty days prior to the annual inspection, to furnish the inspector-general with three copies of a muster-roll and inspection return of the field and staff officers, non-commissioned staff officers, and musicians of said regiment or battalion, and each general officer shall furnish like rolls of his staff officers within the said time.

Sec. 53. Section one hundred and fifty-one of said act is hereby amended so as to read as follows:

Sec. 151. At all encampments, the brigade commander may attend on the first day thereof to superintend, as drill officer, the exercises and maneuvers, and to introduce the system of discipline which is or shall be prescribed by law.

Sec. 54. Section one hundred and fifty-two of said act is hereby amended so as to read as follows:

Sec. 152. In order to secure a proper accountability of each member, and also for the security of the property issued by the state, the annual inspection and muster-rolls of each troop, battery and company, and of each regiment and battalion, shall be examined and compared by the inspector-general with the muster-in rolls, or the last muster and inspection rolls of the several companies, batteries, troops, battalions and regiments; and the annual appropriation of money provided by section one hundred and seventy-eight of this act shall be allowed to such regiments, battalions, troops and batteries, and separate companies only as shall make a proper return of such rolls, and upon the certificate of the inspector-general that such rolls make a satisfactory exhibit of the number of the organization and of the state property issued thereto.

Sec. 55. Section one hundred and fifty-three of said act is hereby amended so as to read as follows:

Sec. 153. It shall be the duty of the inspector-general, within thirty days after the annual musters and inspections in each year, to transmit to the adjutant-general a report of such musters and inspections of the several organizations of the national guard, uniformed, armed, and equipped according to law and regulations. And the inspector-general shall make a like report with respect to the musters and inspections of the commanding officers of divisions and brigades and their respective staffs, uniformed, armed, and equipped, according to law and regulations.

Sec. 56. Section one hundred and fifty-four of said act is hereby amended so as to read as follows:

Sec. 154. In case any general officer or any member of his staff shall neglect to attend such annual muster and inspection as he is required to attend by this act, it shall be the duty of the adjutant-general to require such officer to render an excuse in writing to the commander-in-chief for his delinquency. If the commander-in-chief shall deem such excuse insufficient, he shall order a court-martial to try the delinquent.

Sec. 57. Section one hundred and fifty-five of said act is hereby amended so as to read as follows:

Sec. 155. The commandants of divisions shall discharge the duties, possess the powers, and be liable to the penalties pertaining to their office, as granted by law or military custom, provided that no division parades, except in case of invasion, insurrection, or to aid the civil authorities, shall be ordered without the consent of the commander-in-chief.

Sec. 58. Section one hundred and fifty-seven of said act is hereby amended so as to read as follows:

Sec. 157. There may be a camp of instruction in any of the division districts of this state, if the commander-in-chief shall so order, to be held at such time and in such manner as he shall direct;

and the commander-in-chief is hereby authorized and empowered to order commissioned officers, companies, batteries, troops, battalions, and regiments in such division districts, respectively, to attend such camps as he may deem proper, but in such manner that all the commissioned officers, companies, batteries, troops, battalions, and regiments therein shall be ordered to attend such camp from year to year in rotation, as nearly as may be practicable; provided, always, that not more than ten thousand men in any one year shall be ordered to attend said camps; and in case suitable ground cannot be found in such district for said camp, the same may be held in the adjoining district. Such camps shall continue for a period not exceeding ten days, and shall be governed by the rules and regulations of the army of the United States.

Sec. 59. Section one hundred and fifty-nine of said act is hereby amended so as to read as follows:

Sec. 159. The commander-in-chief may designate commissioned officers of proper rank, without regard to division districts, to command such camps, forts, or other places, and may assign such other officers, also without regard to division districts, to duty as field and staff officers and instructors, as may be required to fully officer such camps and forts.

Sec. 60. Section one hundred and sixty-two of said act is hereby amended so as to read as follows:

Sec. 162. The commissary-general of subsistence shall, under the orders of the commander-in-chief, provide the subsistence necessary for said forces when so encamped or stationed, or when ordered into actual service.

Sec. 61. Section one hundred and sixty-four of said act is hereby amended so as to read as follows:

Sec. 164. The military forces of this state, when in the actual service of the state in time of war, insurrection, invasion or imminent danger thereof, shall, during their time of service, be entitled to the same pay, rations and allowances for clothing, as are or may hereafter be established by law for the army of the United States; provided, however, that the commander-in-chief may, in his discretion, change the pay to that specified in the next succeeding section.

Sec. 62. Section one hundred and sixty-five of said act is hereby amended so as to read as follows:

Sec. 165. There shall be paid to such officers, non-commissioned officers, musicians and privates, as shall be ordered into actual service or to attend encampments, and sea and lake coast defense duty, in pursuance of the provisions of this act, not to exceed the following sum each, for every day actually on duty:

1. To all musicians and privates, one dollar.
2. To all non-commissioned officers, one dollar and fifty cents.
3. To all commissioned officers of the line, below the rank of captain, two dollars.
4. To all commanding officers of companies, three dollars.
5. To all field officers, below the rank of colonel, four dollars.
6. To all commanding officers of regiments or battalions, five dollars.
7. To all regimental and battalion staff officers, two dollars and fifty cents, and to all non-commissioned staff officers, one dollar and fifty cents.
8. To all brigade generals, six dollars.
9. To all brigade staff officers, four dollars.
10. To all major-generals, eight dollars.
11. To all division staff officers, five dollars.
12. All mounted officers and all members of any troop of cavalry or battery of artillery, mounted and equipped, shall be paid two dollars per day for each horse actually used by them.

Sec. 63. Section one hundred and sixty-six of said act is hereby amended so as to read as follows:

Sec. 166. There shall be allowed to inspectors, as compensation for their services in making the annual inspections and musters, and for making proper rolls and returns thereof, the sum of five dollars for each troop, battery and company so inspected and mustered; and the same, when certified to by the inspector-general, shall be audited and paid in the same manner as other military accounts are audited and paid.

Sec. 64. Section one hundred and seventy of said act is hereby amended so as to read as follows:

Sec. 170. The commanding officer of every troop, battery or company which shall have been ordered into actual service or camp, or to perform sea and lake coast defense duty, in accordance with the provisions of this act, shall at the close of the actual service or of the term for which such troop, battery or company shall have been ordered to such camp or duty, make out an alphabetical roster or list of the members of his troop, battery or company who shall have appeared and performed such duty, uniformed, armed and equipped, as the law and regulations direct, and shall set opposite to each name the number of days each shall have performed duty, and the amount of pay each is entitled to receive for such service, and deliver the same, certified on oath to be correct and true, to the commanding officer of the camp or post, who shall immediately cause the same to be transcribed in a book or books to be kept by him for that purpose; such troop, battery or company commandant shall also set forth, opposite to the name of each member of his troop, battery or company, whether such member is indebted to the state in any and what amount, and the nature of the indebtedness.

Sec. 65. Section one hundred and seventy-five of said act is hereby amended so as to read as follows:

Sec. 175. There shall be allowed and paid out of the treasury, on the certificate of the president and the judge-advocate, to each division, brigade and special judge-advocate, and to the president and members of any court of inquiry or court-martial for the trial of officers, a sum equal to one day's pay for field duty, for each day he may be actually employed in said court, or engaged in the business thereof, or in traveling to and from the court; provided, however, in no case to exceed ten days' pay, and his actual traveling expenses; and to every marshal appointed by any such court, two dollars for every day, not exceeding fifteen, actually employed in the execution of the duties required of him; the same to be paid in like manner with other military accounts.

Sec. 66. Section one hundred and seventy-seven of said act is hereby amended so as to read as follows:

Section 177. All officers, non-commissioned officers, musicians and privates of the national guard, while on duty or assembled therefor, pursuant to the order of the sheriff of any county, or the mayor of any city, in cases of riot, tumult, breach of peace, resistance to process, or whenever called upon in aid of the civil authorities, shall receive the compensation provided by the one hundred and sixty-fifth section of this act; and such compensation, and the necessary expenses incurred in subsisting, quartering and transporting the troops, shall be audited, allowed and paid by the supervisors of the county where such service is rendered, and shall be a portion of the county charges of said county, to be levied and raised as other county charges are levied and raised.

Sec. 67. Section one hundred and seventy-eight of said act is hereby amended so as to read as follows:

Sec. 178. The comptroller shall annually draw his warrant upon the treasurer in favor of the county treasurer of each county for the sum of one thousand five hundred dollars for each regiment, and the sum of one thousand dollars for each battalion, and the sum of one thousand dollars for each separate mounted battery, and the sum of two hundred dollars for each separate battery not mounted, and the sum of six hundred dollars for each separate troop of cavalry, and the sum of three hundred dollars for each separate company of infantry, certified by the adjutant-general to be organized according to the provisions of this act, within the county; or in case any regiment, battalion or separate troop, battery or company of infantry, is organized in two or more counties, then the comptroller shall draw his warrant in favor of such county treasurer as the adjutant-general may in his certificate direct; which sums, and also those paid in like manner by the state, in lieu of furnishing uniforms and equipments, as provided in section one hundred and thirteen of this act, together with the fines collected from delinquent officers, non-commissioned officers, musicians and privates, shall constitute the military fund of such regiment, battalion or separate troop, battery or company of infantry.

Sec. 68. Section one hundred and eighty-two of said act is hereby amended so as to read as follows:

Sec. 182. Each county treasurer shall report, on the first day of March and September in every year, to the adjutant-general, and also to the commandants of the divisions and brigades whose commands are in part or in whole in his county, the amount of all moneys received and paid out by him on account of each regimental, battalion or separate troop, battery or company fund, and the balance then remaining in his hands, and the number or designation of the regiment, battalion or separate troop, battery or company, for which the same is held in trust, stating distinctly in such report the amounts received and paid out by him on account of uniforms and equipments for each such organization. And the bond now required by law to be given by county treasurers for the faithful discharge of their duties shall be held to apply to any moneys that may come into their hands under the provisions of this act.

Section 69. Section one hundred and eighty-three of said act is hereby amended so as to read as follows:

Sec. 183. The commander-in-chief is empowered to prescribe such rules and regulations as he may deem necessary to secure a proper disposition of, and accountability for, the regimental, battalion and separate troop, battery or company funds. And on the approval of the commander-in-chief, accounts for clerk hire and other necessary expenses at headquarters of divisions and brigades, when audited by the adjutant-general, shall be paid from the general fund of the State appropriated for military purposes; provided, however, that the amount of such accounts in any one year shall not exceed the sum of one thousand dollars for a division, and five hundred dollars for a brigade.

Sec. 70. Section one hundred and eighty-four of said act is hereby amended so as to read as follows:

Sec. 184. Courts of inquiry, to consist of one officer of at least equal grade with the officer in relation to whom the court is instituted, may be ordered by the commander-in-chief, or by the commanding officer of a division, in relation to those officers for whose trial they are authorized to appoint courts-martial, for the purpose of investigating the conduct of any officer, either by his own solicitation or on a complaint or charge of improper conduct, degrading to the character of an officer, or for

the purpose of settling rank. Whenever the officer in relation to whom the court inquiry is instituted, belongs to an organization in any brigade, the judge-advocate of that brigade shall attend such court, take testimony and investigate the complaint that may come before it. In all other cases the division judge-advocate shall attend.

Sec. 71. Section one hundred and eighty-seven of said act is hereby amended so as to read as follows:

Sec. 187. All other courts-martial for the trial of commissioned officers shall consist of three officers, and, except as hereinafter provided, shall be ordered by the commanding officer of the division; provided, however, that, in all cases, no member of the court shall be of less grade than the accused; and also provided, that, where the division commander is the accuser, the court shall be ordered by the commander-in-chief. And in all courts-martial and courts of inquiry, the accused shall have the right to appear and be heard by counsel.

Sec. 72. Section one hundred and ninety-four of said act is hereby amended so as to read as follows:

Sec. 194. The proceedings and sentence of every court-martial for the trial of commissioned officers shall, without delay, be delivered to the officer ordering the court, who shall approve or disapprove thereof, within fifteen days thereafter, and shall give notice of his approval or disapproval to the president of such court-martial, and to the arresting officer, and he shall publish the sentence, as approved or disapproved, in orders; but no part of such sentence shall be executed until after the time allowed for appeal has expired, and he shall also transmit such proceedings and sentence, and his approval or disapproval thereof, to the adjutant-general, to be filed in his office.

Sec. 73. Section one hundred and ninety-five of said act is hereby amended so as to read as follows:

Sec. 195. The right of appeal to the commander-in-chief, as it now exists by military usage, is reserved; but no appeal shall be received, unless made within twenty days after the decision appealed from has been announced in published orders; and all appeals from the decision of a court-martial, approved by the commandant of a division or brigade, for the trial of commissioned officers shall be made to the commander-in-chief.

Sec. 74. Section one hundred and ninety-nine of said act is hereby amended so as to read as follows:

Sec. 199. Such court shall direct a non-commissioned officer, or other fit person or persons, to be by him designated, to summon all delinquents and parties accused to appear before the court, at a time and place to be by him appointed, which service shall be personal, or by leaving such summons for such delinquents and parties accused, as provided in section one hundred and forty-two of this act.

Sec. 75. Section two hundred and two of said act is hereby amended so as to read as follows:

Sec. 202. The proceedings and sentence of any such court shall, without delay, be delivered to the officer ordering the court, who shall approve or disapprove of the same within fifteen days thereafter, and shall publish in orders, his approval or disapproval thereof; and from the sentence of any such court, imposing a fine or penalty for any offense, delinquency or deficiency, an appeal, if made within twenty days after the fine or penalty has been announced in published orders, shall be allowed to the officer ordering the court, or to his successor in command, and he may remit or mitigate such penalty or fine.

Sec. 76. Section two hundred and seven of said act is hereby amended so as to read as follows:

Sec. 207. Every commissioned officer, and every non-commissioned officer, musician and private, shall, on due conviction, be subject, for the following offenses, to the fines and penalties thereto annexed:

1. Every commissioned officer, for non-attendance at any drill, parade or encampment, and every such officer, non-commissioned officer, musician or private, neglecting or refusing to obey the orders of his superior officer on any day of drill, parade or encampment, or to perform such military duty or exercise as may be required, or departing from his colors, post or guard, or leaving his place or ranks without permission, or making a false entry upon a muster roll, or knowingly muster as a soldier a substitute or a person who is not a regularly enlisted soldier in and a member of his command, or making a false entry upon a score blank or return of rifle practice, or knowingly permitting a substitute to shoot in the name of a member of his command, or refusing or neglecting to grant the discharge provided for in section two hundred and fifty-four of this act, a fine of not more than one hundred, nor less than five dollars.

2. Every non-commissioned officer, musician and private, for non-appearance, when duly warned or summoned at a troop, battery or company parade, a fine of two dollars for each day, and in case of a troop parading mounted, a fine of six dollars for each day; at a regimental or battalion parade, drill or encampment, not less than one nor more than six dollars for each day; and at a place of rendezvous, when called into actual service, in case of war, insurrection or invasion, or imminent danger thereof, a sum not exceeding twelve months' pay, nor less than one month's pay; and for disobedience of orders, or disrespectful or insubordinate conduct, a fine not exceeding fifty dollars, and also, in the discretion of the court, the offender shall be liable to expulsion from the command to which he belongs.

3. Every commissioned officer or non-commissioned officer, for neglecting or refusing to obey any order or warrant to him lawfully given or directed, or to make a proper return thereof, if such return be necessary, or making a false return, or neglecting or refusing, when required to summon a delinquent before a court-martial, or duly to return such summons, a fine of not more than one hundred nor less than five dollars.

Sec. 77. Section two hundred and eight of said act is hereby amended so as to read as follows:

Sec. 208. Every commissioned officer, for neglecting or refusing to act as such, when duly commissioned, may be sentenced to pay a fine of not less than one hundred nor more than two hundred and fifty dollars; every non-commissioned officer, for neglecting or refusing to act as such, when duly appointed or elected and warranted, may be sentenced to pay a fine of not less than ten nor more than twenty-five dollars; and every non-commissioned officer, for neglect of duty or disorderly or unsoldierly-like conduct, in addition to other penalties, may be reduced to the ranks by the commandant of the regiment or battalion, and in the case of a separate troop, battery or company, by the commandant of the brigade or division to which such separate troop, battery or company is attached.

Sec. 78. Section two hundred and fourteen of said act is hereby amended so as to read as follows:

Sec. 214. For the purpose of collecting any fines or penalties imposed by any court-martial authorized by this act, the president of the court shall, within fifteen days after the expiration of the time in which an appeal is allowed as provided in section two hundred and two of this act, make a list of all the persons fined, describing them distinctly, and showing the sums imposed as fines or penalties on each person, and shall draw his warrant under his official signature, directed to any marshal of the court, or to the sheriff or constable of any city or county (as the case may be), thereby commanding him to levy such fines or penalties, together with the costs, on the goods and chattels of such delinquents, and, in default of sufficient goods and chattels to satisfy the same, then to take the body of such delinquent and convey him to the common jail of such city or county, whose jailer shall keep the said delinquent closely confined, without bail or mainprize, for two days for any fine or penalty not exceeding two dollars, and two additional days for every dollar above that sum, unless the fine or penalty, together with the cost and the jailer's fees, be sooner paid; but no such imprisonment shall extend beyond the period of twenty days; provided, however, that the prisoner may be liberated at any time by order of the commandant of the division, upon the application of the commandant of the brigade to which he belongs. No property shall be exempt from the payment of such fines or penalties.

Sec. 79. Section two hundred and twenty-nine of said act is hereby amended so as to read as follows:

Sec. 229. Whenever the sentence of any court-martial shall be appealed from, which appeal shall always be made within twenty days after the decision appealed from is made known in published orders, such court, or the president thereof, shall forthwith furnish the officer, to whom such appeal is taken, with a statement of the case, and of the evidence touching the same.

Sec. 80. Section two hundred and thirty-five of said act is hereby amended so as to read as follows:

Sec. 235. The chiefs of each division and brigade staff, and the adjutants of regiments or battalions, and the commandants of separate troops, batteries or companies, shall, on or before the fifteenth day of January in each year, return to the commandants of such division and brigade, respectively, the names of all commissioned officers absent from any parade, encampment, drill or meeting for instruction during the preceding year. Within ten days after the receipt of such returns, the respective commandants of divisions or brigades, as the case may be, shall order courts-martial for the trial of such officers for such delinquencies, which courts-martial shall consist of three officers, and be ordered, if for the trial of officers above the rank of captain, by the commandant of the division, and for the trial of all other officers, by the commandant of the brigade; provided, however, that in all cases no member of the court shall be of less grade than the delinquent, and that for the trial of officers of any regiment, or separate troop, battery or company attached to a division, the court shall be ordered by the commandant of the division, and for the trial of officers of any separate troop, battery or company attached to a brigade, the court shall be ordered by the commandant of the brigade. It shall not be necessary to cause the arrest of such absentee, nor to serve any charges, unless, in the discretion of the officer ordering the court, it may be deemed proper; but the delinquent may be fined, pursuant to the provisions of this act, provided he shall have appeared before the court without objection, or notice of the return and of the time appointed for holding the court-martial shall have been delivered to him, or left at his dwelling-house, store, counting-house, or usual place of business, at least ten days before the assembling of said court. The proceedings and sentences of such court-martial, with the order of the officer ordering the court, approving or disapproving the same, shall be transmitted to the adjutant-general without delay.

*So in the original.

Sec. 81. Section two hundred and thirty-eight of said act is hereby amended so as to read as follows:

Sec. 238. In case of insurrection or invasion, or imminent danger thereof, the commander-in-chief may, by proclamation or otherwise, order and direct the commandants of such companies as he shall designate, to accept sufficient volunteers, should the same offer, to raise companies and maintain the same at the maximum number provided by this act; and if sufficient volunteers should not offer, then a sufficient number shall be drafted from the reserve militia, in the manner hereinafter provided, who shall thereupon be enrolled in said companies, and shall be liable to duty in case the military forces of the state should be called into service.

Sec. 82. Section two hundred and thirty-nine of said act is hereby amended so as to read as follows:

Sec. 239. The commander-in-chief shall have power, in case of insurrection, invasion or breaches of peace, or imminent danger thereof, to order into service of the state any of the companies, batteries, troops, battalions, regiments, brigades or divisions of the national guard, or of other militia of the state that he may deem proper, and under the command of such officers as he shall designate; and in such cases the forces so called into service shall receive the same pay as is provided in either sections one hundred and sixty-four or one hundred sixty-five of this act, as the commander-in-chief shall determine.

Sec. 83. Section two hundred and forty of said act is hereby amended so as to read as follows:

Sec. 240. In case of insurrection or invasion, or imminent danger thereof, within the limits of any division, it shall be the duty of the commandant of such division to order out, for the defense of the state, the national guard or any part thereof, under his command, and immediately report what he has done, and the circumstances attending the same, to the commander-in-chief, through the adjutant-general.

Sec. 84. Section two hundred and forty-two of said act is hereby amended so as to read as follows:

Sec. 242. In case of any breach of the peace, tumult, riot, or resistance to process of this state, or imminent danger thereof, it shall be lawful for the sheriff of any county, or the mayor of any city, to call for aid upon the commandant of any division, brigade, regiment, battalion, troop, battery or company; and it shall be the duty of the commanding officer of the division, brigade, regiment, battalion, troop, battery, or company, upon whom such call is made, to order out, in aid of the civil authorities, the military force, or any part thereof, under his command, and he shall immediately report what he has done and all the circumstances attending the same to the commander-in-chief through his intermediate commandants, and in such case it shall not be necessary for commandants of troops, batteries, or companies to issue written orders or notices for calling out their men, but verbal orders and notices shall be sufficient.

Sec. 85. Section two hundred and forty-seven of said act is hereby amended so as to read as follows:

Sec. 247. All officers, non-commissioned officers, musicians and privates, in case of riot, tumult, breach of peace, resistance to process, or whenever called upon in aid of the civil authorities, shall receive the compensation provided by section one hundred and sixty-five of this act and shall be subsisted, quartered and transported; and every person who shall be wounded or disabled in such service shall be taken care of and provided for at the expense of the county where such service shall be rendered, and all the expense attending such use of the troops shall be a county charge, to be levied and collected as other county charges are levied and collected.

Sec. 86. Section two hundred and fifty-two of said act is hereby amended so as to read as follows:

Sec. 252. The rules and regulations prescribed in general orders number seventeen, series of eighteen hundred and seventy-six, dated general headquarters, state of New York, November seventeenth, eighteen hundred and seventy-six, except in so far as they conflict with this act, are hereby ratified and confirmed; and the commander-in-chief is hereby authorized to make such changes and alterations in said rules and regulations, from time to time, as he may deem expedient; but such rules and regulations shall conform, as nearly as practicable to those governing the United States army, and not conflict with the provisions of this act.

Sec. 87. Section two hundred and fifty-three of said act is hereby amended so as to read as follows:

Sec. 253. Every non-commissioned officer, musician and private of the national guard originally enlisted shall be held to duty therein for the term of five years, and in case of re-enlisting, for the term for which he re-enlists, unless disability after enlistment shall incapacitate him to perform such duty, and he shall be regularly discharged in consequence thereof by the commandant of his regiment, battalion, separate troop, battery or company; provided however, that every such non-commissioned officer, musician and private shall continue held to duty, and shall retain his rank and be eligible to promotion, after the expiration of his term of enlistment or re-enlistment, so long as he or the commandant of his troop, battery or company omits to apply for his discharge, as provided in the next succeeding section; and on such application being made, his discharge shall not be granted until the expiration of three months from the date of the application except when the application is made by the commandant of his troop, battery or company, in which case the discharge may be granted immediately; and also further provided that every non-commissioned officer, musician and private who enlisted prior to the first day of May, eighteen hundred and seventy-five, shall serve the whole length of the term for which he enlisted.

Every commissioned officer, and every non-commissioned officer, musician, and private of the national guard shall be exempt from jury duty during the time he shall perform military service; and every such person who shall have so served five or more years, and been honorably discharged, shall forever after be exempt from jury duty. Except as herein otherwise provided, no non-commissioned officer, musician, or private of the national guard shall be discharged from service, except for physical disability or expiration of term of enlistment. Discharges for physical disability shall be granted only upon the certificate of the regimental or battalion surgeon, and in the case of a separate troop, battery, or company, of the surgeon of the division or brigade to which such separate troop, battery, or company is attached; always provided, however, that the commandant of each division may, for sufficient reasons, and in his discretion, grant discharges to enlisted men in his division, at any time, upon the recommendation of the commandant of the troop, battery, or company, with the approval of the commandant of the regiment or battalion, and of the brigade to which they belong, and in the case of a separate troop, battery, or company attached to a brigade upon the recommendation of the commandant of such separate troop, battery, or company, with the approval of the commandant of the brigade, and in the case of a regiment, separate troop, battery, or company attached to a division, upon the recommendation of the commandant of such regiment, separate troop, battery, or company; but no enlisted man shall be discharged from service unless he produces the certificate of his immediate commanding officer that he has turned over or satisfactorily accounted for all property issued to him. Commanding officers of divisions, brigades, regiments, and battalions, and of separate troops, batteries, or companies, shall make returns to the adjutant-general, on the last day of March, June, September, and December, in each year, of all changes in their commands during the previous three months, giving the names and grades of the persons discharged, and the cause thereof, and also of those gained by enlistment.

Sec. 88. Section two hundred and sixty of said act is hereby amended so as to read as follows:

Sec. 260. Actions to recover the possession of military property, and the amount of any fine or penalty under the last two preceding sections, may be brought by and in the name, with the official rank of any officer entitled to take possession of such property, in any court of competent jurisdiction, and such fine or penalty shall be paid to the treasurer of the county where the offender may reside, for the benefit of the military fund of the regiment, battalion, or separate troop or battery located therein, and in which the case occurred. The possession of any military property, or the amount of a fine or penalty, may be recovered in the same action. Such proceedings in the civil courts shall not preclude the punishment of offenders, if they belong to the national guard, by courts-martial.

Sec. 89. Section two hundred and sixty-two of said act is hereby amended so as to read as follows:

Sec. 262. The members of any division or brigade staff, and the field, staff and company officers of any regiment or battalion may organize themselves into an association, and such association and each troop, battery, and company may, by a vote of two-thirds of all its members, form by-laws, rules and regulations, not inconsistent with this act, for the management of their internal affairs; and such by-laws, rules and regulations shall be binding upon all commissioned officers, non-commissioned officers, musicians, and privates who are now or may hereafter be commissioned or enlisted therein; but they may be altered, from time to time, as may be found necessary by the same vote.

Sec. 99. Said act is hereby further amended by inserting immediately after section two hundred and sixty-seven of the same as follows:

ARTICLE XVI. OF RIFLE PRACTICE.

Sec. 268. The general inspector of rifle practice shall have the rank of brigadier-general, and in the corps of inspectors of rifle practice there shall be an assistant general inspector of rifle practice with the rank of colonel; to each division an inspector of rifle practice with the rank of lieutenant-colonel; to each brigade an inspector of rifle practice with the rank of major; and to each regiment or battalion an inspector of rifle practice with the rank of captain.

Sec. 269. The general inspector of rifle practice shall have charge of the rifle practice of the national guard throughout the state, and shall, under the direction of the commander-in-chief, prescribe the manner in which it shall be performed. He shall report to general headquarters the improvement in marksmanship, together with other matters appertaining to his duties.

Sec. 270. The division, brigade, regimental, and battalion inspectors of rifle practice shall have charge of all matters appertaining to rifle practice in the several organizations of their respective divisions, brigades, regiments or battalions, under the direction of the commandants thereof respectively, and they shall see that all armories, ranges, and grounds used for rifle practice, and the property issued by the state for such practice within the limits of their respective divisions, brigades, regiments, or battalions, are properly used and cared for. They shall perform such duties as may, from time to time, be prescribed by the general inspector of rifle practice, and they shall attend all competitions for any prizes that may be offered by the state to the command to which they are attached, and

see that the same are conducted with fairness and according to the prescribed regulations. Issues of rifles and such other articles as may be required by the several inspectors of rifle practice to enable them to perform their duties, may be made by the chief of ordnance, on the approval of the general inspector of rifle practice, and in the same manner as other ordnance stores are issued by him.

Sec. 271. It shall be the duty of the general inspector of rifle practice, or his assistant, to attend the annual competition for the state prize, and see that the same is conducted with fairness and according to the prescribed regulations.

Sec. 272. The general inspector of rifle practice and the division and brigade commanders, and inspectors of rifle practice of the commands in the district in which the rifle range of any incorporated rifle association, except the national rifle association is situated, shall be ex officio directors thereof. Such inspectors of rifle practice are authorized to inspect such rifle ranges at any time, and, in the case of associations or organizations which have received targets or other articles and aid from the state, to require a report from their proper officers of their financial condition, and of the condition of the state property in their possession, and also to examine their books and vouchers. If at the conclusion of any such inspection it shall be found that any of the property issued by the state to any rifle association or range is missing, injured, unfit for use or deficient, it shall be reported through the general inspector of rifle practice to general headquarters. In case any range or army rifle gallery shall, in the opinion of the general inspector of rifle practice or the division inspector of rifle practice of the district in which the same is located, be dangerous, they are respectively authorized to prevent its being further used until rendered safe.

Sec. 273. The general inspector of rifle practice is authorized to report to the adjutant-general any inspector of rifle practice for examination by the examining board, provided for by section one hundred and one of this act.

Sec. 274. On the approval of the commander-in-chief, the chief of ordnance may issue to rifle ranges, targets and other appurtenances and military equipments for the practice of the national guard thereon, in the same manner as other ordnance stores are issued by him, and under the direction of the commander-in-chief, and with his approval, expenditures may be made from the appropriations for military purposes, for services and expenses in maintaining rifle ranges and promoting rifle practice in the national guard.

Sec. 275. Before any targets or other appurtenances or military equipments are issued to any rifle association, or any aid given to it by the state, it shall file with the adjutant-general and the general-inspector of rifle practice a certified copy of its articles of association and by-laws, and other regulation which must have the approval of the general-inspector of rifle practice to whom must be furnished annually a list of its officers. Such bonds as may be required by the commander-in-chief shall be given to secure the care and custody of any targets or other property issued to any rifle range or association by the state.

Sec. 276. The commandants of the first and second divisions, respectively, are authorized to direct and require the use of the range of the national rifle association by any of the organizations in their commands for target practice, field drill, or any military purpose, whenever, and for such time as they shall deem proper and necessary. And the divisions general of any district in which any other rifle range which has received aid from the state is located, shall have like authority to direct and require the use thereof by any of the organizations in his command, provided that not less than one-quarter of the targets of such rifle range, when held by an association, and of the national rifle association, shall at all times be reserved for the members thereof.

Sec. 277. For the purpose of preserving the property of the state issued to the several rifle associations and ranges which receive aid therefrom, and of preventing accidents, and for maintaining order upon such rifle ranges, the officers and employees of the national rifle association and other rifle associations having a rifle range are hereby vested with the powers of constables when in the discharge of their duties, and wearing such badge of office as shall be prescribed by said associations, respectively; and all persons trespassing upon such rifle ranges or injuring any of the targets or other property situate thereon, or willfully violating thereon any of the regulations established to maintain order, preserve property, and prevent accidents, shall be guilty of a misdemeanor.

Sec. 278. The commander-in-chief is authorized to annually offer on behalf of the state a prize not exceeding one hundred dollars in value, to be known as the "state division prize," for competition among the several regiments and battalions in each division; and a similar prize not exceeding five hundred dollars in value, to be known as the "state prize," for competition among all the regiments and battalions throughout the state; such prizes to be competed for under regulations which shall be prescribed by the general inspector of rifle practice.

Sec. 279. The range of the national rifle association at Creedmoor, and any grounds acquired by that or any other rifle association for rifle practice, and toward the purchase of which the state has contributed, shall not be sold, mortgaged, or otherwise alienated, without the written consent of at least two-thirds of the board of directors of such association, including a majority of the ex officio members of said board, and without also the written consent of the adjutant-general of the state.

Sec. 280. The treasurer of the national rifle association and the treasurer of all other rifle associations which receive aid from the state, shall file with the comptroller and the adjutant-general within twenty days after the first day of January and the first day of July in each year, a detailed statement of all receipts and expenditures of such rifle associations during the previous six months, verified by such treasurers under oath; and it shall be the duty of the presidents of such rifle associations to annually, within twenty days after the first day of November, file with the general inspector of rifle practice a statement in detail of all the property of said associations and the condition of the same.

Sec. 281. Chapter six hundred and ninety-nine of the laws of eighteen hundred and seventy-two, entitled "An act to establish a rifle range, and to promote skill in marksmanship among the national guard," and chapter two hundred and sixty-eight of the laws of eighteen hundred and seventy-four, entitled "An act for the promotion of rifle practice in the national guard," are hereby repealed, with the exception of such parts of said chapters as relate specially to the national rifle association, and which are not in conflict with this act.

Sec. 91. The number of section two hundred and sixty-eight of said act is hereby changed to two hundred and eighty-two.

Sec. 92. The number of section two hundred and sixty-nine of said act is hereby changed to two hundred and eighty-three.

Sec. 93. This act shall take effect immediately.

CHAPTER 286.

AN ACT to amend chapter eight hundred and thirty-three of the laws of eighteen hundred and seventy-three, entitled "An act to regulate the fees of coroners."

Passed May 21, 1878; three-fifths being present.

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

SECTION 1. Chapter eight hundred and thirty-three of the laws of eighteen hundred and seventy-three, entitled "An act to regulate the fees of coroners," is hereby amended by the insertion of a new section immediately after the third section, as follows:

Sec. 4. The fees of jurors necessarily summoned upon any coroner's inquest shall be not to exceed one dollar for each day's service, shall be a county charge and shall be audited and allowed by the boards of supervisors in the same manner as other fees and charges mentioned in this act. But the coroner holding such inquest and summoning said juror shall make report to the next succeeding board of supervisors after every such inquest of the names of such jurors and the term of service of each, and upon what inquest rendered, on or before the third day of the annual session in each year.

Sec. 2. Sections four, five and six of said act are hereby numbered respectively sections five, six and seven.

Sec. 3. This act shall take effect immediately.

CHAPTER 289.

AN ACT to provide ways and means for the support of government.

Passed May 21, 1878; three-fifths being present.

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

SECTION 1. There shall be imposed for the fiscal year, beginning on the first day of October, eighteen hundred and seventy-eight, on each dollar of real and personal property of this state, subject to taxation, taxes for the purposes hereinafter mentioned, which taxes shall be assessed, levied and collected by the annual assessment and collection of taxes for that year, in the manner prescribed by law, and shall be paid by the several county treasurers into the treasury of this state to be held by the treasurer for application to the purposes specified, that is to say: for the general fund and for the payment of those claims and demands which shall constitute a lawful charge upon that fund during the fiscal year commencing October first, eighteen hundred and seventy-eight, one mill and five hundred and thirty-one one-thousandths of one mill. For the free school fund for the maintenance of common schools, one mill and sixty-nine one-thousandths of one mill.

CHAPTER 314.

AN ACT to amend chapter forty-one of the laws of eighteen hundred and sixty-one, entitled "An act to incorporate the veterans of the national guard, seventh regiment, first division, New York state militia."

Passed May 22, 1878.

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

SECTION 1. Section one of chapter forty-one of the laws of eighteen hundred and sixty-one, entitled "An act to incorporate the Veterans of the National Guard, Seventh Regiment, first division, New York State Militia," is hereby amended so as to read as follows:

Sec. 1. Linus W. Stephens, Morgan L. Smith, John M. Catlin, Washington R. Vermilye, and such other persons as now are associated as the veterans of the National Guard, or may hereafter become associated with them, are hereby constituted a body corporate by the name of "The Veterans of the Seventh Regiment."

Sec. 2. This act shall take effect immediately.

CHAPTER 315.

AN ACT to secure the payment of laborers, mechanics, merchants, traders and persons furnishing materials toward the performing of any public work in the cities of the state of New York.

Passed May 22, 1878; three-fifths being present.

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

SECTION 1. Any person or persons who shall hereafter as laborer, mechanic, merchant or trader, in pursuance of, or in conformity with the terms of any contract made between any person or persons, and any incorporated city in the state of New York, perform any labor or furnish any material toward the performance or completion of any contract made with said city, on complying with the second section of this act, shall have a lien for the value of such labor or materials, or either, upon the moneys in the control of the said city, due or to grow due under said contract with said city to the full value of such claim or demand, and these liens may be filed and become an absolute lien to the full and par value of all such work and materials, to the extent of the amount due or to grow due on said contract, in favor of every person or persons who shall be employed or furnish materials to the person or persons with whom the said contract with said city is made, or the sub-contractors of said person or persons, their assigns or legal representatives, provided that no city shall be required to pay a greater amount than the contract price or value of the work and the materials furnished, when no specific contract is made in the performance of said work by the contractor.

Sec. 2. At any time before the whole work to be performed by the contractor for the city is completed or accepted by the city, and within thirty days after the same is so completed or accepted, any claimant may file with the head of the department or bureau having charge of said work, and with the financial officer of said city, notices stating the residence of the claimant, verified by his oath or affirmation, stating the amount claimed, from whom due, and if not due, when it will be due, giving the amount of the demand after deducting all just credits and offsets, with the name of the person by whom employed, or to whom materials were furnished; also a statement of the terms, time given, conditions of his contract, and also that the work was done or materials were furnished to the said contractor, and were actually performed or used in the execution and completion of the said contract with said city, but no variance as to the name of the contractor shall affect the validity of the said claim or lien.

Sec. 3. The financial officers of said city shall enter the claims in a book kept for that purpose by him, called the "lien book." Such entry shall contain the name and residence of claimant, the name of the contractor, the amount and date of the filing, and a brief designation of the contract upon which the claim is made.

Sec. 4. No lien provided for in this act shall be binding upon the property therein described, unless an action be commenced within ninety days from the filing the same, and a notice of pendency of said action be filed with the financial officer of the city.

Sec. 5. The lien shall attach from the time of filing thereof to the extent of the liability of the contractor for the claim preferred upon any funds which may be due or to grow due to the said contractor from said city, under the contract against which the lien is filed.

Sec. 6. Any claimant who has filed the notice mentioned in the second section of this act may enforce his claim against the said fund therein designated, and against the person or persons liable for the debt, by a civil action. Actions to determine or terminate said liens may be commenced by the contractor or said city in any court of competent jurisdiction.

Sec. 7. The plaintiff must make all parties who have filed claims the contractor, and the said city, parties defendant, and as to all parties against whom no personal claim is made, the plaintiff may, with the summons, serve a notice stating briefly the object of action, and that no personal claim is made. But all parties who have filed claims under this act may, by answer in such action, set forth the same, and the court in which the action is brought may decide as to the extent, justice and priority of the claims of all parties to the action.

Sec. 8. The court in which the action is brought shall determine the validity of the lien, the amount due from the debtor to the contractor under his contract, and from the contractor to the respective claimants, and shall render judgment, directing that the said city shall pay over to the claimants, for work done and materials furnished in the execution of the said contract or contracts, whose claims or liens it shall hold to be valid and just, in the order of their priority as determined by said court to the extent of the sum found due to said claimants from their contractor, so much of said funds or money which may be due from the said city to the contractor, under his contract, against which the lien is filed, as will satisfy their liens or claims, with interest and costs, to the extent of the amount due from said city to said contractor. The judgments rendered under this act may be enforced by execution, and an appeal may be taken therefrom in the same time and manner as in civil actions.

Sec. 9. In case of successive liens, or a number of liens, in favor of different persons, their rights and priorities shall be determined as follows: Persons standing in equal degrees as co-laborers, or various persons furnishing materials, shall have priority according to the date of the filing of their liens. When several lien notices are filed for the same demand, the judgment shall provide for the proper payments according to priority, so that, under liens filed, double payments shall not be required.

Sec. 10. When separate actions are commenced, the court in which the first action was brought may, upon the application of the said city, consolidate them.

Sec. 11. Costs in all actions shall rest in the discretion of the court, and shall be awarded to or against the plaintiff or defendants, or any or either of them, as may be just.

Sec. 12. Nothing contained in this act shall be construed to impair or affect the right of any person to whom any debt may be due for work done or materials furnished to maintain a personal action to recover such debt against the person liable therefor.

Sec. 13. The lien may be discharged as follows: First. By filing a certificate of the claimant, or his successor in interest, duly acknowledged and proved, stating that the lien is discharged. Second. By lapse of time when ninety days have elapsed since the filing of the claim, and no action shall have been commenced to enforce the claim. Third. By satisfaction of any judgment that may be rendered in actions to foreclose said liens or claims.

Sec. 14. The term "contractor," as used in this act, shall be construed as meaning the person with whom the contract with the said city is made, his assigns or legal representatives.

Sec. 15. This act shall take effect immediately; but nothing herein contained shall affect the validity of any claims or liens upon moneys due or to grow due under contracts made by cities prior to its passage. All acts and parts of acts inconsistent with the terms of this act are hereby repealed.

CHAPTER 319.

AN ACT to extend the time for the completion of the New York and Albany railroad.

Passed May 22, 1878.

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

SECTION 1. The New York and Albany railroad company shall have five years in addition to the time they now have by law, for complying with the requirements of the forty-seventh section of "An act to authorize the formation of railroad corporations, and to regulate the same," passed April second, eighteen hundred and fifty.

CHAPTER 321.

AN ACT to amend chapter one hundred and sixty-eight of the laws of eighteen hundred and sixty-four, entitled "an act to incorporate the musical mutual protective union."

Passed May 22, 1878.

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

SECTION 1. Section one of chapter one hundred and sixty-eight of the laws of eighteen hundred and sixty-four, entitled "an act to incorporate the musical mutual protective union," is hereby amended by adding thereto at the end of said section as follows, viz.: "and the establishment of a uniform rate of prices to be charged by members of said society, and the enforcement of good faith and fair dealing between its members. It shall be lawful for said society, from time to time, to fix and prescribe uniform rates of prices to be charged by members of said society for their professional services and for that purpose, from time to time, to make and adopt such by-laws as it may approve. And any member of said society violating any such by-law may be expelled from said society (after being afforded an opportunity to be heard in his defense) in such manner as said society may, from time to time, prescribe by by-laws, which it is hereby authorized to make. Any member of said society who may be employed as a leader of an orchestra or band of musicians and collect and receive any money on account or for the services of any musician being a member of such orchestra or band, and who refuses upon due request to pay to any such member of said orchestra

or band the sum, or any part thereof, so collected or received to which any such member of said orchestra or band may be entitled, may be expelled from said society (after being afforded an opportunity to be heard in his defense) in such manner as said society may, from time to time, prescribe, and said society is hereby authorized, from time to time, to make and adopt such by-laws as it may approve to carry the said provisions of this section into full force and effect. Said society may by resolution or by-law, delegate to the board of directors the power to expel members of said society in the like manner and with the like effect, as if such expulsion were made by the members of said society, and in the like cases in which said society might make such expulsion. The provisions of this act are to be deemed incorporated into the act hereby amended, in the like manner and with the like effect as if the same had originally been contained in said act."

Sec. 3. This act shall take effect immediately.

CHAPTER 327.

AN ACT to provide for the adjustment and payment of unpaid taxes due the county of Westchester by the towns of West Farms, Morrisania, and Kingsbridge, lately annexed to the city and county of New York.

Passed May 22, 1878; three-fifths being present.

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

SECTION 1. The comptroller of the city and county of New York, and the treasurer of the county of Westchester, are hereby authorized to adjust and determine the amount due to the county of Westchester for taxes for the year eighteen hundred and seventy-three remaining unpaid, and levied on the late towns of Morrisania, West Farms, and Kingsbridge, now annexed to and forming a part of the city of New York.

Sec. 2. Upon the amount of unpaid taxes due as aforesaid being adjusted and determined as provided, the board of estimate and apportionment of said city is authorized to include such amount in the next annual estimate of expenses of the city of New York, to be raised by tax, and paid by the said comptroller to the said treasurer of the county of Westchester.

Sec. 3. This act shall take effect immediately.

CHAPTER 329.

AN ACT to amend chapter five hundred and ninety-six of the laws of eighteen hundred and seventy-four, entitled "An act to incorporate the Manhattan Mortgage Company,"

Passed May 23, 1878; three-fifths being present.

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

SECTION 1. Section ten of chapter five hundred and ninety-six of the laws of eighteen hundred and seventy-four, entitled "An act to incorporate the Manhattan Mortgage Company," is hereby amended so as to read as follows:

Sec. 10. No loan shall be made by the company on mortgage of real estate to more than one half the estimated value thereof, such estimate to be made by three disinterested competent assessors, a committee of three directors, and verified by them as correct, to the best of their judgment. No loan shall be made to any director or officer of the company, nor shall any loan or advance of money be made at a rate of interest exceeding the legal rate in the state in which the land on which said loan or advance is made is situated.

Sec. 2. Section eleven of said act is hereby amended so as to read as follows:

Sec. 11. The capital stock of said company may be reduced to an amount not less than two hundred thousand dollars by vote of a majority of the corporators or directors. Notice of the time and place of subscription to any stock not already subscribed for, or to any increase of stock, as authorized in section three, shall be given at least one week before such time in at least two daily newspapers published in said city of New York.

Sec. 3. This act shall take effect immediately.

CHAPTER 345.

AN ACT to repeal a part of chapter four hundred and seventeen of the laws of eighteen hundred and seventy-seven, entitled "An act to repeal certain acts and parts of acts," so as to revive so much of chapter four hundred and thirty-eight of the laws of eighteen hundred and seventy-two, entitled "An act relating to courts of record and other courts in the city and county of New York" as relates to clerks of district courts in the city of New York.

Passed May 23, 1878; three-fifths being present.

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

SECTION 1. So much of subdivision forty-six of section one of chapter four hundred and seventeen of the laws of eighteen hundred and seventy-seven, entitled "An act to repeal certain acts and parts of acts," as repeals that portion of chapter four hundred and thirty-eight of the laws of eighteen hundred and seventy-two, which relates to clerks and assistant clerks of the district courts of the city of New York, is hereby repealed, and so much of the last mentioned act as relates to the clerks and assistant clerks of the district courts of the city of New York, and the mode of appointment, tenure of office, powers, duties and salaries of such clerks and assistant clerks, is hereby revived so far as it has been heretofore repealed, and the clerks and assistant clerks who were such when such repealing act was passed are continued as though such act had never taken effect; and nothing in this act contained shall abridge or extend the terms of office for which the present clerks and assistant clerks were originally appointed.

Sec. 2. This act shall take effect immediately.

CHAPTER 349.

AN ACT to facilitate the removal of human remains from burying grounds within the limits of cities.

Passed May 23, 1878.

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

SECTION 1. Whenever the trustees of any church or religious corporation owning a burying ground within the limits of any city in this state, shall by resolution determine that it is expedient to remove the human remains buried therein, it shall be lawful for them to proceed as follows: They shall, by notice read to the congregation on two successive Sundays and posted at the principal door of the church for two weeks previously, and published daily in one of the city papers having the largest circulation for the same period of time, call a meeting of the pewholders of such church for the purpose of considering the subject of such removal; and in such notice they shall state the time and place of such meeting and the purpose thereof. Such meeting shall be organized by electing a president and secretary by a majority of the pewholders thereof. If three-fourths of the pewholders present at such meeting shall vote in favor of such removal, the president and secretary of said meeting shall execute a certificate showing the proceedings of such meeting, which shall be proved or acknowledged in the same manner as deeds are required by law to be proved or acknowledged, and shall be recorded in the office of the register of the city or clerk of the county in which such burying ground is situated. And no other consent shall be necessary or required to authorize such removal.

Sec. 2. Such removal shall be made by the trustees of such church, their agents and servants, at such time or times and in such manner as the board of health in such city may direct.

Sec. 3. Such removal shall be made at the expense of such church or religious corporation, to any other burying ground owned by them, in an appropriate manner, together with the tombstones proper thereto; and such tombstones shall be erected again at the place of removal over the appropriate remains in all cases where the same can be identified.

Sec. 4. The provisions of sections two and three of chapter two hundred and fifteen of the laws of eighteen hundred and forty-two, shall not apply to any case in which the certificate mentioned in the first section of this act shall have been duly recorded.

CHAPTER 378.

AN ACT for the protection of life, and to prevent accidents by vessels navigating the port and harbor of New York, and waters adjacent thereto.

Passed June 1, 1878; three-fifths being present.

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

SECTION 1. It shall not be lawful for any steamship, vessel, ferryboat, steamboat or other water craft of what name or description soever, while using the waters in and adjacent to the port and the harbor of the city of New York, and within the jurisdiction of the state of New York, as hereinafter

designated and limited, for any of the purposes of navigation during and at the time of the existence of a fog thereon, rendering such navigation hazardous, and requiring care to prevent collisions and other accidents incident to navigation, unless such steamship, vessel, ferryboat, steamboat or other water craft shall, through the owner or owners, pilot, master or other person in charge thereof, comply with the requirements contained in the next succeeding section of this act.

Sec. 2. It shall be the duty of the owner, master, pilot or other person in charge of any such steamship, vessel, ferryboat, steamboat or other water craft, if, and while moving in said waters during the existence of any such fog, in the day or night time, to use a fog-horn, steam whistle, bell, electric light, or other cautionary light or signal, and to blow said horn or whistle and ring said bell continuously while said steamship, vessel, ferryboat, steamboat or other craft is or may be in motion; and such movements only shall be had by either such steamship, vessel, ferryboat, steamboat or other water craft within the limit, time and in the manner in the next section provided.

Sec. 3. It shall not be lawful for any steamship, vessel, ferryboat, steamboat or other water craft to navigate the waters so herein designated, during the existence of a fog thereon, as fully expressed in the first section of this act, to cross the line of any ferry now or hereafter maintained to and from the city of New York, without slowing and, in case of extreme danger, coming to anchor before so doing; and such crossing shall not then be had directly, but shall be made laterally to the course of said ferry; and the speed of said steamship, vessel, ferryboat, steamboat or other water craft in motion at such time shall not exceed four miles per hour.

Sec. 4. Any violation of the provisions hereof shall be chargeable directly upon the owner, master, pilot or person in charge of any such steamship, vessel, ferryboat, steamboat or other water craft; and any such owner, master, pilot or other person, in charge of any such steamship, vessel, ferryboat, steamboat, or other water craft offending against, or violating any of the provisions of this act shall be deemed guilty of a misdemeanor, and upon conviction punishable by a fine not exceeding two hundred and fifty dollars or imprisonment not exceeding one year, or by both such fine and imprisonment.

Sec. 5. The port and harbor of New York shall, for the purposes of this act, be deemed and held to extend to and cover the waters of New York bay to and including Quarantine, East river and Harlem river to Harlem bridge and the waters of Long Island sound to Flushing bay; the North or Hudson river to the city of Yonkers, and the Kill-von-Kull to Shuter's island, so far as the same are within the jurisdiction of the state of New York.

Sec. 6. This act shall take effect immediately.

CHAPTER 379.

AN ACT relative to judgments entered upon forfeited recognizances in the city and county of New York.

Passed June 1, 1878.

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

SECTION 1. Any one of the judges presiding at the court of general sessions of the peace in and for the city and county of New York, and any justice presiding at a court of oyer and terminer in said county, in whichever court any recognizance shall have been forfeited, may, upon the certificate of the district attorney of the county of New York, that the people of the state of New York have lost no rights by reason of the failure of a surety to produce a principal in compliance with the terms of a recognizance given by them, and that, by reason of the principal being produced, the said people of the state of New York are in as good a position to prosecute said principal as when such failure occurred, whether such principal has been tried, or whether a nolle prosequi has been entered or not, by order vacate and set aside any judgment heretofore entered, or that may be hereafter entered upon the forfeiture of such recognizance against such principal and surety, on payment to the chamberlain of the city of New York of all costs included in such judgment or judgments, and of all expenses incurred in the apprehension or recapture of such principal, and if such fine shall have been paid, or the judgment collected, in whole or in part, upon such forfeited recognizance, the same shall be remitted, the officer, district attorney, chamberlain of the city of New York, in whose hands the money remains, must pay the same, or the part remitted, according to the order, retaining the costs, if any, as aforesaid.

Sec. 2. The clerk of the county where said judgment is docketed, upon the receipt of a duly certified copy of the order of such court vacating, remitting or modifying such judgment shall enter the same upon his docket, and the judgment referred to in said order shall thereupon be and become vacated, remitted or modified in accordance with the terms of said order.

Sec. 3. All acts or parts of acts inconsistent with the provisions of this act are hereby repealed.

Sec. 4. This act shall take effect immediately.

CHAPTER 380.

AN ACT relating to the public place or square known as Washington park in the city of New York.

Passed June 1, 1878; three-fifths being present.

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

SECTION 1. The public park, or place, or square in the city of New York, known as Washington square or Washington parade ground, shall (except as hereinafter provided) be used in perpetuity as one of the public parks, or squares, or places of said city, and shall be kept by the department of public parks in proper order, ornamented and protected, for the public use as a public park, and for no other use or purpose whatsoever.

Sec. 2. The street or roadway through said park, running from Fifth avenue on the north to South Fifth avenue on the southeast, shall be continued in use as one of the public streets of said city under the charge of the department of public works.

Sec. 3. This act shall take effect immediately.

CHAPTER 383.

AN ACT relating to certain indebtedness of the city of New York, and to provide for the payment and cancellation of the same.

Passed June 3, 1878; three-fifths being present.

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

SECTION 1. The fund known as "the sinking fund of the city of New York, for the redemption of the city debt," shall be continued, and any excess there may be in said fund, after providing for the payment of the bonds and stocks of said city, payable therefrom, as provided by law, shall form a fund for the payment of other bonds and stocks of said city and county, as by this statute provided. All moneys and revenues of said city heretofore pledged and appropriated to and constituting and founding said sinking fund shall continue to be and the same are hereby pledged and appropriated to said fund until all of said bonds and stocks of the said city shall be fully and finally redeemed.

Sec. 2. The fund known as the "sinking fund of the city of New York, for the payment of the interest accruing and to accrue upon the stocks of said city, until the same be fully and finally redeemed," shall be continued, and after providing for the payment of the interest on the bonds and stocks of said city, now payable therefrom as provided by law, shall form a fund which shall be transferred after the year eighteen hundred and seventy-eight, to the "sinking fund for the redemption of the city debt," and which transferred fund is hereby, in addition to the revenues and moneys aforesaid, pledged and appropriated to said last mentioned sinking fund, until all the bonds and stocks of said city, as aforesaid, are fully redeemed and paid.

Sec. 3. All moneys now in the treasury of said city heretofore collected and received in payment or on account of assessments made and confirmed for local improvements in said city, and all moneys which shall hereafter be collected and received in payment or on account of assessments made and confirmed or which may be made and confirmed, for local improvements completed prior to the passage of this act, shall be paid into the said sinking fund for the redemption of the city debt, and the same is hereby, in addition to the revenues and moneys aforesaid, pledged and appropriated to said last mentioned sinking fund for the payment of the bonds and stocks of said city, to be paid and redeemed therefrom as hereinbefore provided.

Sec. 4. Between the city and its creditors, holders of its bonds and stocks as aforesaid, there shall be and there is hereby declared to be a contract, that the funds and revenues of the city and the funds to be collected from assessments as aforesaid, by this statute pledged to the sinking fund for the redemption of the city debt, shall be accumulated and applied only to the purposes of said sinking fund, until all of said debt is fully redeemed and paid, as herein provided.

Sec. 5. Nothing in this act contained shall be held to require or authorize the commissioners of the sinking fund to use or apply any part or portion of the accumulations in said sinking fund for the redemption of the city debt or the revenues of said fund, in any manner whatever, whereby the security of said fund, for the payment of the bonds and stocks of said city, for which said fund is now pledged by law, and which are a charge on said fund, shall be alienated or impaired, and the said bonds and stocks, so secured by law, are hereby declared to constitute a preferred charge on said sinking fund until the same are fully and finally paid and redeemed.

Sec. 6. The commissioners of the sinking fund are hereby authorized and empowered to call in, pay, and redeem any portion of the bonded debt now a charge upon the treasury of the said city, other than revenue bonds issued in anticipation of the collection of taxes,

when they may deem it to be advantageous for the interests of the city so to do, and for this purpose the said commissioners of the sinking fund are hereby empowered to authorize by a concurrent vote, and direct the Comptroller to issue and sell or exchange therefor, at not less than par, "consolidated stock" of said city, payable within a period of not less than twenty, nor more than fifty years from the date of issue thereof, and at a rate of interest not exceeding five per cent. per annum, payable semi-annually; and upon the payment and redemption of any portion of said bonded debt the certificates thereof shall be cancelled by said commissioners. The "consolidated stock" of said city, issued as by this section authorized, after fully providing for the preferred bonds and stocks of said city, as in the preceding section specified, shall form a charge upon the said sinking fund for the redemption of the city debt, and any part of said bonded debt falling due not exchanged for or redeemed from the proceeds of consolidated stock as herein provided, may be paid from said sinking fund for the redemption of the city debt, provided such payment shall not in any way impair the preferred claims thereon, as in the preceding section specified, and provided, also, the commissioners of the sinking fund shall deem it to be for the best interests of the city that such payment should be so made.

Sec. 7. From the said sinking fund for the redemption of the city debt shall be paid and redeemed all preferred bonds and stocks of said city for the payment or redemption of which said fund is pledged, as aforesaid, and other bonds and stocks of said city as by this statute authorized, and whenever and as often as the Commissioners of said sinking fund shall certify to the board of estimate and apportionment of said city that the accumulations in said sinking fund shall not be sufficient to meet the payment of any bonds or stocks falling due in the next following calendar year, it shall be the duty of said board, and it is hereby required, to include in the annual estimate for such year, to be raised by tax on the estates, real and personal, in said city, subject to taxation, such an amount to be applied to the payment of said bonds or stocks as shall be certified by said commissioners, and the amount so included in said estimate shall be paid into said sinking fund and applied as in this section specified; provided, however, that the amount so to be raised by tax and paid into the sinking fund, as in this section provided, shall not in any one year be less than the sum of one million dollars, nor more than two million dollars.

Sec. 8. For the payment of all bonds and stocks of the said city hereafter issued pursuant to the provisions of any statute authorizing the same, and which by the provisions of such statute are payable from taxation—other than revenue bonds issued in anticipation of the collection of taxes—there shall be included in said annual estimate each year, to be raised by tax on the estates, real and personal, in said city, subject to taxation, a sum sufficient, with the accumulation of interest thereon, to meet and discharge the amount of said bonds or stocks by the time the same shall be payable as such sum shall be certified to the said Board of Estimate and Apportionment by the Comptroller, and which sum so raised by tax shall be paid annually, on the first day of November, to the commissioners of the sinking fund, and shall be invested by them in the same manner as the revenues pledged to the sinking fund for the redemption of the city debt.

Sec. 9. Assessment bonds of said city hereafter issued pursuant to law to provide for the expense of local improvements contracted for or commenced after the passage of this act, and which expense is to be assessed upon the property benefited, shall be issued by the comptroller of the city, when authorized by the board of estimate and apportionment, at not less than par, for such period as said comptroller may determine, not exceeding ten years, and bearing interest not exceeding six per cent. per annum.

Sec. 10. Whenever any bonds or stocks herein authorized to be issued, or any bonds or stocks of the city of New York, as provided by law, shall be hereafter issued, other than revenue bonds, or such bonds and stocks as may be purchased for investment by the commissioners of the sinking fund, the comptroller of said city shall invite proposals therefor by public advertisement for not less than ten days, and shall award the same to the highest bidder therefor; provided that no proposals for bond or stocks shall be accepted for less than the par value of the same; and said proposals shall be only publicly opened by the Comptroller in the presence of the commissioners of the sinking fund, or such of them as shall attend, at the time and place specified in the advertisement thereof. The Comptroller, with the approval of said commissioners, shall determine what, if any, part of said proposals shall be accepted, and upon the payment into the city treasury of the amounts due by the persons whose bids are accepted respectively, certificates therefor shall be issued to them as authorized by law.

Sec. 11. This act shall take effect immediately.

CHAPTER 384.

AN ACT to further amend chapter one hundred and twenty-six of the laws of eighteen hundred and twenty-four, entitled "An act to incorporate the society for the reformation of juvenile delinquents in the city of New York," as amended by chapter two hundred and forty-one of the laws of eighteen hundred and sixty.

Passed June 3, 1878; three-fifths being present.

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

SECTION 1. Section four of chapter one hundred and twenty-six of the laws of eighteen hundred and twenty-four, entitled "An act to incorporate the society for the reformation of juvenile delinquents in the city of New York," as amended by chapter two hundred and forty-one of the laws of eighteen hundred and sixty is hereby further amended by adding thereto the following words: If any child now in the house of refuge, or who may hereafter be committed to it, is a cripple, or is deaf, blind, epileptic, or imbecile, or becomes so while an inmate of the house of refuge, or if the health of any such child is, or shall become impaired, so that, in the judgment of the managers; such child is an improper subject for retention in the house of refuge, the managers may, in their discretion, notify the parents or guardian of the condition of such child, and request the parent or guardian to remove such child from the institution. If the parent or guardian so notified fails to remove such child within fifteen days after the notice is given, or if there should be no such parent or guardian known to the managers, then the superintendent of the poor of the county, whence such child was committed, shall, on a written request of the managers, remove such child without delay, at the expense of the said county.

Sec. 2. This act shall take effect immediately.

CHAPTER 385.

AN ACT to provide means for the equipment and furnishing of the building erected on that portion of the Central park, in the city of New York, east of the old receiving reservoir, under the provisions of chapter two hundred and ninety of the laws of eighteen hundred and seventy-one for the purposes of a museum and gallery of art, and for removing thereto and establishing therein the collections of the metropolitan museum of art.

Passed June 3, 1878; three-fifths being present.

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

SECTION 1. The board of commissioners of the department of public parks in the city of New York is hereby authorized to equip and furnish the building now erected upon that portion of the Central park, in the city of New York, east of the old receiving reservoir, and bounded on the west by the drive, on the east by the Fifth avenue, on the south by a continuation of Eightieth street, and on the north by a continuation of Eighty-fifth street, under the provisions of section two, chapter two hundred and ninety of the laws of eighteen hundred and seventy-one, in a suitable manner for the purposes of a museum and gallery of art by the metropolitan museum of art as specified in said section and chapter, and with the consent and co-operation of the metropolitan museum of art to remove the collections of said museum to and establish the same in said building.

Sec. 2. The board of estimate and apportionment of the city of New York is hereby authorized to include in the tax levy of the said city for the years eighteen hundred and seventy-nine and eighteen hundred and eighty such an amount not exceeding the sum of thirty thousand dollars in each year, as shall be certified by resolution of the said board of commissioners of the department of public parks to be necessary for the equipment and furnishing of the building of the metropolitan museum of art, and for the other purposes mentioned in the first section of this act.

Sec. 3. This act shall take effect immediately.

CHAPTER 386.

AN ACT to amend chapter four hundred and seventy-seven of the laws of eighteen hundred and seventy-five, entitled "An act to amend an act, entitled 'an act to provide a further supply of pure and wholesome water for the city of New York,' passed February twenty-seven, eighteen hundred and seventy-one, and also an act to re-enact and amend the same, passed April six, eighteen hundred and seventy-one; also to extend the distribution of Croton water through the city of New York, including the two new wards, and to lay the necessary mains therefor, and to deliver it a higher elevation.

Passed June 3, 1878; three-fifths being present.

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

SECTION 1. Section two of chapter four hundred and seventy-seven of the laws of eighteen hundred and seventy-five, entitled, "an act to amend an act entitled 'an act to provide a further supply

of pure and wholesome water for the city of New York,' passed February twenty-seven, eighteen hundred and seventy-one, and also an act to re-enact and amend the same, passed April six, eighteen hundred and seventy-one; also to extend the distribution of Croton water through the city of New York, including the two new wards, and to lay necessary mains therefor and to deliver it at a higher elevation," passed May twenty-eight, eighteen hundred and seventy-five, is hereby amended so as to read as follows:

Sec. 2. The commissioner of public works of the city of New York, when thereunto authorized by a three-fourths vote of all the members elected to the common council of said city, to be approved by the mayor of said city, is hereby authorized to expend, for materials and labor and other services, in such manner as the said commissioner shall deem for the best interests of said city, in laying pipes to extend and enlarge the distribution of Croton water throughout the city of New York, including the two new wards, and to furnish a sufficient supply thereof to the institutions in charge of the department of public charities and correction, located on Blackwell's Island, Ward's Island and Randall's Island, and in laying mains and erecting or constructing such structures and fixtures as the said commissioner of public works may deem necessary to deliver said water at higher levels and in greater quantities, an additional sum not exceeding one million five hundred thousand dollars.

Sec. 2. This act shall take effect immediately.

CHAPTER 389.

AN ACT to create a police pension fund for disabled and retired policemen in the city of New York.

Passed June 4, 1878; three-fifths being present.

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

SECTION 1. The police commissioners of the city of New York are hereby constituted a board of trustees of the police pension fund created by this act. They shall organize as such board by choosing one of their number to be chairman, and by appointing a secretary. The treasurer of the board of police commissioners shall be treasurer of the board of trustees. Such board of trustees shall have charge of and administer said fund, and from time to time invest the same, or any part thereof, as they shall deem most beneficial to said fund, and are empowered to make all necessary contracts and take all necessary and proper actions and proceedings in the premises, and to make payments from said fund of pensions granted in pursuance of this act, and also pensions now charged on said fund by or under existing laws, and said board of trustees shall be the legal successors of the trustee or trustees of the police life insurance fund now in existence. The said trustees shall, from time to time, establish such rules and regulations for the administration of the police pension fund as they may deem best. They shall report in detail to the common council of the city of New York, annually, in the month of January, the condition of the police pension fund, and the items of their receipts and disbursements on account of the same. No payments whatever shall be allowed or made by said trustees, as reward, gratuity, or compensation, to any person for salary or services rendered to or for said board of trustees.

Sec. 2. The police pension fund, and all moneys, securities, revenues and incomes thereof, in whose hands soever the same may be, shall be paid over and delivered on demand to the trustees of said fund hereby constituted.

Sec. 3. The police pension fund shall consist of:

First—The capital, income, interest, dividends, cash deposits, securities and credits now belonging to said police life insurance fund, with the addition thereto from time to time of,

Second—All fines imposed by the board of police upon members of the police force; and

Third—All rewards, fees, gifts, testimonials, and emoluments, that may be presented, paid or given to any member of the police force for account of police services, except such as shall be allowed by the board of police to be retained by said member; and

Fourth—All lost or stolen money remaining in the hands of the property clerk for the space of one year, and for which there shall be no lawful claimant, and moneys arising from the sale by the said property clerk of unclaimed property; and

Fifth—A sum of money equal to three dollars per month for each member of the police force, to be paid monthly by the treasurer of the board of police commissioners to the treasurer of the board of trustees of the police pension fund from moneys deducted from the pay of members of said force on account of lost time.

Sec. 4. The board of trustees of the police pension fund created by this act shall have power to grant pensions, as hereinafter provided, to any member of the police force of said city at the time of the passage of this act, or to any person who may hereafter become a member of the police force, to be paid from the police pension fund, by the board of trustees thereof, as follows:

First—To the widow of any member of the police force at the time of the passage of this act, or who may hereafter become a member of the police force who shall have been killed while in the actual performance of police duty, or shall have died from the effects of any injury received whilst in the actual discharge of such duty, or who has died or shall hereafter die after ten years of service in the police department of the city of New York, provided such death shall not have been caused by misconduct on his part, a sum of three hundred dollars per annum.

Second—To any child or children under eighteen years of age of such member of the police force killed or dying as aforesaid, but leaving no widow, or, if a widow, then after her death to such child or children, being yet under eighteen years of age, the sum not exceeding three hundred dollars per annum.

Third—To any such member of the police force who, whilst in the actual performance of police duty, and by reason of the performance of such duty, and without fault or misconduct on his part, shall have become permanently disabled, physically or mentally, so as to be unfitted to perform full police duty, a sum not to exceed one-half nor less than one-fourth of his rate of compensation per annum.

Fourth—To any such member of the police force of said police department who shall, after ten years' membership, become superannuated by age, or rendered incapable of performing full police duty by reason of disability or disease contracted without misconduct on his part, a sum of three hundred dollars per annum.

Fifth—To any such member of the police force who shall, after fifteen years of membership, become superannuated by age, or rendered incapable of performing full police duty by reason of disability or disease contracted without misconduct on his part, a sum of four hundred dollars per annum.

Sec. 5. Any such member of the police force who has or shall have performed police duty for a period of twenty years or upwards, upon his own application or upon the certificate of the board of surgeons of the department of police certifying that such policeman is permanently disabled, so as to be unfit for police duty, may, in the discretion of the board of police, by resolution unanimously adopted by a full board, be retired from service and placed upon the police pension roll, and thereupon shall be awarded, granted and paid from said police pension fund, by the trustees thereof, an annual sum during his lifetime not exceeding one-half nor less than one-fourth the full pay of a member of said police force of the rank of the member so retired, provided, however, that no pension granted under the provisions of this act shall exceed the sum of one thousand dollars per annum. Pensions granted under this section shall be for the natural life of the officer, and shall not be revoked, repealed, or diminished. In case any officer shall have voluntarily left the police department and entered into the United States service, and served during the war of the rebellion, and received an honorable discharge, and afterwards shall have been reinstated in the police department, the time of his service in the army shall be considered as a portion of his service in the police department.

Sec. 6. Pensions to widows shall terminate when the widow shall remarry, and pensions to children shall terminate whenever the children shall respectively arrive at the age of eighteen years. The board of police may, in its discretion, order any pensions granted, or any part thereof, to cease, except members of the police force retired after twenty years' service, as provided in section five of this act, but in all such cases the said board of police shall file with the trustees of the police pension fund a written statement of the causes which determined them in ordering any pension to so cease, and nothing herein or in any other act contained shall render the granting or payment of such pension obligatory on the board of police, or upon the trustees of the police pension fund, or chargeable as a matter of right upon said police pension fund, except as provided in section five of this act.

Sec. 7. In determining the term of service of any member of the police force under the provisions of this act, continuous service in the late metropolitan force department and subsequently in the police department of the city of New York, shall be counted and held to be police service in the police department of the city of New York for all the purposes of this act.

Sec. 8. No member of the police force shall be awarded, granted, or paid a pension on account of physical or mental disability or disease, unless upon the certificate of the board of surgeons of the department of police, which shall set forth the cause, nature, and extent of the disability, disease, or injury of each member of the police force who may be placed upon the pension roll, and said certificate shall distinctly state whether or not such disability, disease, or injury was incurred or sustained by said member of the police force in the performance of police duty; and such certificate shall in each case be filed with and entered upon the minutes of the board of police.

Sec. 9. All acts and parts of acts inconsistent with the provisions of this act are hereby repealed.

Sec. 10. This act shall take effect immediately.

CHAPTER 393.

AN ACT to provide for the erection of an iron bridge at Fourth avenue and the Eastern Boulevard, at One hundred and sixteenth street in the city of New York

Passed June 4, 1878; three-fifths being present.

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

SECTION 1. The commissioner of public works of the city of New York is hereby authorized and

directed to construct an iron bridge at Fourth avenue and the eastern boulevard, at One hundred and sixteenth street, in the city of New York.

Sec. 2. The cost of said bridge shall be borne equally by the city of New York and the New York and Harlem Railroad Company.

Sec. 3. This act shall take effect immediately.

CHAPTER 398.

AN ACT for the relief of John Hogan, and to authorize the comptroller of the city of New York to pay the amount which may be found due from said city to said Hogan, for granite furnished for a bridge in said city.

Passed June 6, 1878; three-fifths being present.

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

SECTION 1. The comptroller of the city of New York is hereby authorized and required to examine into the claim of John Hogan for cut granite stone supplied to the mayor, aldermen, and commonalty of the city of New York, for the building of a bridge over Spuyten Duyvil creek, in accordance with the terms of a certain contract made by the said John Hogan with the mayor, aldermen, and commonalty of said city in August, eighteen hundred and seventy; and upon proof, which shall be satisfactory to said comptroller, that said cut granite stone was supplied in good faith, and appropriated and used by said city, said comptroller shall audit and certify the amount which he shall find to be justly due as the value of said cut granite stone, and shall report the same to the board of estimate and apportionment of said city, who shall thereupon make an appropriation for the payment of the amount so audited and certified, and the said comptroller shall thereupon draw his warrant upon the treasury of the city of New York for said amount and deliver the same to said John Hogan.

Sec. 2. This act shall take effect immediately.

CHAPTER 400.

AN ACT to amend chapter three hundred and thirty-five of the laws of eighteen hundred and seventy-three, entitled "An act to reorganize the local government of the city of New York."

Passed June 6, 1878; three-fifths being present.

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

SECTION 1. Section four of chapter three hundred and thirty-five of the laws of eighteen hundred and seventy-three, entitled "An act to reorganize the local government of the City of New York," is hereby amended so as to read as follows:

Sec. 4. The board of aldermen now in office shall hold office until the first Monday in January, in the year eighteen hundred and seventy-nine, the same being the term for which they were elected. There shall be twenty-two aldermen elected at the general state election which shall occur in the year eighteen hundred and seventy-eight, three of whom shall be elected in the territory embraced in each senate district as the same existed on the first day of January, eighteen hundred and seventy-eight, and shall be residents of the district in which they are elected, but no voter shall vote for more than two of said aldermen. In the territory comprised within the twenty-third and twenty-fourth wards, there shall be elected one alderman, who may reside in either of said wards. There shall also be elected six aldermen-at-large to be voted for on a separate ballot, but no voter shall vote for more than four of the said aldermen-at-large, and the voters of the twenty-third and twenty-fourth wards of said city are hereby authorized and empowered to vote for aldermen-at-large. The members of the board of aldermen shall hold office for the space of one year, and shall take office on the first Monday in January next, succeeding their election, at noon. Annually thereafter at the general state election, there shall be elected a full board of aldermen as hereinbefore provided. Any vacancy now existing or which may hereafter occur in the board of aldermen by reason of the death or resignation, or of any other cause, of a member of said board, shall be filled by election by said board by a vote of a majority of all the members elected to said board; and the person so elected to fill any such vacancy shall serve until the first day of January, at noon, next succeeding the first general election occurring not less than thirty days after the happening of such vacancy, but not beyond the expiration of the term in which the vacancy shall occur; and at such election a person shall be elected to serve the remainder, if any, of such unexpired term. From and after the termination of the term of office of the board of assistant aldermen, as herein provided, the board of aldermen shall alone constitute the common council and shall exercise the entire legislative powers of the said city.

Sec. 2. This act shall take effect immediately.

CHAPTER 404.

AN ACT to provide for the support, treatment and care of pauper destitute and delinquent children.

Passed June 8, 1878; three-fifths being present.

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

SECTION 1. It shall not be lawful for any justice of the peace, boards of charities, police justice or other magistrate to commit any child under sixteen years of age as vagrant, truant or disorderly, to any jail, county poor-house, or alms-house, but such justices of the peace, boards of charities, police justices or other magistrate shall commit such child or children to some reformatory or other institution as provided for in the case of juvenile delinquents, nor shall it be lawful for any county superintendent or overseer of the poor, board of charity or other officer, to send any child, between the ages of two and sixteen years as a pauper, to any county poor-house, or alms-house for support and care, or to retain any child, between the ages of two and sixteen years, in such poor-house or alms-house, but such county superintendents, overseers of the poor, boards of charities or other officers shall provide for such child or children in families, orphan asylums, hospitals or other appropriate institutions, as now provided by law. The boards of supervisors of the several counties and the board of estimate and apportionment of the county of New York are hereby directed to take such action in the matter as may be necessary to carry out the provisions of this act. When any such child is committed to an orphan asylum or reformatory it shall, if practicable, be committed to an asylum or reformatory that is governed or controlled by persons of the same religious faith as the parents of such child.

Sec. 2. Upon the complaint in writing of any two members of the state board of charities, or any one member together with the secretary of the state board of charities, that any such child or children are not properly cared for, or are improperly detained in any institution or family in the care of which said child or children have been placed and are, the county judge of the county in which such institution is situated, or such family resides, or any justice of the supreme court, shall forthwith by order in writing transfer or have transferred such child or children to some organized institution in the same or any other county, but subject always to the other provisions of this act.

Sec. 3. Any violation of this act is hereby declared a misdemeanor punishable according to the statute for such offence.

Sec. 4. This act shall take effect immediately.

CHAPTER 411.

AN ACT to confer powers upon the common council of the city of New York to restore Tompkins square as a public park.

Passed June 12, 1878; 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 New York is hereby authorized to direct the department of public parks of the city of New York to restore Tompkins square as a public park or square.

Sec. 2. To provide the means for the work authorized by the first section of this act, the comptroller of the city of New York is hereby authorized and directed to create and issue after the said department of public parks has been so directed by the common council, and within twenty days after requisition is made on him to do so by resolution of the commissioners of the department of public parks of the city of New York, or a majority of them, in the name and on behalf of the mayor, aldermen and commonalty of the city of New York, a public fund or stock to an amount to be mentioned in said requisition and not exceeding fifty thousand dollars, payable on the first day of November, one thousand eight hundred and seventy-nine with interest at a rate not to exceed six per cent. per annum, and the proceeds of said fund or stock shall be applied to payment for the work authorized by this act.

Sec. 3. The board of estimate and apportionment of the city of New York is hereby directed to include in the final estimates of the amounts required to pay the expenses of conducting the public business of the city and county of New York during the year eighteen hundred and seventy-nine, an amount sufficient to pay both principal and interest of the fund or stock authorized to be issued by this act.

Sec. 4. This act shall take effect immediately.

CHAPTER 416.
AN ACT for the relief of Thomas C. Davis.
Passed June 14, 1878; three-fifths being present.

The People of the State of New York represented in Senate and Assembly, do enact as follows:
SECTION 1. The plaintiff, Thomas E. Davis, in the action now pending in the superior court of the city of New York, against the mayor, aldermen and commonalty of the city of New York, for the recovery of rent for the use and occupation of certain rooms by the counsel to the corporation of said city, as the office of the law department thereof, may recover judgment therein, if the proof be otherwise sufficient, notwithstanding the absence of any resolution or ordinance of said mayor, aldermen, and commonalty originally authorizing the taking or use of said premises.
Sec. 2. This act shall take effect immediately.

CHAPTER 417.

AN ACT to provide for the laying out and improvement of the public squares and places established in Fourth avenue, in the city of New York, by chapter five hundred and twenty-eight of the laws of eighteen hundred and seventy-three.

Passed June 14, 1878; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:
SECTION 1. The board of estimate and apportionment of the city of New York are authorized to appropriate and raise by tax, in the year eighteen hundred and seventy-eight, twenty-five thousand dollars to be expended by the department of parks in improving and regulating the several public squares or places laid out and established within the lines of Fourth avenue, in the city of New York, between Sixty-seventh and Ninety-sixth streets, in said city. But said squares or places shall be so laid out and established as not to change, alter, or interfere with the Fourth avenue improvement, or with the plans and openings established and carried out by the board of engineers of the Fourth avenue improvement.
Sec. 2. This act shall take effect immediately.

DEPARTMENT OF FINANCE.

CITY OF NEW YORK—FINANCE DEPARTMENT,
COMPTROLLER'S OFFICE, July 3, 1878.

Monthly statement of warrants drawn against the City Treasury, January 1 to June 30, 1878; also a comparative statement of the City Debt as represented in Stocks and Bonds as of December 31, 1877, and June 30, 1878; together with a statement of and for what purposes stocks have been issued.

Warrants Drawn.

PAYABLE FROM TAXATION.	TO MAY 31.	IN JUNE.
State Taxes.....	\$2,211,326 66	.....
Salaries, Supplies, and General Expenses of the City Government.....	4,580,839 16	\$984,106 57
Interest on, and Instalment of Principal of the City Debt.....	4,405,562 63	799,106 30
Public Instruction.....	1,303,099 73	667,742 04
Charitable Institutions.....	374,824 10	81,123 58
Judgments.....	297,112 61	713 79
Election Expenses.....	3,923 90	416 66
Redemption of Debt of Annexed Territory.....	136,315 92	.....
Miscellaneous.....	106,631 23	4,595 96
Total payable from Taxation.....	\$13,419,535 74	\$2,537,805 90
NEW WORKS AND IMPROVEMENTS—PAYABLE FROM ISSUE OF BONDS.		
Public Works—Street Openings and Improvements.....	\$313,932 81	\$86,436 06
Croton Water Works.....	200,099 52	54,860 96
City Parks Improvements.....	12,772 20	3,520 34
Docks and Slips.....	220,869 18	37,186 50
New County Court-house.....	65,360 50	833 30
Museums of Art and Natural History.....	75,317 63	2,291 23
New York and Brooklyn Bridge.....	200,000 00	.....
Water Meter Fund.....	3,747 63	919 00
Additional Free Floating Baths.....	2,680 81	1,187 50
Miscellaneous.....	672 98	.....
Total payments from Issue of Bonds.....	\$1,095,453 26	\$187,234 89
SPECIAL AND TRUST ACCOUNTS.		
Redemption of the City Debt.....	\$4,675,500 00	\$1,275,000 00
Miscellaneous.....	266,710 78	78,715 37
Total payments on Special and Trust Accounts.....	\$4,882,210 78	\$1,353,715 37
Total payments by Warrants in June.....	.....	\$4,078,756 16
Add amount previously drawn.....	.....	19,397,299 78
Total payments by Warrant to date.....	.....	\$23,476,055 94

The City Debt as represented in Stocks and Bonds.

	DECEMBER 31, 1877.	MAY 31, 1878.	JUNE 30, 1878.
Funded Debt.			
1. Payable from Taxation.....	\$99,930,089 68	\$99,999,240 20	\$100,004,240 26
2. Payable from Sinking Fund, under ordinances of the Common Council.....	21,510,043 47	18,809,943 47	18,784,743 47
3. Payable from Sinking Fund, under provision of Chap. 383, Laws of 1878.....	.....	.....	78,000 00
Total Funded Debt.....	\$121,440,133 15	\$118,809,183 67	\$118,866,983 67
Deduct Sinking Fund.....	31,120,315 24	29,914,902 04	30,076,542 09
Funded Debt, less Sinking Fund.....	\$90,319,817 91	\$88,894,281 63	\$88,790,441 58
Temporary Debt.			
1. Bonds issued prior to June 3, 1878.....	21,329,500 00	20,570,000 00	20,670,000 00
2. Bonds issued after June 3, 1878, for local improvements, contracted for or commenced prior to that date.....	.....	.....	118,500 00
Revenue Bonds.			
Issued under special laws.....	307,924 39	312,766 89	313,766 89
In anticipation of Taxes, 1876.....	400,000 00	400,000 00	400,000 00
" " 1877.....	5,343,500 00	3,968,000 00	2,790,000 00
" " 1878.....	.....	11,435,975 00	14,365,775 00
Total Bonded Debt, less Sinking Fund.....	\$117,700,742 30	\$125,681,023 52	\$127,438,483 47
The total Bonded Debt, less Sinking Fund, June 30, 1877, was.....	.....	.....	\$131,899,234 98
Decrease in favor of 1878.....	.....	.....	\$460,751 51
Cash in the City Treasury.....	.....	.....	\$1,908,832 62
Cash in Sinking Funds:	.....	.....	.....
Redemption Fund.....	.....	.....	138,341 53
Interest Fund.....	.....	.....	736,455 58

Stocks and Bonds have been issued in 1878 for the following purposes:

Public Works—Street Openings and Improvements.....	\$143,000 00
Croton Water Works.....	229,000 00
Docks and Slips.....	245,000 00
City Parks Improvements.....	17,000 00
Museums of Art and Natural History.....	85,500 00
New York County Court-house.....	65,000 00
Current Expenses.....	14,365,775 00
Miscellaneous.....	74,000 00
Total.....	\$15,157,875 00
Amount of Stocks and Bonds redeemed (each re-issued in 1878).....	\$6,473,906 98

[E. & O. E.]

I. S. BARRETT, General Bookkeeper.

COMMON COUNCIL.

Names, Residences, and Places of Business of the Members of the Board of Aldermen, 1878.

NAMES.	RESIDENCE.	PLACE OF BUSINESS.
William Bennett.....	18 Clarkson st....	271 Bowery.
Bernard Biglin.....	231 E. 30th st....	.....
Thomas Carroll.....	156 E. 54th st....	156 E. 54th st.
Ferd. Ehrhart.....	139 E. Houston st.	137 E. Houston st.
Robert C. Foster.....	214 E. 19th st....	Contractor.
William H. Gedney.....	67 Horatio st....	143 W. 40th st.
John W. Guntzer.....	83 Second st....	83 Second st.
George Hall.....	54 Eldridge st....	51 Bowery.
John W. Jacobus.....	16 Morton st....	Cartman.
Patrick Keenan.....	253 E. 7th st....	216 Avenue B.
Terence Kiernan.....	317 E. 83d st....	305 Fifth st.
Samuel A. Lewis.....	314 W. 14th st....	.....
John J. Morris.....	117 W. 21st st....	59 University pl.
Henry C. Perley.....	716 Lexington av.	7 Murray st.
Lewis J. Phillips.....	24 E. 74th st....	6 Pine st.
Joseph C. Pinckney.....	27 Stuyvesant st.	27 Stuyvesant st.
Bryan Reilly.....	73 Monroe st....	73 Monroe st.
William R. Roberts.....	Metropolitan Hotel	.....
William Sauer.....	346 Fourth av....	55 E. 20th st.
Thomas Sheils.....	55 Pike st....	71 E. Broadway.
James J. Slevin.....	131 Mott st....	25 Spring st.
Louis C. Wachner.....	534 Fifth st....	13 Chambers st.

WILLIAM R. ROBERTS, President.
FRANCIS J. TWOMEY, Clerk.

OFFICIAL DIRECTORY.

STATEMENT OF THE HOURS DURING WHICH
all the Public Offices in the City are open for business, and at which each Court regularly opens and adjourns, as well as of the places where such offices are kept and such Courts are held; together with the heads of Departments.

EXECUTIVE DEPARTMENT.

Mayor's Office.
No. 6 City Hall, 10 A. M. to 3 P. M.
SMITH ELY, Jr., Mayor; GEORGE B. VANDERPOEL, Secretary.
Mayor's Marshal's Office.
No. 7 City Hall, 10 A. M. to 3 P. M.
JOHN TYLER KELLY, First Marshal.
Permit and License Bureau Office.
No. 1 City Hall, 10 A. M. to 3 P. M.
DANIEL S. HART, Registrar.

LEGISLATIVE DEPARTMENT.

Office of Clerk of Common Council.
No. 8 City Hall, 10 A. M. to 4 P. M.
WILLIAM R. ROBERTS, President Board of Aldermen;
FRANCIS J. TWOMEY, Clerk Common Council.

DEPARTMENT OF PUBLIC WORKS.

Commissioner's Office.
No. 19 City Hall, 9 A. M. to 4 P. M.
ALLAN CAMPBELL, Commissioner; HUBERT O. THOMPSON, Deputy Commissioner.
Bureau of Water Register.
No. 10 City Hall, 9 A. M. to 4 P. M.
JOHN H. CHAMBERS, Register; WILLIAM R. FARRELL, Deputy Register.
Bureau of Incumbrances.
No. 13 City Hall, 9 A. M. to 4 P. M.
JOSEPH BLUMENTHAL, Superintendent.
Bureau of Lamps and Gas.
No. 13 City Hall, 9 A. M. to 4 P. M.
STEPHEN MCCORMICK, Superintendent.
Bureau of Streets.
No. 19 City Hall, 9 A. M. to 4 P. M.
JAMES J. MOONEY, Superintendent.
Bureau of Sewers.
No. 21 City Hall, 9 A. M. to 4 P. M.
STEVENSON TOWLE, Engineer-in-Charge.
Bureau of Chief Engineer.
No. 11½ City Hall, 9 A. M. to 4 P. M.
JOHN C. CAMPBELL, Chief Engineer.
Bureau of Street Improvements.
No. 11 City Hall, 9 A. M. to 4 P. M.
GEORGE A. JEREMIAH, Superintendent.
Bureau of Repairs and Supplies.
No. 18 City Hall, 9 A. M. to 4 P. M.
THOMAS KEECH, Superintendent.
Bureau of Water Purveyor.
No. 4 City Hall, 9 A. M. to 4 P. M.
DANIEL O'REILLY, Water Purveyor.
Keeper of Buildings in City Hall Park.
JOHN F. SLOPER, City Hall.

FINANCE DEPARTMENT.

Comptroller's Office.
Nos. 19 and 20 New County Court-house, 9 A. M. to 4 P. M.
JOHN KELLY, Comptroller; RICHARD A. STORRS, Deputy Comptroller.
Auditing Bureau.
No. 19 New County Court-house, 9 A. M. to 4 P. M.
DANIEL JACKSON, Auditor of Accounts.
Bureau of Arrears.
No. 5 New County Court-house, 9 A. M. to 4 P. M.
ARTEMAS CADDY, Clerk of Arrears.
Bureau for the Collection of Assessments.
No. 16 New County Court-house, 9 A. M. to 4 P. M.
EDWARD GILON, Collector.
Bureau of City Revenue.
No. 6 New County Court-house, 9 A. M. to 4 P. M.
EDWARD F. FITZPATRICK, Collector of City Revenue.
Bureau of Markets.
No. 6 New County Court-house, 9 A. M. to 4 P. M.
JOSHUA M. VARIAN, Superintendent of Markets.
Bureau for the Collection of Taxes.
First floor, Brown-stone building, City Hall Park.
MARTIN T. MCMAHON, Receiver of Taxes; ALFRED VREDENBURG, Deputy Receiver of Taxes.
Bureau of the City Chamberlain.
No. 18 New County Court-house, 9 A. M. to 4 P. M.
J. NELSON TAPPAN, City Chamberlain.

LAW DEPARTMENT.

Office of the Counsel to the Corporation.
Staats Zeitung Building, third floor, 9 A. M. to 4 P. M.
WILLIAM C. WHITNEY, Counsel to the Corporation;
ANDREW T. CAMPBELL, Chief Clerk.
Office of the Public Administrator.
No. 49 Beekman street, 9 A. M. to 4 P. M.
ALGERNON S. SULLIVAN, Public Administrator.
Office of the Corporation Attorney.
No. 49 Beekman street, 9 A. M. to 4 P. M.
WILLIAM A. BOYD, Corporation Attorney.
Attorney to Department of Buildings Office.
Corner Cortland and Church streets.
JOHN A. FOLEY, Attorney.

POLICE DEPARTMENT.

Central Office.
No. 300 Mulberry street, 9 A. M. to 4 P. M.
WILLIAM F. SMITH, President; SETH C. HAWLEY, Chief Clerk.

DEPARTMENT OF CHARITIES AND CORRECTION.

Central Office.
Third avenue, corner Eleventh street, 9 A. M. to 4 P. M.
THOMAS S. BRENNAN, President; JOSHUA PHILLIPS, Secretary.

FIRE DEPARTMENT.

Headquarters.
Nos. 153, 155, and 157 Mercer street, 9 A. M. to 4 P. M.
VINCENT C. KING, President; CARL JUSSEN, Secretary.

HEALTH DEPARTMENT.

No. 301 Mott street, 9 A. M. to 4 P. M.
CHARLES F. CHANDLER, President; EMMONS CLARK, Secretary.

DEPARTMENT OF PUBLIC PARKS.

No. 36 Union square, 9 A. M. to 4 P. M.
JAMES F. WENMAN, President; WILLIAM IRWIN, Secretary.

Civil and Topographical Office.
Arsenal, 64th street and 5th avenue, 9 A. M. to 5 P. M.
JAMES R. CROES, Engineer.

Office of Superintendent of 23d and 24th Wards.
Fordham, 9 A. M. to 5 P. M.

DEPARTMENT OF DOCKS.

Nos. 117 and 119 Duane street, 9 A. M. to 4 P. M.
JACOB A. WESTERVELT, President; EUGENE T. LYNCH, Secretary.

DEPARTMENT OF TAXES AND ASSESSMENTS.
Brown-stone building, City Hall Park, 9 A. M. to 5 P. M.
JOHN WHEELER, President; ALBERT STORER, Secretary.

BOARD OF ASSESSORS.

Office, No. 114 White street, 9 A. M. to 4 P. M.
THOMAS B. ASTEN, President; WM. H. JASPER, Secretary.

DEPARTMENT OF BUILDINGS.

No. 2 Fourth avenue, 9 A. M. to 4 P. M.
WALTER W. ADAMS, Superintendent.

BOARD OF EXCISE.

Corner Mulberry and Houston streets, 9 A. M. to 4 P. M.
RICHARD J. MORRISON, President; J. B. ADAMSON, Chief Clerk.

SEALERS OF WEIGHTS AND MEASURES.

No. 216 West Forty-third street.
ELIJAH W. ROE.

SHERIFF'S OFFICE.

Nos. 3 and 4 New County Court-house, 9 A. M. to 4 P. M.
BERNARD REILLY, Sheriff; JOHN T. CUMMING, Under Sheriff.

COMMISSION FOR THE COMPLETION OF THE NEW COUNTY COURT-HOUSE.
No. 28 New County Court-house, 9 A. M. to 5 P. M.
WYLLIS BLACKSTONE, President; ISAAC EVANS, Secretary.

REGISTER'S OFFICE.

East side City Hall Park, 9 A. M. to 4 P. M.
FREDERICK W. LOEW, Register; AUGUSTUS T. DOCHARTY, Deputy Register.

COMMISSIONERS OF ACCOUNTS.

No. 27 Chambers street, 9 A. M. to 4 P. M.
LINDSAY I. HOWE, JOHN H. MOONEY.

COMMISSIONER OF JURORS.

No. 17 New County Court-house, 9 A. M. to 4 P. M.
THOMAS DUNLAP, Commissioner; ALFRED J. KEEGAN, Deputy Commissioner.

COUNTY CLERK'S OFFICE.

Nos. 7 and 8 New County Court-house, 9 A. M. to 4 P. M.
HENRY A. GUMBLETON, County Clerk; J. FAIRFAX McLAUGHLIN, Deputy County Clerk.

DISTRICT ATTORNEY'S OFFICE.

Second floor, Brown-stone building, City Hall Park, 9 A. M. to 4 P. M.
BENJAMIN K. PHELPS, District Attorney; MOSES P. CLARK, Chief Clerk.

THE CITY RECORD OFFICE.

And Bureau of Printing, Stationery, and Blank Books.
No. 2 City Hall, 8 A. M. to 6 P. M.; Saturdays, 8 A. M. to 5 P. M.
CHARLES F. WOOD, Supervisor; R. P. H. ABELL, Book-keeper.

CORONERS' OFFICE.

No. 40 East Houston street.
HENRY WOLTMAN, MORITZ ELLINGER, RICHARD CROKER, and RICHARD FLANAGAN, Coroners.

SUPREME COURT.

Second floor, New County Court-house, 10½ A. M. to 3 P. M.
General Term, Room No. 9.
Special Term, Room No. 10.
Chambers, Room No. 11.
Circuit, Part I, Room No. 12.
Circuit, Part II, Room No. 13.
Circuit, Part III, Room No. 14.
Judges' Private Chambers, Room No. 15.
NOAH DAVIS, Chief Justice; HENRY A. GUMBLETON, Clerk.

SUPERIOR COURT.

Third floor, New County Court-house, 11 A. M.
General Term, Room No. 29.
Special Term, Room No. 33.
Chambers, Room No. 33.
Part I, Room No. 34.
Part II, Room No. 35.
Part III, Room No. 36.
Judges' Private Chambers, Room No. 30.
Naturalization Bureau, Room No. 32.
Clerk's Office, 9 A. M. to 4 P. M., Room No. 31.
WILLIAM E. CURTIS, Chief Judge; THOS. BORSE, Chief Clerk.

COURT OF COMMON PLEAS.

Third floor, New County Court-house, 11 A. M.
Clerk's Office, 9 A. M. to 4 P. M., Room No. 22.
General Term, Room No. 24.
Special Term, Room No. 21.
Chambers, Room No. 21.
Part I, Room No. 25.
Part II, Room No. 26.
Part III, Room No. 27.
Naturalization Bureau, Room No. 23.
CHARLES P. DALY, Chief Justice; NATHANIEL JARVIS, Jr., Chief Clerk.

MARINE COURT.

General Term, Trial Term Part I, Room 15, City Hall.
Trial Term Part II, Trial Term Part III, third floor, 27 Chambers street.
Special Term, Chambers, second floor, 27 Chambers street, 10 A. M. to 3 P. M.
Clerk's Office, basement, Brown-stone building City Hall Park, 9 A. M. to 4 P. M.
HENRY ALKER, Chief Justice; JOHN SAVAGE, Chief Clerk.

COURT OF GENERAL SESSIONS.

Brown-stone building, City Hall Park, 10 A. M. to 4 P. M.
Clerk's Office, Brown-stone building, City Hall Park, second floor, Room 14, 10 A. M. to 4 P. M.
JOHN K. HACKETT, Recorder; JOSIAH SUTHERLAND, City Judge; HENRY A. GILDERSLEEVE, Judge-Sessions; JOHN SPARKS, Clerk.

OVER AND TERMINER COURT.

General Term, New County Court-house, second floor southeast corner, room 13, 10:30 A. M.
Clerk's Office, Brown-stone building, City Hall Park, second floor, northwest corner.

COURT OF SPECIAL SESSIONS.

At Tombs, corner Franklin and Centre streets, Tuesdays, Thursdays, and Saturdays, 10 A. M.
Clerk's Office, Tombs.

DISTRICT CIVIL COURTS.

First District—First, Second, Third, and Fifth Wards, southwest corner of Centre and Chambers streets, 10 A. M. to 4 P. M.
JOHN CALLAHAN, Justice.
Second District—Fourth, Sixth, and Fourteenth Wards, Nos. 112 and 114 White street, 9 A. M. to 4 P. M.
CHARLES M. CLANCY, Justice.
Third District—Eighth, Ninth, and Fifteenth Wards, Sixth avenue, corner West Tenth street.
GEORGE W. PARKER, Justice.
Fourth District—Tenth and Seventeenth Wards, No. 16 East Houston street, 9 A. M. to 4 P. M.
JOHN A. DINKEL, Justice.
Fifth District—Seventh, Eleventh, and Thirteenth Wards, No. 154 Clinton street.
TIMOTHY CAMPBELL, Justice.
Sixth District—Eighteenth and Twenty-first Wards, Nos. 389 and 391 Fourth avenue.
WILLIAM H. KELLY, Justice.
Seventh District—Nineteenth and Twenty-second Wards, Fifty-seventh street, between Third and Lexington avenues.
WALTER S. PINCKNEY, Justice.
Eighth District—Sixteenth and Twentieth Wards, southwest corner of Twenty-second street and Seventh avenue.
FREDERICK G. GEDNEY, Justice.
Ninth District—Twelfth Ward, One Hundred and Twenty-fifth street, near Fourth avenue.
HENRY P. MCGOWN, Justice.
Tenth District—Twenty-third and Twenty-fourth Wards, corner of College avenue and Kingsbridge Road.
JOHN FLANAGAN, Justice.

CORPORATION NOTICE.

NOTICE IS HEREBY GIVEN THAT THE FOLLOWING Assessment Lists have been received by the Board of Assessors from the Commissioner of Public Works:

No. 1—Flagging Twenty-second street, north side, between First avenue and Avenue A..... \$302 44
No. 2—Sewers in Boulevard, between Sixty-first and Seventy-seventh streets... 284,509 05
No. 3—Regulating, grading, curb, gutter, and flagging Tenth avenue, from Ninety-fifth to One Hundred and Tenth street..... 13,875 42
WM. H. JASPER, Secretary.

OFFICE BOARD OF ASSESSORS,
No. 114 WHITE STREET,
NEW YORK, June 27, 1878.

DEPARTMENT PUBLIC WORKS.

DEPARTMENT OF PUBLIC WORKS,
COMMISSIONER'S OFFICE, ROOM 10, CITY HALL,
NEW YORK, July 3, 1878.

TO CONTRACTORS.

PROPOSALS INCLOSED IN A SEALED ENVELOPE, which must be indorsed with the name of the bidder and the title and number of the work, as in the advertisement, will be received at this office until Tuesday, July 16, 1878, at 12 o'clock M., at which hour they will be publicly opened by the Head of the Department and read, for each of the following works:

- No. 1. REGULATING, grading, setting curb and gutter stones, and flagging, in Ninety-third street, from Second avenue to the East river.
- No. 2. REGULATING, grading, and setting curb and gutter stones, and flagging in Ninety-ninth from First to Third avenue.
- No. 3. REGULATING, grading, setting curb and gutter stones, and flagging in One Hundred and Second street, from Fifth avenue to the Harlem river.
- No. 4. PAVING Lexington avenue, between Eighty-fifth and Eighty-sixth streets, with Belgian pavement, and laying crosswalks at the intersecting streets and avenues where required.
- No. 5. PAVING Sixty-fifth street, from First to Third avenue, with Belgian pavement, and laying crosswalks at the intersecting streets and avenues where required.
- No. 6. PAVING Seventy-fifth street, between Fourth and Madison avenues, with Belgian pavement, and laying crosswalks at the intersecting streets and avenues where required.
- No. 7. PAVING Seventy-seventh street, between Third avenue and Avenue A, with Belgian pavement, and laying crosswalks at the intersecting streets and avenues where required.
- No. 8. PAVING Eighty-fourth street, from the Boulevard to the Riverside Drive, with Belgian pavement, and laying crosswalks at the intersecting streets and avenues where required.
- No. 9. FENCING around the gate-houses at Ninety-second and Ninety-third streets and Ninth avenue, and at One Hundred and Thirteenth street and Tenth avenue, and grading the lots.

Blank forms of proposals, the specifications and agreements, the proper envelopes in which to inclose the bids, and any further information, can be obtained, for each class of work, at the following offices: For Regulating, Grading, etc., at Room 12; Paving, Room 4; Fencing Gate-houses, Room 11½ City Hall.

The Commissioner of Public Works reserves the right to reject any or all proposals if in his judgment the same may be for the best interests of the city.

ALLAN CAMPBELL,
Commissioner of Public Works.

LEGISLATIVE DEPARTMENT.

THE COMMITTEE ON PUBLIC WORKS OF the Board of Aldermen will meet in Room No. 9 City Hall, every Monday at 1 o'clock P. M.

THOMAS SHEELS,
THOMAS CARROLL,
GEORGE HALL,
JOSEPH C. PINCKNEY,
BERNARD BIGLIN,
Committee on Public Works

JURORS.

NOTICE
IN RELATION TO JURORS FOR
STATE COURTS

OFFICE OF THE COMMISSIONER OF JURORS,
NEW COUNTY COURT-HOUSE,
NEW YORK, June 1, 1877.

APPLICATIONS FOR EXEMPTIONS WILL BE heard here, from 9 to 4 daily, from all persons hitherto liable or recently serving who have become exempt, and all needed information will be given.

Those who have not answered as to their liability, or proved permanent exemption, will receive a "jury enrollment notice," requiring them to appear before me this year. Whether liable or not, such notices must be answered (in person, if possible, and at this office only) under severe penalties. If exempt, the party must bring proof of exemption; if liable, he must also answer in person, giving full and correct name, residence, etc., etc. No attention paid to letters.

Persons "enrolled" as liable must serve when called or pay their fines. No mere excuse will be allowed or interference permitted. The fines, levied from those who, for business or other reasons, are unable to serve at the time selected, pay the expenses of this office, and if unpaid will be entered as judgments upon the property of the delinquents.

All good citizens will aid the course of justice, and secure reliable and respectable juries, and equalize their duty by serving promptly when summoned, allowing their clerks or subordinates to serve, reporting to me any attempt at bribery or evasion, and suggesting names for enrollment. Persons between sixty and seventy years of age, summer absentees, persons temporarily ill, and United States and District Court jurors are not exempt.

Every man must attend to his own notice. It is a misdemeanor to give any jury paper to another to answer. It is also punishable by fine or imprisonment to give or receive any present or bribe, directly or indirectly, in relation to a jury service, or to withhold any paper or make any false statement, and every case will be fully prosecuted.

THOMAS DUNLAP, Commissioner,
County Court-house (Chambers street entrance).

POLICE DEPARTMENT.

CENTRAL DEPARTMENT OF THE MUNICIPAL POLICE,
PROPERTY CLERK'S OFFICE,
No. 300 MULBERRY STREET,
NEW YORK, June 29, 1878.

OWNERS WANTED BY THE PROPERTY Clerk, 300 Mulberry street, Room 39, for the following property now in his custody without claimants: Boats, wagons, furniture, male and female clothing, revolvers, watches (gold and silver), and several lots of cash found and taken from prisoners.

C. A. ST. JOHN,
Property Clerk.

DEPARTMENT OF PUBLIC CHARITIES AND CORRECTION.

DEPARTMENT OF PUBLIC CHARITIES AND CORRECTION,
No. 66 THIRD AVENUE,
NEW YORK, July 1, 1878.

IN ACCORDANCE WITH AN ORDINANCE OF the Common Council, "In relation to the burial of strangers or unknown persons who may die in any of the public institutions of the City of New York," the Commissioners of Public Charities and Correction report as follows:

At Charity Hospital, Blackwell's Island—John Mount; aged 64 years; 5 feet 7 inches high; gray hair and eyes. Nothing known of his friends or relatives.

Hattie Underwood; aged 26 years; 5 feet 7 inches high; dark hair and eyes. Had on when admitted, brown cotton suit, white skirt, gray plaid shawl, felt hat. Nothing known of her friends or relatives.

At New York City Asylum for Insane, Ward's Island—Fritz Topp; aged 40 years; 5 feet 7 inches high; blue eyes; brown hair. This patient was transferred from Almshouse June 8, 1878. Nothing known of his friends or relatives.

George Johnson; aged 51 years; 5 feet 7½ inches high; blue eyes; gray hair. Nothing known of his friends or relatives.

By Order,
JOSHUA PHILLIPS,
Secretary.

DEPARTMENT OF PUBLIC CHARITIES AND CORRECTION,
No. 66 THIRD AVENUE,
NEW YORK, June 29, 1878.

IN ACCORDANCE WITH AN ORDINANCE OF the Common Council, "In relation to the burial of strangers or unknown persons who may die in any of the public institutions of the City of New York," the Commissioners of Public Charities and Correction report as follows:

At Charity Hospital, Blackwell's Island—William Jones; aged 48 years; 5 feet 9 inches high; dark hair and eyes. Had on when admitted, brown coat, dark pants, gray plaid vest, black felt hat, shoes. Nothing known of his friends or relatives.

At Branch Insane Asylum, Randall's Island, August Keller; aged 43 years; 5 feet 6 inches high; black hair; brown eyes. Nothing known of his friends or relatives.

By Order,
JOSHUA PHILLIPS,
Secretary.

DEPARTMENT OF PUBLIC CHARITIES AND CORRECTION,
No. 66 THIRD AVENUE,
NEW YORK, June 27, 1878.

IN ACCORDANCE WITH AN ORDINANCE OF the Common Council, "In relation to the burial of strangers or unknown persons who may die in any of the public institutions of the City of New York," the Commissioners of Public Charities and Correction report as follows:

At Work-house, Blackwell's Island—James Murray; aged 66 years; committed June 15, 1878. Nothing known of his friends or relatives.

At Homoeopathic Hospital, Ward's Island—George Rubmann; aged 70 years; 5 feet 7 inches high; gray hair; brown eyes. Had on when admitted, black coat and pants, gray vest. Nothing known of his friends or relatives.

Thomas Kerns; aged 35 years; 5 feet 6 inches high; black eyes and hair. Had on when admitted, blue coat, gray pants, white vest. Nothing known of his friends or relatives.

By Order,
JOSHUA PHILLIPS,
Secretary.

DEPARTMENT OF PUBLIC CHARITIES AND CORRECTION,
No. 66 THIRD AVENUE,
NEW YORK, July 3, 1878.

IN ACCORDANCE WITH AN ORDINANCE OF the Common Council, "In relation to the burial of strangers or unknown persons who may die in any of the public institutions of the City of New York," the Commissioners of Public Charities and Correction report as follows:

At Charity Hospital, Blackwell's Island—Jennie Smith; aged 68 years; 5 feet high; gray hair; blue eyes. Had on when admitted calico sacque, red skirt, woolen shawl, hood. Nothing known of her friends or relatives.

Raphael Laporse; aged 56 years; 5 feet 4½ inches high; dark hair; blue eyes. Had on when admitted, brown coat, black pants, blue vest, white knit drawers, white shirt. Nothing known of his friends or relatives.

Harriet Lane; aged 36 years, 4 feet 8 inches high; dark hair mixed with gray; blue eyes. Had on when admitted, plaid cotton dress. Nothing known of her friends or relatives.

By order,
JOSHUA PHILLIPS,
Secretary.

DEPARTMENT OF PUBLIC CHARITIES AND CORRECTION,
No. 66 THIRD AVENUE,
NEW YORK, June 28, 1878.

PROPOSALS FOR GROCERIES, ETC.

PROPOSALS, SEALED AND INDORSED AS above, will be received by the Commissioners of Public Charities and Correction, at their office, until 9 o'clock A. M. of Saturday, July 13, 1878, at which time they will be publicly opened and read by the head of said Department, for furnishing and delivering at the foot of East Twenty-sixth street, free of all expense to the Department—

- 200 barrels fine Flour; empty barrels to be returned to the foot of East Twenty-sixth street and the amount to be deducted from the price of flour.
- 100 barrels Rye Flour.
- 1,000 sides good damaged Sole Leather, to average 18 pounds, well tanned, and from a hide not inferior in quality to California.
- 50 boxes 14 x 20 XX Charcoal Tin.
- 50,000 feet 1-inch good Shipping Box Pine Boards, free from loose knots and shakes, 12 inches wide, 14 to 16 feet long.
- 20,000 feet ½-inch good Shipping Box Pine Boards, free from loose knots and shakes, 12 inches wide, 14 to 16 feet long.
- 10,000 pounds pure White Lead: 120 at 25; 60 at 50; 40 at 100 pounds.
- 50 barrels Chloride of Lime; containing not less than 30 per cent. chlorine.
- 8 bales Broom Corn, "Best Hurl."
- 12 bales Broom Corn, "Medium Hurl."

The quality of the goods furnished must conform in every respect to the samples of the above to be seen at this office.

The award of the contract will be made as soon as practicable after the opening of the bids.

No proposal will be considered unless accompanied by the consent, in writing, of two householders or freeholders of the City of New York, with their respective places of business or residence, to the effect that, if the contract be awarded under that proposal, they will, on its being so awarded, become bound as sureties in the estimated amount of fifty per cent. for its faithful performance, which consent must be verified by the justification of each of the persons signing the same for double the amount of surety required. The sufficiency of such security to be approved by the Comptroller.

The Department of Public Charities and Correction reserve the right to decline any and all proposals if deemed to be for the public interest, and to accept an offer for the whole bid or for any single article included in the proposal, and no proposal will be accepted from, or a contract awarded to, any person who is in arrears to the Corporation upon debt or contract, or who is defaulter, as security or otherwise, upon any obligation to the Corporation.

Blank forms of proposals and specifications, which are to be strictly complied with, can be obtained on application at the office of the Department, and all information furnished.

TOWNSEND COX,
THOMAS S. BRENNAN,
ISAAC H. BAILEY,
Commissioners.

SUPREME COURT

In the matter of the application of the Department of Public Works for and on behalf of the Mayor, Aldermen and Commonalty of the City of New York, relative to the opening of Eighty-second street, from First avenue to the East river, in the City of New York.

WE, THE UNDERSIGNED COMMISSIONERS of Estimate and Assessment in the above-entitled matter, hereby give notice to the owner or owners, occupant or occupants, of all houses and lots, and improved or unimproved lands, affected thereby, and to all others whom it may concern, to wit:

I.—That we have completed our estimate and assessment, and that all persons interested in these proceedings, or in any of the lands affected thereby, and who may be opposed to the same, do present their objections in writing, duly verified, to Menzo Diefendorf, Esq., our Chairman, at the office of the Commissioner, No. 262 Broadway (Room 72), in the said city, on or before the 6th day of August, 1878; and that we, the said Commissioners, will hear parties so objecting within ten week days next after the said 6th day of August, 1878, and for that purpose will be in attendance at our said office on each of said ten days, at 3 o'clock in the afternoon.

II.—That the abstract of the said estimate and assessment, together with our maps, and also all the affidavits, estimates, and other documents which were used by us in making our report, have been deposited in the office of the Department of Public Works, in the City of New York, there to remain until the 13th day of August, 1878.

III.—That the limits embraced by the assessment aforesaid are as follows, to wit: All those lots, pieces or parcels of land situate, lying and being in the City of New York, and bounded and described as follows: Beginning at a point on the easterly side of First avenue distant one hundred and two feet two inches from the northerly side of Eighty-second street; thence easterly and parallel with Eighty-second street to the East river; thence southerly along the said East river to a point distant one hundred and four feet two inches from the southerly side of Eighty-second street; thence westerly and parallel with Eighty-second street to the easterly side of first avenue; thence northerly along the easterly side of First avenue to the point or place of beginning.

IV.—That our report herein will be presented to the Supreme Court of the State of New York, at a Special Term thereof, to be held in the New Court-house, at the City Hall, in the City of New York, on the 10th day of September, 1878, at the opening of the Court on that day, and that then and there, or as soon thereafter as counsel can be heard thereon, a motion will be made that the said report be confirmed.

Dated New York, June 24, 1878.
MENZO DIEFENDORF,
GEORGE H. SWORDS,
THOMAS L. FEITNER,
Commissioners.

THE CITY RECORD.

COPIES OF THE CITY RECORD CAN BE obtained at No. 2 City Hall (northwest corner, basement). Price three cents each.

FINANCE DEPARTMENT.

WILLIAM KENNELLY, AUCTIONEER.

PREMISES AT THE NORTHEAST CORNER OF THIRD AVENUE AND EIGHTY-FIFTH STREET, TO BE LEASED AT AUCTION ON FRIDAY, JUNE 14, 1878.

THE LEASE OF PREMISES ON THE NORTHEAST CORNER OF Eighty-fifth street and Third avenue, for the term of four years, ten months and sixteen days, from June 15, 1878, will be sold at public auction at the New County Court-house, on Friday, June 14, 1878, at 10½ o'clock A. M.

TERMS OF SALE.

Twenty per cent. on the yearly rent bid to be paid to the Collector of City Revenue at the time and place of sale; and the successful bidder will be required, at the same time, to have an obligation executed by two sureties, to be approved by the Comptroller, for carrying into effect the terms of sale.

Twenty per cent., when paid, will be credited on the first quarter's rent; or forfeited, if the lessee does not execute the lease and bond within fifteen days after the sale; and the Comptroller shall be authorized, at his option, to resell the premises bid off by those failing to comply with the terms as above; and the party so failing to comply to be liable for any deficiency that may result from such resale.

No person will be received as lessee or surety who is delinquent on any former lease from the Corporation. No bid will be accepted from any person who is in arrears to the Corporation upon debt or contract, or who is a defaulter, as security or otherwise, upon any obligation to the Corporation (sec. 99 of Charter of 1873).

The leases will contain the usual covenants and conditions, reserving to the Corporation the right to cancel the lease whenever the premises may be required by them for public purposes.

All repairs will be made at the expense of the lessees, and no deduction whatever will be allowed for damage by reason of any sickness or epidemic that may prevail in the city during the continuance of the lease.

The lessees will be required to give a bond for double the amount of the annual rent, with two sureties, to be approved by the Comptroller, conditioned for the payment of the rent quarter-yearly, and the fulfillment on their part of the covenants of the lease.

COMPTROLLER'S OFFICE,
NEW YORK, May 31, 1878.
JOHN KELLY,
Comptroller.

The above sale is adjourned to Friday, June 28, 1878, at 10½ o'clock A. M., at the same place.

COMPTROLLER'S OFFICE,
NEW YORK, June 14, 1878.
JOHN KELLY,
Comptroller.

The above sale is adjourned to Friday, July 12, 1878, at 10½ o'clock A. M., at the same place.

COMPTROLLER'S OFFICE,
NEW YORK, June 28, 1878.
JOHN KELLY,
Comptroller.

REAL ESTATE RECORDS

THE ATTENTION OF LAWYERS, REAL Estate Owners, Monetary Institutions engaged in making loans upon real estate, and all who are interested in providing themselves with facilities for reducing the cost of examinations and searches, is invited to these Official Indices of Records, containing all recorded transfers of real estate in the City of New York from 1653 to 1857 prepared under the direction of the Commissioners Records.

Grantors, grantees, suits in equity, insolvents' and Sheriff's sales, in 61 volumes, full bound, price, \$100 00
The same, in 25 volumes, half bound, "do" 50 00
Complete sets, folded, ready for binding, "do" 15 00
Records of Judgments, 25 volumes, bound, "do" 10 00
Orders should be addressed to "Mr. Stephen Angell, Comptroller's Office, New County Court-house."
JOHN KELLY,
Comptroller.

COMPTROLLER'S OFFICE,
NEW YORK, February 6, 1877.

DEPARTMENT OF FINANCE,
BUREAU FOR THE COLLECTION OF ASSESSMENTS,
No. 16 NEW COURT-HOUSE, CITY HALL PARK,
NEW YORK, May 9, 1878.

NOTICE TO PROPERTY-HOLDERS.

PROPERTY-HOLDERS ARE HEREBY NOTIFIED that the following assessment lists were received this day in this Bureau for collection:

CONFIRMED AND ENTERED MAY 4, 1878.
113th street, regulating, grading, etc., from Morningside to Riverside Drive.
146th street, regulating, grading, etc., from 10th avenue to Boulevard.
Washington street, curb, gutter, and flagging, west side, from Gansevoort to Little 12th street, etc.
5th avenue, sewer, west side, between 35th and 36th streets.
5th avenue, sewer, west of Mount Morris Square, between 122d and 123d streets.
10th avenue, sewer, between 57th and 59th streets.
57th street, sewer, between 8th and 9th avenues, etc.
127th street, sewer, between 6th avenue and summit west of 7th avenue.
127th street, sewer, between 7th avenue and summit east of 7th avenue.
4th street, paving, between Lewis and Mangin streets.
23d street, paving, between Avenue A and East river.
121st street, paving, between 1st avenue and Avenue A.
Grand street, basin, southwest corner Ridge street.
Lincoln avenue, basin, northeast corner 135th street, etc.
127th street, basin, southwest corner Lexington avenue.
5th avenue, basin, west side, opposite 108th and 109th streets.

All payments made on the above assessments on or before July 8, 1878, will be exempt (according to law) from interest. After that date interest will be charged at the rate of seven (7) per cent. from the date of entry.

The Collector's office is open daily, from 9 A. M. to 2 P. M., for the collection of money, and until 4 P. M. for general information.

EDWARD GILON,
Collector of Assessments.

DEPARTMENT OF FINANCE,
BUREAU FOR THE COLLECTION OF ASSESSMENTS,
No. 16 NEW COURT-HOUSE, CITY HALL PARK,
NEW YORK, May 11, 1878.

NOTICE TO PROPERTY-HOLDERS.

PROPERTY-HOLDERS ARE HEREBY NOTIFIED that the following assessment lists were received this day in this Bureau for collection:

CONFIRMED MAY 6, AND ENTERED MAY 7, 1878.
91st street, regulating, grading, etc., from 4th to 5th avenue.
Lawrence street, paving, from 9th avenue to Boulevard.
All payments made on the above assessments on or before July 10, 1878, will be exempt (according to law) from interest. After that date interest will be charged at the rate of seven (7) per cent. from the date of entry.

The Collector's office is open daily from 9 A. M. to 2 P. M., for the collection of money, and until 4 P. M., for general information.

EDWARD GILON,
Collector of Assessments.