

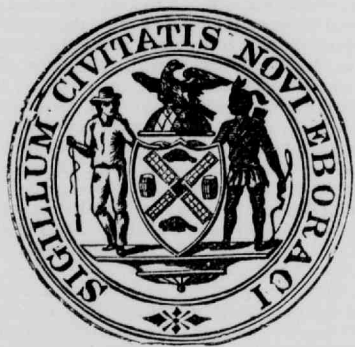
THE CITY RECORD.

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LAWS OF NEW YORK, 1882.

CHAPTER 10.

AN ACT making an appropriation to the commissioners of emigration.

Passed March 2, 1882; 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 State is hereby authorized and directed to draw his several warrants upon the treasurer, who shall pay the same respectively when presented, in favor of the commissioners of emigration, for such amounts as they may, from time to time, require for the purpose of paying their current expenses from February first, eighteen hundred and eighty-two, to May first, eighteen hundred and eighty-two, which warrant shall not exceed in the aggregate the sum of forty thousand dollars.

Sec. 2. The sum of forty thousand dollars, or so much thereof as may be necessary, is hereby appropriated for the payment of the warrants in and by the first section of this act mentioned and authorized, which shall be paid out of the moneys in the treasury not otherwise appropriated.

Sec. 3. The comptroller is hereby prohibited, however, from drawing his warrant upon the state treasurer, in favor of the commissioners of emigration, against the funds hereby appropriated, unless a detailed account of their expenses, for which a warrant is desired, be at such time presented to the comptroller, duly verified by said commissioners, or a majority of them; and such warrant shall in no case exceed in amount the expenses incurred by such commissioners, and for which such detailed account is presented as aforesaid.

Sec. 4. This act shall take effect immediately.

CHAPTER 16.

AN ACT to legalize and confirm the official acts of notaries public.

Passed March 8, 1882; 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 of every person as notary public within the state of New York heretofore commissioned as such, which acts have been performed since the thirtieth day of March, eighteen hundred and eighty-one, so far as such official acts might be affected, questioned or impaired by reason of having been performed after the expiration of the term of office or by reason of misnomer or misspelling of name or other error made in the appointment or commission of said notary public, or by reason of omission, or failure to take the prescribed oath of office within the time required by law, are hereby legalized and confirmed and made as effectual and valid as if the term of office of said notary public had not expired, or as if no misnomer or misspelling or other error had occurred or been made in the appointment or commission of said notary public, or as if the oath of office had been taken within the time prescribed by law.

Sec. 2. Nothing in this act contained shall affect any legal action or proceeding now pending.

Sec. 3. This act shall take effect immediately.

CHAPTER 33.

AN ACT to merge the corporation of the "Trustees of the Funds for the Floating Hospital of St. John's Guild of the City of New York" into the corporation of "St. John's Guild."

Passed March 24, 1882; three-fifths being present.

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

Section 1. The Corporation known as, and incorporated under the title of "The Trustees of the Fund of the Floating Hospital of St. John's Guild of the City of New York" is hereby merged into and made a part of the charitable corporation organized under the name of and known as "St. John's Guild" of the city of New York, and all of its funds, property, effects, powers, authority, privileges, immunities and functions are hereby transferred to and vested in, and its duties, liabilities, objects, business, obligations and ministrations are devolved upon and to be assumed and discharged by the said corporation of "St. John's Guild" as fully as the said two corporations were authorized and obligated to do before such merger under their several articles of incorporation, but nothing contained in this act shall abrogate or impair or in any wise affect any existing rights or interest or legal proceeding now pending.

Sec. 2. This act shall take effect immediately.

CHAPTER 73.

AN ACT to amend chapter five hundred and twelve of the laws of eighteen hundred and seventy-nine, entitled "An act to authorize gas-light companies to use electricity instead of gas for the lighting of streets, public places and public and private buildings in cities, villages and towns within this state."

Passed April 17, 1882; 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 twelve of the laws of eighteen hundred and seventy-nine, entitled "An act to authorize gas-light companies to use electricity instead of gas for the lighting of streets, public places and public and private buildings in cities, villages and towns within this state," is hereby amended so as to read as follows:

§ 2. Any corporation duly organized under the act entitled "An act to authorize the formation of gas-light companies," passed February sixteenth, eighteen hundred and forty-eight, and the several acts amendatory thereof, and any corporation duly organized under the laws of this state, for manufacturing and using electricity, for producing light, heat or power, may use electricity as the means of lighting streets, avenues, public parks and places, and public and private dwellings of cities, villages and towns within this state.

Sec. 2. This act shall take effect immediately.

CHAPTER 82.

AN ACT to amend an act entitled "An act to amend chapter two hundred and eighty-two of the laws of eighteen hundred and fifty-four, entitled 'An act to amend the act entitled 'An act to authorize the formation of railroad corporations, and to regulate the same,' passed April second, eighteen hundred and fifty."

Passed April 19, 1882.

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

Section 1. The fourth section of chapter two hundred and eighty-two of the laws of eighteen hundred and fifty-four, entitled "An act to amend the act entitled 'An act to authorize the formation of railroad corporations, and to regulate the same,' passed April second, eighteen hundred and fifty, as amended by chapter five hundred and forty-one of the laws of eighteen hundred and seventy-nine, entitled, "An act to amend chapter two hundred and eighty-two of the laws of eighteen hundred and fifty-four, entitled 'An act to amend the act entitled 'An act to authorize the formation of railroad corporations, and to regulate the same,' passed April second, eighteen hundred and fifty, is hereby amended so as to read as follows:

§ 4. In case any railroad company, the line or route of whose road has been surveyed and designated and the certificate thereof duly filed as required by law, is unable to agree for the purchase of any real estate required for its roadway or other purposes, the said corporation shall have the right to acquire title to the same by the special proceedings prescribed in the act hereby amended; and all real estate acquired by any railroad corporation under and pursuant to the provisions of this act, for the objects and purposes herein expressed, shall be deemed to be acquired for public use. But this section shall not be so construed as to apply to any real estate in the city of Buffalo, situated between Main and Michigan streets, except that lying between Exchange street and Buffalo river.

Sec. 2. This act shall take effect immediately.

CHAPTER 88.

AN ACT to amend chapter five hundred and seventy-four of the laws of eighteen hundred and seventy-three, entitled "An act to incorporate the Old Guard of the City of New York."

Passed April 19, 1882.

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

Section 1. Section three of chapter five hundred and seventy-four of the laws of eighteen hundred and seventy-three, entitled "An act to incorporate the Old Guard of the city of New York," is hereby amended so as to read as follows:

§ 3. No person shall be eligible to membership in the Old Guard of the city of New York, who shall not have been a member of the light guard or city guard of the city of New York, the national guard of this state, or any state in the union for the period of five years or honorably discharged therefrom, or an ex-officer of the regular army, navy or volunteer service of the United States.

Sec. 2. This act shall take effect immediately.

CHAPTER 89.

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 April 19, 1882; 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 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:

§ 4. The said corporation may purchase and hold real or personal estate, and is authorized to accumulate a fund for the pecuniary relief of indigent and reduced members and of their widows and children, to be called the "Benevolent Fund of the Veterans of the Seventh Regiment," and said fund shall be administered by officers of said association, who shall be the colonel, paymaster and chaplain of said association, as trustees. The said fund shall be invested in the manner required by law for the investment of trust funds, and no more than its income shall be used or disbursed in any one year. Additions to the said fund may be made by appropriations from the said association by donation and by legacies and devises to the said association, which it is hereby authorized to receive and apply in the manner aforesaid.

Sec. 2. This act shall take effect immediately.

CHAPTER 100.

AN ACT to amend section two of chapter three hundred and sixty-five of the laws of eighteen hundred and sixty-two, entitled "An act to authorize the discharge of mortgages of record in certain cases."

Passed April 24, 1882; 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 three hundred and sixty-five of the laws of eighteen hundred and sixty-two, entitled "An act to authorize the discharge of mortgages of record in certain cases," is hereby amended so as to read as follows:

§ 2. Such petition may be presented to the supreme court in the county where the mortgaged premises are situated, or to the county court of such county, or when situate in the city of New York, to the superior court thereof, or when situated in the city of Buffalo, to the superior court thereof.

Sec. 2. This act shall take effect immediately.

CHAPTER 108.

AN ACT making appropriations to increase the capital of the common school fund, and to supply deficiency in the revenue of said fund.

Passed April 28, 1882; three-fifths being present.

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

Section 1. The sum of five hundred thousand dollars is hereby appropriated from the surplus revenue of the general fund in the treasury on the thirtieth September, eighteen hundred and eighty-one, for the purpose of increasing the capital of the common school fund, and the comptroller is hereby authorized to invest the sum hereby appropriated in securities now sanctioned by law.

Sec. 2. To supply deficiency in the revenue of the common school fund, September thirtieth, eighteen hundred and eighty-one, and to provide for the premiums paid and to be paid, in the purchase of securities, in investing the capital of said fund, the sum of two hundred and eighty-five thousand dollars, or so much thereof as may be necessary, is hereby appropriated from the surplus revenue of the general fund.

Sec. 3. This act shall take effect immediately.

CHAPTER 126.

AN ACT to amend chapter one hundred and seventy-five of the laws of eighteen hundred and seventy, entitled "An act regulating the sale of intoxicating liquors," amended by chapters one hundred and sixty-four and four hundred and sixty-six of the laws of eighteen hundred and eighty-one.

Passed May 4, 1882; three-fifths being present.

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

Section 1. Section three of chapter one hundred and seventy-five of the laws of eighteen hundred and seventy, entitled "An act regulating the sale of intoxicating liquors," as amended by chapters one hundred and sixty-four and four hundred and sixty-six of the laws of eighteen hundred and eighty-one, is hereby further amended so as to read as follows:

§ 3. The commissioners of excise shall meet in their respective cities, villages and towns, on the first Monday of May in each year, for the purposes of granting licenses as provided by law and at no other time for that purpose, except upon application for license made in good faith in any town or village, and in such case not oftener than once in each month; in cities they shall meet on the first Monday of each month, and as often as they shall deem necessary. All licenses hereafter granted shall expire on the first Monday of May succeeding the date of such granting, except in the cities of New York, Brooklyn and Rochester, and all applicants where such license is granted for a period of less than one year, shall pay a pro-rata amount of the license fee established for their place of business, by the commissioners of their respective cities, towns and villages; and in said cities of New York, Brooklyn and Rochester, all such licenses shall expire at the end of one year from the time they shall be granted.

Sec. 2. This act shall take effect immediately.

CHAPTER 139.

AN ACT to incorporate The Charity Organization Society of the city of New York.

Passed May 10, 1882.

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

Section 1. S. O. Vanderpoel, M.D., Lucius Tuckerman, Arthur M. Dodge, J. Roosevelt Roosevelt, J. K. Todd, Charles S. Fairchild, Alfred Roosevelt, R. Duncan Harris, Peter B. Olney, Mark Blumenthal, M.D., Richard H. Derby, M.D., Robert B. Minturn, Henry E. Pellew, D. Willis James, Frederick R. Sturgis, M.D., Joseph Thoron, Anson Phelps Stokes, Rutherford Stuyvesant, and all such other persons as now are members of an association in the city of New York, called "The Charity Organization Society of the city of New York," and all other persons who may become members of the corporation, are hereby constituted a body corporate by the name of "The Charity Organization Society of the city of New York," with perpetual succession, and power to use a common seal, and to alter the same at pleasure, and to sue and be sued, to take and hold by grant, purchase and devise, real and personal property to an amount not exceeding one hundred thousand dollars in value, for the purpose of said corporation, and to sell, convey, lease and mortgage the same, or any part thereof, subject, however, to the laws of this state in relation to devises.

Sec. 2. The purposes and objects of this corporation shall be

1. To be a center of inter-communication between the various churches and charitable agencies in the city. To foster harmonious co-operation between them, and to check the evils of the over-lapping of relief.

2. To investigate thoroughly, and without charge, the cases of all applicants for relief which are referred to the society for inquiry, and to send the persons having a legitimate interest in such cases full reports of the results of investigation. To provide visitors, who shall personally attend cases needing counsel and advice.

3. To obtain from the proper charities and charitable individuals suitable and adequate relief for deserving cases.

4. To procure work for poor persons who are capable of being wholly or partially self-supporting.

5. To repress mendicity by the above means, and by the prosecution of impostors.

6. To promote the general welfare of the poor by social and sanitary reforms, and by the inculcation of habits of providence and self-dependence.

Sec. 3. Said corporation shall have power to make and adopt a constitution, by-laws, rules and regulations for the admission and suspension of its members and their government, the collection of dues, the number and election of its officers and to define their duties, and for the safe-keeping of its property, and from time to time to alter, modify, or change such constitution, by-laws, rules and regulations. Until an election shall be held pursuant to such constitution, by-laws, rules and regulations, the officers for the time being of the association mentioned in the first section of this act shall be the officers of the corporation hereby created.

Sec. 4. Said corporation shall also possess the general powers, and be subject to the restrictions and liabilities prescribed in chapter three hundred and nineteen of the laws of eighteen hundred and forty-eight, and of the acts extending and amending the same.

Sec. 5. This act shall take effect immediately.

CHAPTER 143.

AN ACT to open the College of the City of New York to all male persons who shall pass the preliminary examinations for admission therein.

Passed May 11, 1882.

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

Section 1. It shall be the duty of the board of trustees of the College of the City of New York, heretofore established by law, to furnish gratuitously, under such regulations as the by-laws of said board may establish, through the College of the City of New York, the benefit of education to all male students residing in the city of New York, who shall pass the preliminary examination for admission prescribed by the said board of trustees.

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

Sec. 3. This act shall take effect immediately.

CHAPTER 144.

AN ACT to provide for the exchange of coupon bonds of the city of New York into registered bonds.

Passed May 12, 1882; three-fifths being present.

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

Section 1. Upon the application of the holders of any coupon bonds heretofore issued by the city of New York, the right to exchange which into registered bonds is not expressed on the face of such bonds, and upon the surrender thereof at the office of the comptroller of the city of New York, he is hereby authorized to issue in the name of such holders registered bonds of like tenor and amount, in one or more certificates, and such coupon bonds shall be cancelled by said comptroller when so surrendered to him.

Sec. 2. This act shall take effect immediately.

CHAPTER 145.

AN ACT to authorize the commissioners of emigration to contract with the carriers of emigrants for the expense caused to the state by their being brought to the port of New York.

Passed May 12, 1882, by a two-third vote.

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

Section 1. In order to save the state from the expense of the inspection and care of alien passengers, the commissioners of emigration are hereby authorized to contract with the carriers of emigrants by vessel to the port of New York, for periods not exceeding five years at a time, to receive not less than fifty cents, nor more than one dollar for each alien passenger so brought for such inspection and care, which payments, when made, shall be in lieu of any tax by the state for the inspection and care of such passengers. Such contracts may be made to take effect as of the thirty-first day of May, eighteen hundred and eighty-one.

Sec. 2. This act shall take effect immediately.

CHAPTER 151.

AN ACT to amend chapter three hundred and sixty-one of the laws of eighteen hundred and eighty-one, entitled "An act to amend chapter five hundred and forty-two of the laws of eighteen hundred and eighty, entitled 'An act to provide for raising taxes for the use of the state upon certain corporations, joint-stock companies and associations.'"

Passed May 12, 1882; three-fifths being present.

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

Section 1. Chapter three hundred and sixty-one of the laws of eighteen hundred and eighty-one, entitled "An act to amend chapter five hundred and forty-two of the laws of eighteen hundred and eighty, entitled 'An act to provide for raising taxes for the use of the state, upon certain corporations, joint-stock companies and associations,' " is hereby amended by adding thereto three additional sections, to be called sections eleven, twelve and thirteen, to read as follows:

§ 11. Whenever the comptroller is dissatisfied with the report of any association, corporation or joint-stock company, liable to tax under any of the provisions of this act, whose capital is only partially employed within this state, he is authorized and empowered to fix and determine the amount of capital stock which in his judgment shall be the basis for tax under the provisions of this act, and to settle an account for the taxes, penalties and interest due the state thereon, and any association, corporation or joint-stock company dissatisfied with the account so settled may within ten days after notice thereof appeal therefrom to a board consisting of the secretary of state, attorney-general and state treasurer, which board on such appeal shall affirm or correct the account so settled by the comptroller, and the decision of said board shall be final, but such appeal shall not stay proceedings unless the full amount of the taxes, penalties and interest as due on said account as settled by the comptroller, be deposited with the state treasurer.

§ 12. Whenever any association, corporation or joint-stock company liable to make reports to the comptroller under any of the provisions of this act shall neglect or refuse to make such report or reports within the time prescribed in this act, the comptroller is authorized to examine, or cause to be examined, the books and records of any such association, corporation or joint-stock association, and fix and determine the amount of tax due in pursuance of the provisions of this act, and in case of the non-payment of the amount of tax so ascertained to be due, together with the expenses of such examination for a period of thirty days after notice to any association, corporation or joint-stock company so in default, the same may be sued for in the name of the people of the state, and recovered in the same manner provided in section nine of this act.

§ 13. The comptroller is authorized to issue subpoenas requiring the attendance before him of any officer, agent, clerk or employee of any association, corporation or joint-stock company liable to be taxed on its corporate franchise or business, capital or dividends under any of the provisions of this act, and to administer oaths to and examine them or any one or more of them on oath in relation to any matter which may in any way be material in determining the amount of the tax to be paid by any such association, corporation or joint-stock company; it shall be the duty of the person or persons thus subpoenaed to attend as thereby required and give testimony on the subject aforesaid, and in case of failure to so attend or testify, the person so failing shall be guilty of a contempt, and any special term of the supreme court may adjudge and determine the punishment therefor in the same manner and to the same extent as provided in the Code of Civil Procedure for the punishment of contempt of court other than criminal contempt.

Sec. 2. This act shall take effect immediately.

CHAPTER 154.

AN ACT to protect primary elections and conventions of political parties and to punish offenses committed thereat.

Passed May 13, 1882; three-fifths being present.

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

Section 1. If at any political primary election held by any political party, organization or association in this state, any individual shall falsely personate and vote under the name of any other person, or shall intentionally vote without the right to do so, or shall willfully and wrongfully obstruct and prevent others from voting who have the right to do so at such primary, or shall fraudulently and wrongfully conceal or destroy ballots cast, or in any manner intentionally and wrongfully deposit ballots in the ballot-box, or take them therefrom, or shall commit any other fraud or wrong, tending to defeat or affect the result of the election, he shall be deemed guilty of a misdemeanor.

Sec. 2. The presiding officer and inspectors at any such election shall, before entering upon their duties, severally sign and swear to an oath in the form now required of inspectors at general elections. The vote or ballot of any person offered at such election shall, upon challenge by any lawful voter thereat, be rejected, unless he be sworn as to his qualifications as such voter; and the presiding officer or any inspector of such primary is hereby empowered, and it shall be his duty, to administer an oath to such person and to any other person offering to vote, as he may deem advisable, to the effect that he will true answers make to such questions as shall be put to him touching his qualifications as a voter and his right to vote. He may then be examined as to such qualifications and right to vote. If he shall swear to the necessary qualifications of a voter, as prescribed by the regulations of the association holding the primary or convention, his vote shall be received. If the person so sworn and examined shall intentionally swear falsely as to his qualifications as a voter he shall be deemed guilty of perjury and shall, on conviction, be punished as now prescribed by law for the crime of perjury.

Sec. 3. If any person acting as inspector, teller or canvasser at any such primary election shall knowingly receive the vote of any individual who shall have been challenged, or who is known to him not to be entitled by the regulations of the association holding the primary election to vote at such primary, unless the same shall be first sworn in as aforesaid, or shall in any manner fraudulently and wrongfully deposit or put any ballots into or take any from the ballot-box of said primary election, or shall fraudulently and wrongfully mix any ballots with those cast at said primary election, or shall knowingly make any false count, canvass, statement, certificate or return of the ballots cast, or vote taken at said primary election, he shall be deemed guilty of a misdemeanor.

Sec. 4. If any person elected a delegate at any such primary or convention shall accept or receive any money or valuable thing as a consideration for his vote as such delegate, he shall be deemed guilty of a misdemeanor.

Sec. 5. The words "primary election," as used in this act, shall be construed so as to embrace all elections held by any political party, convention, organization or association, or delegates therefrom, for the purpose of choosing candidates for office or the election of delegates to other conventions, or for the purpose of electing officers of any political party, organization, convention or association.

Sec. 6. No person shall be entitled to vote at any primary election unless of the age of twenty-one years and a citizen of the United States.

Sec. 7. The punishment of any of the offenses in this act declared to be misdemeanors shall be a fine not exceeding three thousand dollars or imprisonment not exceeding three years, or by both such fine and imprisonment.

Sec. 8. This act shall apply to every county in the state in which, as appears by the last census of the United States, there shall be a town or city with a population of over two hundred thousand.

Sec. 9. This act shall not apply to the county of New York.

Sec. 10. This act shall take effect immediately.

CHAPTER 156.

AN ACT establishing the fees to be charged by the secretary of state for official services.

Passed May 13, 1882.

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

Section 1. The secretary of state shall hereafter charge and collect the following fees for official services:

For copies of all papers and records not required to be certified or otherwise authenticated by him, ten cents for each folio of one hundred words.

For certified or exemplified copies of all laws, records and papers (except as hereinafter stated), fifteen cents for each folio of one hundred words, and one dollar for every certificate under seal affixed thereto.

For every certificate under the great seal of the state, one dollar.

For recording every certificate, notice or other paper (except as hereinafter stated) required by law to be recorded, fifteen cents for each folio of one hundred words.

For every certificate under the seal of his office (except certificates as to the official character of commissioners of deeds residing in other states or foreign countries), one dollar; and for certificates as to the official character of such commissioners, twenty-five cents.

For every patent for lands under water, five dollars, and for every other patent the sum of one dollar for each separate lot embraced in such patent.

For each license granted to a peddler, the sum of two dollars.

For recording the depositions of resident aliens, fifty cents, and for a certified copy of such deposition, fifty cents.

For filing every certificate of incorporation under chapter forty of the laws of eighteen hundred and forty-eight, entitled "An act to authorize the formation of corporations for manufacturing, mining, mechanical or chemical purposes," and the acts amendatory thereof, the sum of ten dollars.

For filing every certificate of incorporation of gas-light companies, turnpike companies, water-works companies, ferry companies, navigation companies, telegraph companies, telephone companies, hotel companies, and co-operative associations, and of every business corporation or company (except as hereinafter stated), the sum of ten dollars.

For filing, recording and issuing all the necessary papers in and about the organization of business corporations formed under chapter six hundred and eleven of the laws of eighteen hundred and seventy-five, the sum of ten dollars, and for a certified copy of the certificate of incorporation of such last-named business corporations, the sum of three dollars.

For filing articles of association of a railroad to be constructed in a foreign country and issuing certificate of incorporation and recording the same, the sum of fifty dollars.

For filing articles of association of every other railroad and for filing every agreement of consolidation between two or more railroads, the sum of twenty-five dollars.

For certified copies of the evidence and proceedings of the board of audit, on appeal to the supreme court, to be paid by the appellant on serving notice of appeal, the sum of fifteen cents for each folio of one hundred words.

Sec. 2. No fee shall be charged or collected for copies of papers or records furnished to public officers for use in their official capacity.

Sec. 3. All fees charged and collected by the secretary of state belong to the people of this state, and shall be paid into the treasury of the state to the credit of the general fund.

Sec. 4. All acts and parts of acts inconsistent with the provisions of this act are hereby repealed.

Sec. 5. This act shall take effect immediately.

CHAPTER 160.

AN ACT to amend chapter six hundred and seventy-one of the laws of eighteen hundred and fifty-seven, entitled "An act to establish regulations for the port of New York," as amended by chapter four hundred and fourteen of the laws of eighteen hundred and seventy-six.

Passed May 15, 1882; three-fifths being present.

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

Section 1. Section seven of chapter six hundred and seventy-one of the laws of eighteen hundred and fifty-seven, entitled "An act to establish regulations for the port of New York," as amended by chapter four hundred and fourteen of the laws of eighteen hundred and seventy-six, is hereby amended so as to read as follows:

§ 7. It shall not be lawful to place or deposit in the waters of the port of New York any dredgings, sand, mud, refuse, or other material of any kind or description whatever. When any slip, basin, or shoal in the port of New York shall be dredged or excavated, all dredgings, sand, mud, or other material taken therefrom shall be removed, or caused to be removed, by the owner or lessee of such slip, basin or shoal, and deposited in some place above high-water mark, or behind a bulkhead for filling in the city of New York, or towed to sea to a point outside of Sandy Hook, and not less than one mile beyond the outer bar, so that the same shall be deposited in deep water. And whenever any slip, basin or shoal not in the port of New York shall be dredged or excavated, all dredging, sand, mud, or other material taken therefrom shall, when taken or towed therefrom, upon the waters of the port of New York for deposit in the water, be deposited in some place above high-water mark, or behind a bulkhead for filling in the city of New York, or shall be towed to a point outside of Sandy Hook, and not less than one mile beyond the outer bar, so that the same shall be deposited in deep water. And for every violation of the provisions of this section in respect to the removal and deposit of dredgings of slips, basins and shoals, the owner or lessee of such slip, basin, or shoal, and all persons engaged in removing or transporting such dredgings, sand, mud, or other material, shall jointly and severally forfeit and pay the sum of five dollars for every cubic yard of material removed from such slip, basin, or shoal, not disposed of as required by this section; to be recovered in the name of and by the said Board of Commissioners of Pilots. One-half of all sums so recovered shall be retained by the said Commissioners.

Sec. 2. This act shall take effect immediately.

CHAPTER 165.

AN ACT in relation to the sale and use of opium.

Passed May 15, 1882; three-fifths being present.

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

Section 1. Every person who opens or maintains, to be resorted to by other persons, any place where opium, or any of its preparations, is sold or given away, to be smoked at such place; and any person who at such place sells or gives away any opium, or its said preparations, to be there smoked or otherwise used, and any person who visits or resorts to any such place for the purpose of smoking opium or its said preparations, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine not exceeding five hundred dollars, or by imprisonment in the penitentiary not exceeding three months, or by both such fine and imprisonment.

Sec. 2. This act shall take effect immediately.

CHAPTER 178.

AN ACT to amend chapter three hundred and two of the laws of eighteen hundred and seventy-eight, entitled "An act in relation to the taking of clams, oysters and shell-fish within the waters of this state, and dredging for the same."

Passed May 17, 1882; 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 three hundred and two of the laws of eighteen hundred and seventy-eight is hereby amended so as to read as follows:

§ 2. It shall not be lawful to dredge for oysters, clams, or other shell-fish with a dredge operated by steam power, in any of the bays, waters or rivers of this state. No dredges to be used exceeding thirty pounds in weight, for catching oysters, clams, or other shell-fish. But nothing in this section contained shall be construed as prohibiting or preventing the owner or owners of any legally planted bed of oysters from using steam power or heavier dredges for the purpose of taking up or removing the oysters legally planted on any such bed.

Sec. 2. Nothing in this act shall be construed as to apply to the waters of the town of Oyster Bay in the county of Queens or the waters of Great South Bay.

Sec. 3. This act shall take effect immediately.

CHAPTER 179.

AN ACT to amend an act supplemental to the act entitled "An act to reorganize the local government of the city of New York," passed April thirtieth, eighteen hundred and seventy-three.

Passed May 17, 1882; 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 seven hundred and fifty-five of the laws of eighteen hundred and seventy-three, entitled "An act supplemental to the act entitled 'An act to reorganize the local government of the city of New York,' passed April thirtieth, eighteen hundred and seventy-three," is hereby amended so as to read as follows:

§ 1. The police force of the city of New York shall consist of one superintendent of police, four inspectors of police, captains of police not exceeding in number one to each fifty of the total number of patrolmen; sergeants of police not exceeding four in number to each fifty of the total number of patrolmen; doormen of police not exceeding two in number to each fifty of the total number of the patrolmen; surgeons of police to the number authorized by law, and patrolmen to the number of two thousand one hundred. The board of police shall appoint all the members of the police force, and may remove the superintendent of police by resolution. The board of police shall have power to increase the police force by adding to the number of patrolmen from time to time, but such increase shall not exceed one hundred in any one year. The board of police commissioners shall establish a bureau which shall be called the central office bureau of detectives. The board of police commissioners shall select and appoint to perform detective duty as many patrolmen (not to exceed forty in number) as said board of police may from time to time determine to be necessary to make this branch of the police force efficient. The patrolmen so selected and appointed shall be called detective sergeants, and shall be assigned to duty at the central office

bureau of detectives, and shall while performing such detective duty be vested with the same authority, and be entitled to receive and be paid the same salary each as sergeants of the police in the city of New York. But the board of police commissioners may by resolution reduce to the grade of patrolman and transfer such detective sergeants or any number of them to perform patrol duty, and when so transferred they shall only be entitled to receive and be paid the same salary each as patrolmen of the police in said city. The salaries of the detective sergeants assigned to detective duty under the provisions of this act shall be paid out of the fund appropriated by law for the payment of the expenditure of the police department in the city of New York, and shall be included by the heads of the police department in the city of New York in their annual department estimate made by them to the board of estimate and apportionment and to the board of aldermen, and shall be estimated, raised and appropriated according to the provisions of section one hundred and twelve of article sixteen of chapter three hundred and thirty-five of the laws of eighteen hundred and seventy-three, and the acts amendatory thereof. Nothing herein contained shall be construed to authorize the police commissioners to appoint any additional patrolmen instead of the detective sergeants specified herein.

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

Sec. 3. This act shall take effect immediately.

CHAPTER 185.

AN ACT in relation to trustees of personal estates.

Passed May 19, 1882.

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

Section 1. Upon the death of a surviving trustee of an express trust, the trust estate shall not descend to his next of kin or personal representatives, but the trust, if unexecuted, shall vest in the supreme court, with all the powers and duties of the original trustee, and shall be executed by some person appointed for that purpose under the direction of the court. But no person shall be appointed to execute said trust until the beneficiary thereof shall have been brought into court by such notice and in such manner as the court may direct.

Sec. 2. This act shall take effect immediately.

CHAPTER 190.

AN ACT to re establish the original arms of the state of New York and to provide for the use thereof on the public seals.

Passed May 20, 1882; three-fifths being present.

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

Section 1. The device of arms of this state as adopted March sixteenth, seventeen hundred and seventy-eight, is hereby declared to be correctly described as follows:

CHARGE. Azure, in a landscape, the sun in fess, rising in splendor, or, behind a range of three mountains, the middle one the highest, in base, a ship and sloop under sail, passing and about to meet on a river, bordered below by a grassy shore fringed with shrubs, all proper.

CREST. On a wreath, azure and or, an American eagle, proper, rising to the dexter, from a two-third of a globe terrestrial showing the North Atlantic ocean with outlines of its shores.

SUPPORTERS. On a quasi compartment formed by the extension of the scroll.

Dexter. The figure of Liberty proper, her hair disheveled and decorated with pearls, vested azure, sandaled, gules, about the waist a cincture or, fringed gules, a mantle of the last depending from the shoulders behind to the feet, in the dexter hand a staff ensigned with a Phrygian cap or, the sinister arm embowed, the hand supporting the shield at the dexter chief point, a royal crown by her sinister foot dejected.

Sinister. The figure of Justice proper, her hair disheveled and decorated with pearls, vested or, sandaled, cinctured and mantled as Liberty, bound about the eyes with a fillet proper, in the dexter hand a straight sword hilted or, erect, resting on the sinister chief point of the shield, the sinister arm embowed, holding before her her scales proper.

MOTTO. On a scroll below the shield argent, in sable, EXCELSIOR.

Sec. 2. The secretary of state shall cause to be engraved upon metal two and one-half inches in diameter, the device of arms of this state accurately conformed to the description of the same given in section first, and the arms so engraved shall be surrounded with the legend: The great seal of the state of New York, and it alone shall be used as the great seal of the state. He also shall cause to be engraved on metal, the privy seal for the office of the governor, and seals for the court of appeals, the secretary of state, the comptroller, the treasurer, the state engineer and surveyor, and the adjutant general, which shall be two inches and a quarter in diameter, and shall contain the same device of arms; and each of said seals shall have an inscription on its face surrounding the arms, containing severally the name and title of each office. He shall also provide in the same manner for all other offices at the capital which are required to have in use official seals.

Sec. 3. The seals of all state officers other than those named in the preceding section, and which are required or authorized by statute to use a seal, shall conform to the same device described in the first section, shall be one inch and three-quarters in diameter, and shall be surrounded with the appropriate name of the office.

Sec. 4. From and after the first day of January, eighteen hundred and eighty-three, the seals provided as aforesaid by the secretary of state shall be used for all the requisite purposes of these offices. The seals of the several offices which can no longer be used, shall be delivered to the secretary of state, shall be by him defaced with a suitable mark and deposited with the ancient seals in the state library.

Sec. 5. The device of arms of the state corresponding to the blazon hereinbefore given, shall be painted in colors upon wood or canvas, and hung upon the walls of the executive chamber, the court of appeals, the office of the secretary of state and of the senate and assembly chambers.

Sec. 6. No pictorial devices other than the arms of the state shall be used in the public offices at the capital for letter headings and envelopes used for official business. Persons printing and circulating public documents under the authority of the state, when they use a vignette, shall place upon the title pages of the documents the standard device of the state arms without alterations or additions.

Sec. 7. During the hours when the legislature is in session, the state flag bearing the arms of the state shall be displayed from the capitol together with the flag of the United States.

Sec. 8. All acts or parts of acts inconsistent with the provisions of this act, are hereby repealed.

CHAPTER 191.

AN ACT to enforce the assessment of shareholders in banking associations to make good a deficit in capital.

Passed May 20, 1882; three-fifths being present.*

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

Section 1. Whenever the superintendent of the bank department shall find a deficit in the capital of a banking association below the amount required by law, or by its certificate or articles of association, and the said superintendent shall make a requisition on said banking association to make such deficiency good, it shall be the duty of the directors of said association to give notice of such requisition to each shareholder of said association, and of the amount of his respective assessment for such purpose, by a written or printed notice, mailed to his place of residence.

Sec. 2. If any shareholder or shareholders in such banking association shall refuse or neglect to pay the pro rata assessment so ordered, to make said deficit good, within sixty days from the date of said notice, the directors of such association shall have the right to sell, to the highest bidder, at public auction, the stock of such shareholder or shareholders, after giving previous notice of such sale for two weeks, in a newspaper of general circulation, published in the place or county where such banking association is located, provided that such stock shall not be sold for a smaller sum than the valuation put on it by the bank superintendent in his determination and certificate; and the necessary costs of the sale shall be paid out of the avails of said stock sold.

Sec. 3. This act shall take effect immediately.

CHAPTER 193.

AN ACT relating to the People's Ferry Company.

Passed May 20, 1882; three-fifths being present.

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

Section 1. The People's Ferry Company, duly incorporated pursuant to and in conformity with an act of the legislature of the state of New York, passed the ninth day of April, eighteen hundred

* Not returned by the governor within ten days after having been received by him, and became a law without his signature May 17, 1882.

and fifty-three, entitled "An act to authorize the formation of corporations for ferry purposes," and the several acts of the legislature amendatory thereof, are hereby authorized and empowered to establish, maintain and operate, and use, ferries by means of vessels propelled by steam or other improved power across the East river, to run from some convenient and practicable place immediately north of the ferry slip now at the foot of Broadway in the city of Brooklyn to the foot of East Twenty-third street in the city of New York, and to receive, transport and land persons and property and to receive and demand compensation therefor.

Sec. 2. The said company shall provide safe and suitable ferry-boats, ferry-houses, slips and landings of capacity to accommodate passengers and horses and vehicles of conveyance and drayage, but said company shall charge no higher rate for ferriage of foot passengers than three cents for each person at any time of the day or night, and the rate for the ferriage of horses and vehicles shall be twenty per cent. less than those established as the rate of ferriage on January first, eighteen hundred and eighty-two, on the ferry from Broadway, Brooklyn, to Roosevelt street, New York.

Sec. 3. The boats shall be run from each terminus as often as once every thirty minutes from five o'clock in the morning until one o'clock the next morning, except that on Sundays or legal holidays they shall be run from each terminus as often as once every hour.

Sec. 4. If it shall become necessary for said company to procure the consent of any person or corporation for any franchise or interest belonging to such person or corporation, said company shall have power to procure the same, but nothing herein shall be so construed as to take away or impair any rights or franchises owned by the cities of New York or Brooklyn, but the proper authorities of the city of New York and the city of Brooklyn may lease to said company any slip or slips under their charge, between the lines designated in section one of this act, in said cities within which the ferries of said company are hereby established, in the manner now provided by law for the purpose of taking up and landing passengers and vehicles in accordance with the intention of this act.

Sec. 5. This act shall take effect immediately.

CHAPTER 208.

AN ACT to authorize a tax of forty-two one-hundredths of a mill per dollar of valuation to provide for a deficiency in the sinking fund under article seven, section three of the constitution.

Passed May 23, 1882; 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 eighty-two, a state tax of forty-two one-hundredths of a mill on each dollar of valuation of the real and personal property in this state subject to taxation; which tax 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 state treasurer for appropriation to the purposes designated in the second section of this act.

Sec. 2. The whole of the tax levied and collected in pursuance of the preceding section shall be paid into the treasury of this state to the credit of the canal fund, and is hereby appropriated and shall be applied as follows:

For the payment to the sinking fund under section three of article seven of the constitution, the sum of one million and five thousand seven hundred dollars and fifty-nine cents, to supply the deficiency which existed in said sinking fund on the thirtieth day of September, eighteen hundred and eighty-one, in consequence of a failure in the revenues of the canals to meet the appropriations therefrom to said sinking fund.

For the payment to said sinking fund the further sum of eighty thousand four hundred and fifty-six dollars and five cents, being interest on the aforesaid deficiency to the time when the same will be realized from the tax to be levied in pursuance of the first section of this act.

CHAPTER 214.

AN ACT to prohibit the coloring of oleomargarine, butterine and adulterated cheese.

Passed May 24, 1882; three-fifths being present.

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

Section 1. Every person who shall use or permit any person in his employment to use annatto or any other substance for the purpose of coloring the article in semblance of butter, known as oleomargarine, or butterine, or any cheese which has been adulterated by the use of lard or any other greasy substance, with an intent to sell the same for food, or who shall sell or expose for sale any oleomargarine, butterine or adulterated cheese which has been colored contrary to the provisions of this act, shall be guilty of a misdemeanor, and upon conviction shall be punished by a fine of not less than fifty dollars nor more than two hundred dollars, or by imprisonment in the county jail for not less than thirty nor more than ninety days, or by both such fine and imprisonment, for each and every offense. But nothing in this act shall be so construed as to interfere with or abridge any right obtained, secured or guaranteed by a law of congress, or by any patent duly granted by the United States government.

Sec. 2. This act shall take effect on the first day of September, eighteen hundred and eighty-two.

CHAPTER 215.

AN ACT to regulate the manufacture and sale of oleomargarine or any form of imitation butter and lard or any form of imitation cheese, for the prevention of fraud and the better protection of the public health.

Passed May 24, 1882; three-fifths being present.

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

Section 1. No person, persons, firm or corporation manufacturing with intent to sell any article or substance in semblance of natural butter or natural cheese not the legitimate product of the dairy, and not made exclusively from milk or cream, or both, with salt or rennet, or both, and with or without coloring matter or sage, but into which any animal, intestinal or offal fats, or any oils or fats of any kind whatsoever not produced from milk or cream, or into which melted butter, lard or tallow shall be introduced, shall add thereto or combine therewith any annatto or compounds of the same, or any other substance or substances whatsoever, for the purpose or with the effect of imparting thereto a color resembling that of yellow (or any shade of the same) butter or cheese; nor shall they introduce said coloring matter into any of the articles of which the same is composed.

Sec. 2. No person, persons, firm or corporation shall deal in, sell, expose for sale or give away any article or substance in semblance of natural butter or natural cheese described in the first section of this act and known as oleomargarine or imitation butter and lard or imitation cheese; and no keeper of any hotel, restaurant, boarding-house or other place of public entertainment shall keep, use or serve either as food for their guests or for cooking purposes, any such imitation butter or cheese which shall contain any of the coloring matter therein prohibited, or be colored contrary to the provisions of this act.

Sec. 3. No person, persons, firm or corporation shall manufacture, with intent to sell, deal in, sell or expose for sale any article or substance in semblance of natural cheese not the legitimate product of the dairy, and not made exclusively of milk or cream, or both, but into which any animal, intestinal or offal fats or oils of any kind whatsoever, not produced from milk or cream, shall be introduced, unless the words "imitation cheese," shall be plainly stenciled, in plain Roman letters at least one-half inch in length, with durable paint, upon the sides of each and every cheese and also upon the outside of top, and opposite sides of each and every box containing the same, in letters and with paint as before mentioned and described.

Sec. 4. For the purposes of this act the terms "natural butter" and "natural cheese" shall be understood to mean the products usually known by these names, and which are manufactured exclusively from milk or cream, or both, with salt and rennet, and with or without coloring matter or sage.

Sec. 5. Every person, firm or corporation violating the provisions of this act, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than fifty dollars nor more than two hundred dollars, or by imprisonment in the county jail for not less than ten nor more than thirty days, or by both such fine and imprisonment for each and every offense, in the discretion of the court, one-half of such fine to be paid to the complainant, the other half to be paid to the officer or officers having charge of the poor fund of the town where such prosecution occurs, for the support of the poor, or if the poor of such town are supported by the county, then said moneys shall be paid to the officer or officers having charge of the poor fund of the county in which said town is located, to be used for the support of the poor of such county. But nothing in this act shall be so construed as to interfere with or abridge any right obtained, secured or guaranteed by any law of congress, or by any patent duly granted by the United States government.

Sec. 6. This act shall take effect sixty days after it becomes a law.

CHAPTER 216.

AN ACT in relation to the examination and admission to the bar of law students in certain cases.

Passed May 25, 1882.

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

Section 1. Any male citizen of the United States twenty-one years of age, and of good moral character, who shall have graduated with the degree of bachelor of laws from any duly organized law school or law department of any university or college within this state prior to the first day of July, one thousand eight hundred and eighty-two, or who has been prevented from passing the examination preliminary to graduation with the degree of bachelor of laws in any duly organized law school or law department of any university within this state, by reason of his necessary absence from such university while a member of the legislature, shall on passing a satisfactory examination, as hereinafter provided, be entitled to admission to the bar of this state as attorney and counselor at law, and licensed and authorized to practice as such in all the courts of the state.

Sec. 2. On application of any such person to the supreme court at a general term thereof for examination and admission to the bar, and if he be a graduate, on production of his diploma or certificate of graduation, the court shall direct his examination by the standing committee on the examination of applicants for admission to the bar, or by such other committee as the court may appoint for such purpose, and shall make an order admitting to the bar of this state as attorney and counselor at law any such applicant as shall have passed a satisfactory examination.

Sec. 3. This act shall take effect immediately.

CHAPTER 229.

AN ACT to provide for submitting a proposed amendment to the constitution to the electors of the state.

Passed May 27, 1882.

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

Section 1. The inspectors at each poll, in the several towns and wards in this state, at the general election to be held in the state on the seventh day of November, one thousand eight hundred and eighty-two, shall provide a box to receive the ballots of the citizens of the state, in relation to the amendment proposed to the constitution by concurrent resolutions of the legislature, passed in eighteen hundred and eighty-one, and eighteen hundred and eighty-two, and each voter may present a ballot on which shall be written or printed, or partly written and partly printed in the form following, namely: "For the proposed amendment to section three, article seven, of the constitution," or a ballot on which shall be written or printed, or partly written and partly printed, in the following form, namely: "Against the proposed amendment to section three, article seven of the constitution." The said ballot shall be endorsed "constitutional amendment—canal." And all the electors in the state entitled to vote for members of the legislature in their respective districts shall be entitled to vote on the adoption of said proposed amendment during the day of election in the several election districts in which they reside.

Sec. 2. After finally closing the polls of such election, the inspectors thereof shall count and canvass the ballots given relative to the said proposed amendment in the same manner as they are required by law to canvass the ballots given for governor, and thereupon shall set down in writing the whole number of votes given for said proposed amendment in the words in which said amendment is hereinbefore given, and the whole number of votes given against the said proposed amendment in the words in which said amendment is hereinbefore given, and shall certify and subscribe the same, and cause copies thereof to be made and certified and delivered as prescribed by law in respect to the canvass of votes given at an election for governor.

Sec. 3. The votes so given shall be canvassed by the board of county canvassers, and statements thereof shall be made, certified and signed and recorded in the manner required by law in respect to the canvassing of votes given at an election for governor, and certified copies of the statements and certificates of the county canvassers shall be made, certified and transmitted by the county clerks, respectively, in the manner provided by law in respect to the election of governor. The said certified copies transmitted by the county clerks shall be canvassed by the board of state canvassers in the like manner as provided by law in respect to the election of governor, and in like manner they shall make and file a certificate, of the result of such canvass, which shall be entered of record by the secretary of state, and shall be published by him in the state paper and in the papers designated by the several boards of supervisors to publish the session laws, or which may be designated by said board to publish the said certificate.

Sec. 4. It shall be the duty of the secretary of state to cause the said proposed amendment to the constitution, together with the form of the ballot, as herein specified, to be published in the manner provided for the publication of the certificates of the result of canvass by section three hereof, at least six weeks prior to such election, but no neglect or failure to publish shall impair the validity of such election.

Sec. 5. The secretary of state shall cause to be printed as many ballots in the form prescribed by this act in favor of the proposed amendments as there were electors voting for secretary of state at the last general election, and as many ballots in the form prescribed by this act against the proposed amendment as there were electors voting for secretary of state at the last general election, and to deliver to each of the county clerks of this state, on or before October tenth, eighteen hundred and eighty-two, as great a number of each of said ballots as there were electors voting for secretary of state in said county at the last general election. Said county clerk shall, on or before November first, eighteen hundred and eighty-two, deliver to each of the town clerks in his said county as great a number of each of said ballots as the whole number of electors voting in said town at the last general election. Said town clerks shall deliver said ballots to the inspectors of election in their respective towns on or before the morning of November seventh, eighteen hundred and eighty-two. Nothing herein contained shall prevent any person or persons printing or distributing tickets for or against said proposed amendment.

Sec. 6. This act shall take effect immediately.

CHAPTER 231.

AN ACT to confirm certain conveyances of real estate delivered by the mayor, aldermen and commonalty of the city of New York.

Passed May 27, 1882; three-fifths being present.

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

Section 1. Every conveyance of real property heretofore executed under the common seal of the corporation of the city of New York, and the hand of the clerk of the common council of said city and duly delivered, which has been, or shall be, deemed or supposed to be invalid, of no effect, or defective, for the sole reason that the same was not signed by the then mayor of the city of New York, is hereby declared to be, and to have been, as valid and effectual as if the same had been signed by the then mayor of the city of New York, at or before the time of the delivery thereof. Provided, that the real property so conveyed or intended to be conveyed, was sold at a regular public sale of real property of the said corporation, made under the direction of the commissioners of the sinking fund of the city of New York, of which sale due and legal notice was given, and which sale was free from fraud, and the terms of which sale were fully complied with, and that the proceeds of said sale of such real property were fully paid or deposited to the credit of the sinking fund of the city of New York, or secured to such fund by mortgage on the real property so sold. It being expressly declared that this act shall not have any effect other or further than to cure the defect alleged or supposed to exist by reason of the lack of the signature of the said mayor to a conveyance otherwise valid and free from fraud.

Sec. 2. This act shall take effect immediately.

CHAPTER 233.

AN ACT to authorize the People's Ferry Company to increase its number of directors and for the election thereof.

Passed May 27, 1882.

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

Section 1. The People's Ferry Company is hereby authorized and empowered to increase the number of directors specified in its certificate of incorporation to nine, which last mentioned number shall be elected as directors at the ensuing election, in the same manner as the number mentioned in the said certificate of incorporation.

Sec. 2. This act shall take effect immediately.

CHAPTER 237.

AN ACT in relation to advances of money upon warehouse receipts, bills of lading, certificates of stock, certificates of deposit and other negotiable instruments.

Passed May 30, 1882.*

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

Section 1. In any case hereafter in which advances of money, repayable on demand, to an amount not less than five thousand dollars, are made upon warehouse receipts, bills of lading, certificates of stock, certificates of deposit, bills of exchange, bonds or other negotiable instruments pledged as collateral security for such repayment, it shall be lawful to receive or to contract to receive and collect, as compensation for making such advances, any sum to be agreed upon, in writing, by the parties to such transaction.

Sec. 2. All acts or parts of acts inconsistent herewith are hereby repealed.

Sec. 3. This act shall take effect immediately.

CHAPTER 238.

AN ACT for the protection of dairymen, and to prevent deception in the sales of butter and cheese.

Passed May 30, 1882; three-fifths being present.

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

Section 1. Every person who shall manufacture for sale, or who shall offer or expose for sale, or who shall export to a foreign country, by the tub, firkin, box or package, or any greater quantity, any article or substance in semblance of butter or cheese not the legitimate product of the dairy, and not made exclusively of milk or cream, but into which any oil, lard or fat not produced from milk or cream enters as a component part, or into which melted butter, or any oil thereof, has been introduced to take the place of cream, shall distinctly and durably stamp, brand or mark upon the side of every cheese and also upon the top, and side of every such tub, firkin, box or package of such article or substance the words "oleomargarine butter," or if containing cheese, the words "imitation cheese," only where it can be plainly seen, in Roman letters, which shall be burned in or painted thereon, with permanent black paint, in a straight line, and shall be not less than one-half inch in length, and if for export, shall also invoice the same, and clear the same, through the custom-house as "oleomargarine butter," or if cheese, as "imitation cheese;" and in case of retail sales of such articles or substances in parcels, the seller shall in all cases sell, or offer or expose the same for sale from a tub, firkin, box or package stamped, branded, or marked as herein stated, and shall also deliver therewith to the purchaser, printed label bearing the plainly printed words, "oleomargarine butter," or if cheese, the words "imitation cheese," only, in Roman letters not less than one-half inch in length, which shall be printed in a straight line; and every sale of such article or substance, or export of the same, by the tub, firkin, box or package, or in any greater quantity, not so stamped, branded or marked, and if exported, not invoiced and cleared through the custom-house as "oleomargarine butter," or if cheese, as "imitation cheese," and every sale of such article or substance at retail, in parcels, that shall not be sold from a tub, firkin, box or package so stamped, branded or marked, or without delivery of a label therewith, as above stated, is declared to be unlawful and void, and no action upon any contract shall be maintained in any of the courts of this state to recover upon any contract for the sale of any such article or semblance not so stamped, branded, marked, labeled or sold.

Sec. 2. Every person who shall sell, or offer, or expose for sale, or export to a foreign country, or have in his or her possession, with intent to sell by the tub, firkin, box or package, or in any greater quantity, any of the said article or substance required by the first section of this act to be stamped, branded, marked, and if exported, invoiced and cleared through the custom-house as "oleomargarine butter," or "imitation cheese," as therein stated, that shall not be so stamped, branded, marked, and if exported, invoiced, according to the provisions of this act, or in case of retail sales in parcels every person who shall sell, or offer or expose for sale, any of said article or substance, without selling, offering or exposing for sale, the same from a tub, firkin, box or package stamped, branded or marked, as in said first section stated, or without delivery of a label, as required by section one of this act, shall for every such offense forfeit and pay a fine of one hundred dollars, to be recovered with costs, in any of the courts of this state having cognizance thereof, in an action to be prosecuted by any district attorney, in the name of the people, and the one-half of such recovery, shall be paid to the informer, and the residue shall be applied to the support of the poor in the county where such recovery is had.

Sec. 3. Every person who shall sell or offer or expose for sale, or export to a foreign country, or who shall cause or procure to be sold, offered or exposed for sale by the tub, firkin, box or package, or in any greater quantity, any article or substance required by the first section of this act to be stamped, branded, marked, and if exported, invoiced and cleared as therein stated, not so stamped, branded, marked, and if exported, invoiced and cleared; or in case of retail sales in parcels, every person who shall sell, or offer or expose for sale, or who shall cause or procure to be sold, offered or exposed for sale, any article or substance required by the first section of this act to be sold, offered or exposed for sale from a tub, firkin, box or package, stamped, branded or marked, and labeled as therein stated, contrary to the provisions of said section, shall be guilty of a misdemeanor, and upon conviction shall be punished by a fine of not less than fifty dollars, nor more than two hundred dollars, or by imprisonment in the county jail, for not less than ten nor more than thirty days, or by both such fine or imprisonment, for each and every offense.

Sec. 4. All acts or parts of acts inconsistent with the provisions of this act are hereby repealed.

Sec. 5. This act shall take effect immediately.

CHAPTER 239.

AN ACT supplemental to chapter five hundred and fifty of the laws of eighteen hundred and eighty, entitled "An act relating to certain assessments for local improvements in the city of New York."

Passed May 31, 1882; three-fifths being present.

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

Section 1. The time for filing the notices provided for in section two of the act, chapter five hundred and fifty of the laws of eighteen hundred and eighty, entitled "An act relating to certain assessments for local improvements in the city of New York," is hereby extended until the first day of November, eighteen hundred and eighty-two, and the time for the submission of evidence to said commissioners is hereby extended until the first day of November, eighteen hundred and eighty-three, and the time within which said commissioners shall make and render decisions in any cases is hereby extended until the first day of February, eighteen hundred and eighty-four. Provided, however, that in all cases brought before said commissioners by notices filed under this section, interest upon the amounts fixed in the certificates to be filed, as provided in section six of said act, shall be charged from the respective dates of the certificates which may have been first filed, in respect of any assessments for the same local improvement.

Sec. 2. It shall be the duty of the counsel to the corporation of the said city to designate counsel to represent the city before the said commissioners in the matters aforesaid. The comptroller may provide the money to pay the expenses of such proceedings, including compensation to said counsel, by the issue of revenue bonds of the said city, and an amount sufficient to cover such expenses and to pay such bonds shall be included in the final estimates for said city for the years eighteen hundred and eighty-three and eighteen hundred and eighty-four.

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

Sec. 4. This act shall take effect immediately.

CHAPTER 244.

AN ACT to insure and increase the supply and disposition of wholesome fresh fish in the city of New York, and to regulate the use of piers number twenty-two and twenty-three East river.

Passed May 23, 1882.

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

Section 1. The slip and part of the waters adjacent to the wharves of the city of New York from the center of pier number twenty-two to and including the center of pier number twenty-three for the whole distance of said piers in length from the bulkhead of said slip on South street, together with said bulkhead, are hereby set apart, until May first, eighteen hundred and eighty-nine, and shall hereafter be appropriated during said period for the exclusive purpose of fresh fish commerce, and the use of vessels engaged in such business, and such person or persons as now lease, or may hereafter lease, the same from the mayor, aldermen and commonalty of such city shall be

authorized to erect and maintain, and enter thereon such improved structures, appliances, inventions and vessels as may be necessary and proper to preserve fresh food fish for supply of the public, and for the more convenient disposition and care of the same. The plans for such structures or improvement shall be first submitted to the board governing the department of docks for their approval and the same shall not be erected or proceeded with unless approved by said board.

Sec. 2. It shall be the duty of the captain of the port of New York, and of the harbor-master thereof, and of all officers who now are or hereafter shall be empowered by law, or by any ordinance of the city of New York, to regulate or station ships or vessels in the harbor of said city, to prohibit and prevent during the time specified in the first section of this act all boats, barges, ships and vessels not engaged in fish commerce from entering or lying in said slip, or at the end of said piers, and to remove therefrom, on request of said lessees, or any of them, or their agent or agents, any vessel not engaged in said fresh fish commerce.

Sec. 3. The neglect or refusal of the said captain of the port or harbor-master or other said officer to comply with such request, or the neglect or refusal of the person or persons in charge of the said prohibited vessel or vessels to immediately remove therefrom on request, shall be deemed a misdemeanor, and shall, in addition thereto, render the person or persons and officer neglecting or refusing jointly and severally liable to a penalty of one hundred dollars for each offense, to be recovered by a civil action brought by said lessee or lessees or their authorized agent, in any court of competent jurisdiction.

Sec. 4. This act shall take effect immediately.

CHAPTER 246.

AN ACT to prevent fraud in the sale of oleomargarine, butterine, suine or other substance not butter.

Passed May 31, 1882; three-fifths being present.

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

Section 1. Any person who shall hereafter sell, either at wholesale or retail, any oleomargarine, butterine, suine or other substance not butter, and represent the same to be butter, shall be deemed guilty of a misdemeanor, and upon conviction shall be liable to a fine of not less than twenty-five dollars, nor more than one hundred dollars, for each and every offense, or by imprisonment in the county jail not to exceed thirty days, or by both such fine and imprisonment.

Sec. 2. The sale by any person of such oleomargarine, butterine, suine, or other substance not butter, representing the same to be butter, shall be deemed presumptive evidence of the guilt of such person.

Sec. 3. This act shall take effect immediately.

CHAPTER 259.

AN ACT to provide for additional ferry slips and facilities in New York city for the ferries operated and running between Whitehall street in the city of New York and the city of Brooklyn.

Passed June 1, 1882; three-fifths being present.

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

Section 1. The pier known and designated as pier number two in the East river, in the city of New York, and the land under water lying easterly of said pier to the westerly side of pier number three, shall after the fifteenth day of June, eighteen hundred and eighty-two, be devoted and set apart for the purposes of additional ferry slip accommodation, for the ferries operated and running between Whitehall street, in the city of New York, and Atlantic avenue in the city of Brooklyn, known as the Union Ferry Company.

Sec. 2. Before using the said pier number two, or the waters easterly thereof to pier number three, the lessees of the aforesaid ferries are hereby authorized and required to purchase or acquire the right to use the said pier number two and the land under water described in the first section of this act, provided they can agree with the owner or owners, and lessee or lessees on the price to be paid therefor. And should the lessees of said ferries be unable, within sixty days after the passage of this act, to agree with the said owner or owners, and lessee or lessees, for the purchase of or the right to use the aforesaid pier and land under water, they shall acquire title to the same in the manner and by the proceedings provided by law for acquiring title to lands for railroad use by railroad corporations, so far as the same are applicable thereto; except, that in any of the proceedings authorized by this section, it shall not be necessary that the petition to the supreme court shall make any allegations of, or any reference to, any incorporation or capital stock, nor to any surveys or maps further than to describe the property proposed to be taken, nor of the filing of any certificate of location. Provided that nothing in this section shall authorize the Union Ferry Company to acquire the fee of any property now owned by the city of New York.

Sec. 3. The property herein authorized and directed to be acquired for the purposes of additional ferry slip accommodations shall, after the title thereto is acquired in accordance with the provisions of this act, be thereafter fitted for, devoted to and used exclusively for said purposes, and shall be taken and paid for by any future lessees of said ferry in the same manner that other property owned by the previous lessees is or has to be paid for on a change of lessees of said ferry.

Sec. 4. All acts and parts of acts inconsistent with the provisions of this act are hereby repealed, so far as they are in conflict therewith.

Sec. 5. This act shall take effect immediately.

CHAPTER 268.

AN ACT to provide for the incorporation of the alumni of colleges and universities in the state of New York.

Passed June 3, 1882.

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

Section 1. The alumni of any college or university, or of one or more colleges of any university, located in this state, may be incorporated by executing and filing the certificate herein-after mentioned, and they shall thereupon become a corporation, may sue and be sued in their corporate name, shall have the powers and privileges hereinafter granted, and such other powers and privileges, not inconsistent with the objects of their incorporation, as are conferred upon corporations by law.

Sec. 2. The persons so desiring to be incorporated, not less than nine in number, shall execute and acknowledge, in the same manner as deeds entitled to be recorded, a certificate, which shall be recorded in the clerk's office of the county in which such college or university is located, and which shall state:

1. The name by which such corporation shall be known.
2. That the object of the formation of such corporation is to secure the benefits of this act.
3. The names of the directors of such corporation who shall act until the first annual meeting of the alumni of such college, colleges, or university, after the filing of such certificate.

Sec. 3. Any graduate of such college, colleges, or university, and any person who has received, upon examination, a degree from such college or university, may become a member of such corporation, by subscribing, or causing to be subscribed, his or her name to its constitution and by-laws, and by complying with such other reasonable conditions as such corporation may prescribe. Such corporation may also admit to membership therein such other persons as it shall deem qualified therefor, and upon such conditions as it may from time to time prescribe.

Sec. 4. The corporations formed under the provisions of this act shall have power to create, manage and control a fund, to be known as an alumni fund, and for that purpose to take and acquire real and personal property by gift, devise or purchase, the net annual income of which shall not exceed ten thousand dollars, and the income thereof may be used for and applied to such object or objects connected with such college, colleges, or university, as such corporation shall direct. The corporations formed under the provisions of this act shall also have power to elect from among their members such a number of directors of the college, or colleges, or university, to which their members shall respectively belong, as such college, or colleges, or university shall designate; to prepare and publish from time to time an alumni record or directory; to prescribe reasonable terms and conditions upon which their members shall be entitled to vote or hold office; and to adopt such a constitution and by-laws, and such rules and regulations, as may be necessary or proper for their government and regulation, and for the accomplishment of the objects of their incorporation, not inconsistent with the laws of this state.

Sec. 5. The corporations formed under the provisions of this act shall elect annually from their number such a number of directors, not less than nine, as their constitutions and by-laws shall prescribe. Said corporations may also elect such officers and committees as their constitutions and by-laws shall prescribe. But no officer, director, or member of a committee of such corporation, except the treasurer of its board of directors, shall receive any compensation for his services as such officer, director, or member of a committee. The compensation of the treasurer of the board of directors of any such corporation shall be fixed by said board of directors, and said board may refuse to grant any compensation to said treasurer.

* Not returned by the Governor within ten days after having been received by him, and became a law without his signature, May 30, 1882.

Sec. 6. The directors of the corporations formed under the provisions of this act shall have the custody and management of the alumni fund, created and acquired under the provisions of this act, but they shall not permanently appropriate said fund, or any part thereof, for any purpose or object, or use the same, except such part thereof as may be necessary to defray the expense of its acquisition, investment, and management, unless duly authorized thereto by a two-thirds vote of the members of such corporation, present at an annual meeting thereof.

Sec. 7. The directors of the corporations formed under the provisions of this act shall elect from their number a president, secretary and treasurer, neither of whom shall be the same person, or shall hold any other office in said corporation; and said officers shall together prepare and execute annually a report, which shall be verified by their affidavit, and which shall show the whole amount of real and personal property owned by said corporation, where it is located, or how and when it is invested, the amount and nature of the property acquired during the year immediately preceding the date of said report, and the manner of its acquisition; the amount applied, appropriated or expended during the year immediately preceding the date of said report, and the purposes, objects, or persons, to or for which such application, appropriation or expenditure has been made. Such report shall be presented to said corporation at its annual meeting, and entered in the minutes of its proceedings, and shall, within thirty days thereafter, be filed in the clerk's office of the county in which said college or university is located.

Sec. 8. No more than one such corporation shall be formed of the alumni of any one college, and the word alumni, when used in this act, shall be construed to mean both male and female graduates. Should the alumni of two or more colleges of any university unite in forming a corporation under the provisions of this act, then but one such corporation shall be formed of the alumni of the colleges so uniting.

Sec. 9. This act shall take effect immediately.

CHAPTER 273.

AN ACT to extend the operation and effect of chapter forty of the laws of eighteen hundred and forty-eight, entitled "An act to authorize the formation of corporations for manufacturing, mining, mechanical or chemical purposes," and of the several acts supplementary thereto and amendatory thereof.

Passed June 3, 1882.

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

Section 1. Any three or more persons may organize themselves into a corporation in the manner specified and required in and by chapter forty, laws of eighteen hundred and forty-eight, entitled "An act to authorize the formation of corporations for manufacturing, mining, mechanical, or chemical purposes," for the purpose of purchasing, acquiring, building upon and improving real estate for union railway depots to be leased and occupied by any railroad company or companies owning, leasing or operating a railroad within this state. The corporations so formed shall be subject to all the privileges and obligations of the act aforesaid, and all acts amendatory thereof, or supplementary thereto, and shall have power to take and hold by purchase, contract or lease, and convey such real estate as shall be necessary to carry out the objects of said corporation.

Sec. 2. Any railroad corporation, created under and by the laws of this state or of any adjoining state, is hereby authorized to subscribe for, take and hold the stock of corporations, created under and by virtue of this act in such amounts as the directors of the said subscribing corporation may, from time to time, deem best for its interests.

Sec. 3. The directors of any corporation, organized under and in pursuance of this act, may from time to time, make such just, proper and needful rules and regulations for the use of the union depot or depots owned or acquired by it as to the said directors, or a majority of them, may, from time to time, seem proper.

Sec. 4. This act shall take effect immediately.

CHAPTER 275.

AN ACT to amend section seventy-eight of part second, chapter one, title two, article second of the Revised Statutes, being in relation to uses and trusts.

Passed June 3, 1882.

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

Section 1. Section seventy-eight of part second, chapter one, title two, article second of the Revised Statutes, relating to uses and trusts, is hereby amended so as to read as follows:

§ 78. Where the trust is or shall be expressed in the instrument creating the estate, every sale, conveyance or other act of the trustees in contravention of the trust shall be absolutely void; provided, however, that the supreme court shall have power, upon such terms and conditions as to the court shall seem just and proper, in any case to authorize any such trustee to mortgage any such real estate whenever it shall appear to the satisfaction of said court or a judge thereof that it is for the best interest of said estate so to do, and that it is necessary and for the benefit of the estate to raise by mortgage thereon funds for the purposes of preserving or improving such estate. No order directing such trustee to mortgage said lands shall be granted unless it shall appear to the satisfaction of such court or judge that a notice in writing stating the time and place of making the application therefor has been served upon the beneficiary or beneficiaries of said trust at least eight days before making such application if said beneficiary or beneficiaries are within this state and adult. In case said beneficiary or beneficiaries are infants, lunatics, persons of unsound mind, habitual drunkards, or absentees, said court or judge shall not direct the trustees to mortgage said lands until such beneficiary or beneficiaries are brought into court by such notice as said court or judge may prescribe.

Sec. 2. This act shall take effect immediately.

CHAPTER 276.

AN ACT to regulate the use of certain slips, piers and wharves on the East river in the city of New York.

Passed June 3, 1882; three-fifths being present.

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

Section 1. All that part of the water adjacent to the wharves of the city of New York, from the west side of pier number three, to and including the east side of pier number eight, East river, shall hereafter from the first day of March to the thirty-first day of December, in each year, be set apart, kept and reserved for the exclusive use and accommodation of canal boats and barges engaged in the business of transporting property on the Hudson river, north of Castleton, or coming to tide water from the canals of this state, arriving in said city from the city of Albany, or any port or place north or west thereof, and for the use of lighters engaged in loading or unloading such canal boats and barges; and it shall be the duty of the captain of the port of New York and of the harbor-masters thereof, and of all officers who now are or hereafter shall be empowered by law, or by any ordinance of the city of New York, to regulate or station ships and vessels in the harbor of said city, to prohibit and prevent all other boats, barges, ships or vessels from entering any of the slips, or approaching or lying at any of the wharves between the piers aforesaid, during the period above specified, when such slips or the wharves connected therewith shall be required for the use and accommodation of the canal boats and barges hereinbefore mentioned, and the said captain of the port, or other officers aforesaid, shall assign such other accommodations for said canal boats and barges in other parts of the port of New York as may from time to time be necessary in receiving or discharging their cargoes.

Sec. 2. It shall be lawful for the proprietors of any regular line of canal boats and barges using the waters within the limits aforesaid, or any other limits to which they may be assigned as provided in the preceding section, to erect and maintain upon any of the piers and wharves adjacent thereto, suitable derricks to be used by said proprietors and their employees in loading or unloading said canal boats and barges. No derrick so erected shall be deemed an obstruction or incumbrance upon such pier or wharf, within the meaning of any statute or ordinance prohibiting the incumbering or obstructing any such pier or wharf, or authorizing the removal of obstructions or incumbrances upon the same.

Sec. 3. Whenever any portions of the waters mentioned in the foregoing first section shall be occupied by any ship, barge, boat or vessel not entitled to occupy the same according to the provisions of that section, and the proprietor or proprietors or person in charge of any of the canal boats or barges specified in said section shall desire to use the berth or slip occupied by said ship, barge, boat or vessel, it shall be the duty of the captain of the port or the harbor-master in charge of the district embracing said waters, upon the request of the proprietor or consignee or person in charge of said canal boat or barge to forthwith remove such ship, barge, boat or vessel so far as may be necessary to accommodate such canal boat or barge; if the captain of the port or harbor-master to whom such request is made shall neglect or refuse to comply with the same, he shall for each such neglect or refusal forfeit and pay to the proprietor or proprietors of the canal boat or barge in reference to which request was made the sum of fifty dollars, to be sued for and recovered by and in the name of such proprietor or proprietors, for his or their use and benefit in any court of competent jurisdiction.

Sec. 4. Any person in command or charge of any ship, barge, boat or vessel which the captain of the port or harbor-master is authorized and required to remove, as specified in the preceding third section of this act, who shall neglect or refuse to comply with any order or direction of the said captain or harbor-master, in reference to the removal thereof, or who shall resist or obstruct the removal of such ship, barge, boat or vessel, shall for each and every such offense forfeit and pay the sum of fifty dollars, to be sued for and recovered with costs, by and in the name of the captain of the port, in any court of competent jurisdiction.

Sec. 5. All acts or parts of acts inconsistent with the provisions of this act are hereby repealed.

Sec. 6. This act shall take effect immediately.

CHAPTER 278.

AN ACT to amend chapter three hundred and sixty-five of the laws of eighteen hundred and sixty-two, entitled "An act to authorize the discharge of mortgages of record in certain cases," as amended by chapter seven hundred and ninety-eight of the laws of eighteen hundred and sixty-eight.

Passed June 3, 1882.

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 sixty-five of the laws of eighteen hundred and sixty-two, entitled "An act to authorize the discharge of mortgages of record in certain cases," as amended by chapter seven hundred and ninety-eight of the laws of eighteen hundred and sixty-eight, is hereby further amended so as to read as follows:

§ 4. The court may issue commissions to take the testimony of witnesses and may refer it to a referee to take and report proofs of the facts stated in the petition. The certificate of the proper surrogate or surrogates, whether or not letters testamentary or of administration have been issued, shall be evidence of the fact; and the certificate of the clerk of the county or counties in which the mortgaged premises have been situate, since the date of the said mortgage, shall be evidence of the assignment of such mortgage, or of a notice of the pendency of an action to foreclose such mortgage, and of such other matters as may be therein stated; or if a notice of the pendency of an action to foreclose such mortgage has been filed, then his certificate that such mortgage has never been foreclosed, unless the allegation of payment shall be denied, and evidence be given tending to rebut the presumption of payment arising from lapse of time, such lapse of time shall be sufficient evidence of payment. Upon being satisfied that the matters alleged in the petition are true, the court may make an order that the mortgage be discharged of record.

Sec. 2. This act shall take effect immediately.

CHAPTER 281.

AN ACT to enable the commissioners of emigration to exclude from the benefits of the state emigrant institutions at Castle Garden and Ward's Island, such steamship companies as will not contribute toward the maintenance of said institutions.

Passed June 5, 1882; three-fifths being present.

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

Section 1. In case the carriers of emigrants to the port of New York refuse to pay not less than fifty cents for each alien passenger landed at Castle Garden, to the commissioners of emigration, said commissioners shall be authorized to exclude said carriers from landing immigrants at Castle Garden, and from the benefits of the state emigrant institutions at Ward's Island.

Sec. 2. This act shall take effect immediately.

CHAPTER 290.

AN ACT in relation to sales and purchases of lands by corporations.

Passed June 5, 1882.

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

Section 1. Any corporation which shall have sold and conveyed any part of its real estate, may, notwithstanding any restriction in its charter, purchase, take and hold, from time to time, any lands adjacent to those already held by it; provided the supreme court shall authorize such purchase, taking and holding upon the application of such corporation, and on being satisfied that the value of all lands proposed to be so purchased shall not exceed that of lands sold and conveyed by the said corporation within the three years next preceding such application.

Sec. 2. This act shall take effect immediately.

CHAPTER 292.

AN ACT to regulate the standard of illuminating oils and fluids for the better protection of life, health and property.

Passed June 6, 1882; three-fifths being present.

Section 1. No person, company or corporation shall manufacture or have in this state, or deal in, keep, sell or give away, for illuminating or heating purposes in lamps or stoves within this state, oil or burning fluid, whether the same be composed wholly or in part of naphtha, coal oil, petroleum or products manufactured therefrom, or of other substances or materials, which shall emit an inflammable vapor which will flash at a temperature below one hundred degrees by the Fahrenheit thermometer, according to the instrument and methods approved by the state board of health of New York.

Sec. 2. No oil or burning fluid, whether composed wholly or in part of coal oil and petroleum or their products, or other substance or material, which will ignite at a temperature below three hundred degrees by the Fahrenheit thermometer, shall be burned in any lamp, vessel or other stationary fixture of any kind, or carried as freight, in any passenger or baggage car, or passenger boat moved by steam power in this state, or in any stage or street car drawn by horses. Exceptions as regards the transportation of coal oil, petroleum and its products are hereby made when the same are securely packed in barrels or metallic packages, and permission is hereby granted for its carriage in passenger boats moved by steam power when there are no other public means of transportation. Any violation of this act shall be deemed a misdemeanor and subject the offending party or parties to a penalty not exceeding three hundred dollars, or imprisonment not exceeding six months, at the discretion of the court.

Sec. 3. It shall be the duty of the state board of health of New York to recommend and direct the nature of the test and instruments by which the illuminating oils, as hereinbefore described, shall be tested in accordance with this act. It shall be the duty of the public analysts who may now be employed by the state board of health, or who may be hereafter appointed, to test such samples of suspected illuminating oils or fluids as may be submitted to them under the rules to be adopted by the said board, for which service the said board shall provide reasonable compensation at the first quarterly meeting of the state board of health held after the passage of this act; it shall adopt such measures as may seem necessary to facilitate the enforcement of this act, and prepare rules and regulations with regard to the proper methods of collecting and examining suspected samples of illuminating oils, and the state board of health shall be authorized to expend, in addition to all sums already appropriated for said board, an amount not exceeding five thousand dollars for the purpose of carrying out the provisions of this act. And the sum of five thousand dollars is hereby appropriated out of any moneys in the treasury not otherwise appropriated for the purposes of this section provided.

Sec. 4. Naphtha and other light products of petroleum which will not stand the flash test required by this act may be used for illuminating or heating purposes only.*

In street lamps and open air receptacles apart from any building, factory or inhabited house in which the vapor is burned.

In dwellings, factories or other places of business when vaporized in secure tanks or metallic generators made for that purpose in which the vapor so generated is used for lighting or heating.

For use in the manufacture of illuminating gas in gas manufactories, situated apart from dwellings and other buildings.

Sec. 5. It shall be the duty of all district attorneys of the counties in this state to represent and prosecute in behalf of the people, within their respective counties, all cases of offenses arising under the provisions of this act.

Sec. 6. Nothing in this act shall be so construed as to interfere with the provisions of chapter seven hundred and forty-two of the laws of eighteen hundred and seventy-one, as regards the duties of the bureau of combustibles of the city of New York, or any other statutes not conflicting with this

* So in original.

act, provided that nothing in this act shall be deemed to interfere with or supersede any regulation for the inspection and control of combustible materials in any city of this state made and established in pursuance of special or local laws or the charter of said city.

Sec. 7. All acts or parts of acts inconsistent with this act are hereby repealed.

Sec. 8. This act shall take effect sixty days after its passage.

CHAPTER 296.

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

Passed June 5, 1882; 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 eighty-two, on each dollar of real and personal property in 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 for 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 eighty-two, ninety-three one-hundredths of a mill. For the free school fund, for the maintenance of common schools, one mill and one-tenth of one mill.

CHAPTER 301.

AN ACT to repeal certain acts and parts of acts therein named so far as the same relate to or apply to or within the city and county of New York.

Passed June 6, 1882; 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 chapter five hundred and thirty-seven of the laws of eighteen hundred and eighty-one, entitled "An act to repeal certain acts and parts of acts therein named so far as the same relate to or apply to or within the city and county of New York," as repeals all of chapter two hundred and fifty-nine of the laws of eighteen hundred and seventy-five, entitled, "An act to increase the efficiency of the court of general sessions of the peace in the city and county of New York," except section four is hereby repealed, and except as herein provided, said last-named act is left and will continue in full force and effect any thing in said first-mentioned act to the contrary notwithstanding.

Sec. 2. Section four of chapter two hundred and fifty-nine of the laws of eighteen hundred and seventy-five, entitled "An act to increase the efficiency of the court of general sessions of the peace in the city and county of New York," is hereby repealed.

Sec. 3. This act shall take effect on July first, eighteen hundred and eighty-two.

CHAPTER 303.

AN ACT in relation to summary proceedings to remove monthly tenants in the city of New York for holding over.

Passed June 6, 1882; three-fifths being present.

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

Section 1. No monthly tenant shall hereafter be removed from any land or tenements* in the city of New York on the grounds of holding over his term (except when the same expires on the first day of May), unless at least five days before the expiration of the term the landlord or his agent serves upon the tenant, in the same manner in which a summons in summary proceedings is now allowed to be served by law, a notice in writing to the effect that the landlord elects to terminate the tenancy, and that, unless the tenant removes from said premises on the day on which his term expires, the landlord will commence summary proceedings under the statute to remove such tenant therefrom.

CHAPTER 306.

AN ACT to amend chapter two hundred and sixty-four of the laws of eighteen hundred and seventy-eight, entitled "An act to authorize corporations organized under the laws of this state to reduce their capital stock."

Passed June 6, 1882.

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

Section 1. Section three of chapter two hundred and sixty-four of the laws of eighteen hundred and seventy-eight, entitled "An act to authorize corporations organized under the laws of this state to reduce their capital stock," is hereby amended so as to read as follows:

§ 3. If at the time and place specified in the notice provided for in the preceding section of this act, the stockholders shall appear in person or by proxy, in numbers representing not less than two-thirds of all the shares of stock of the corporation, they shall organize by choosing one of the trustees chairman of the meeting, and also a suitable person for secretary, and proceed to a vote of those present in person or by proxy; and if, in canvassing the votes, it shall be found that a sufficient number of votes has been given in favor of diminishing the amount of capital, a certificate of the proceedings showing a compliance with the provisions of this act, the amount of capital actually paid in, the whole amount of debts and liabilities of the company, and the amount to which the capital stock shall be diminished shall be made, signed and verified by the chairman, and such certificate shall be acknowledged by the chairman, and filed in the office of the clerk of the county in which the business of the company shall be carried on, and a duplicate thereof in the office of the secretary of state, with the approval of the comptroller indorsed thereon, to the effect that the reduced capital is sufficient for the proper purposes of the company, and is in excess of all debts and liabilities of the company, exclusive of debts secured by trust mortgages, and that the actual market value of the stock of the company prior to the reduction of the capital was less than the par value of the same, and when so filed the capital stock of such corporation shall be reduced to the amount specified in such certificate and the amount of capital left in the possession of the company over and above the amount to which the capital shall be so reduced shall be returned to the stockholders pro rata at such times and in such manner as the trustees or directors shall determine.

Sec. 2. This act shall take effect immediately.

CHAPTER 308.

AN ACT to amend section eight of chapter three hundred and twenty-two of the laws of eighteen hundred and eighty, entitled "An act to establish a state board of health."

Passed June 6, 1882; three-fifths being present.

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

Section 1. Section eight of chapter three hundred and twenty-two of the laws of eighteen hundred and eighty, entitled "An act to establish a state board of health," is hereby amended so as to read as follows:

§ 8. At any time the governor of the state may require the state board of health to examine into nuisances affecting the security of life and health in any locality, and in such cases said board of health shall have all necessary powers to make such examinations, and it shall report the results thereof to the governor, within the limits of time prescribed for such examination and report. The report of such examination, when approved by the governor, shall be filed in the office of the secretary of state, and the governor may, in relation to things found and certified by the said board of health to be nuisances, declare them to be public nuisances, and order them to be changed, as he shall direct, or abated and removed. And such order shall be presumptive evidence of the existence of such nuisance, and all persons maintaining, or assisting to maintain, or aiding and abetting, in any manner, in the maintenance of such nuisance, after notice of such order, shall be guilty of a misdemeanor, punishable by fine not to exceed one thousand dollars, or imprisonment in

* So in original.

the county jail of the county in which such nuisance is maintained, not to exceed one year, or by both such fine and imprisonment. In such cases, when such order has been made, the governor may, by his further order in writing, certified under his official seal, require the district attorney, the sheriff, and the other officers of every such county to take all necessary measures to execute and to obey the order of the governor; and any act of any such county officers in the abatement of any such nuisance, so declared, which shall be reasonable or necessary for the execution of such purpose, shall be lawful and justifiable, and the order of the governor shall be their protection. The expense of the abatement of such nuisance shall be paid by the county in which such nuisance occurs, and such expense shall be a charge or a lien upon the lands maintaining such nuisance, and shall be a valid claim on behalf of said county against all persons maintaining the same, or assisting in the maintenance thereof; and the lien and claim thus created may be collected by action to recover against either or all of the persons liable to pay the same, and may also be enforced by action to enforce the lien upon the lands maintaining the nuisance, by a sale thereof, to satisfy the same.

Sec. 2. This act shall take effect immediately.

CHAPTER 309.

AN ACT to amend section one of chapter forty of the laws of eighteen hundred and forty-eight, entitled "An act to authorize the formation of corporations for manufacturing, mining, mechanical, chemical, agricultural, horticultural, medical or curative, mercantile or commercial purposes," as subsequently modified and amended.

Passed June 6, 1882; 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 forty of the laws of eighteen hundred and forty-eight, entitled "An act to authorize the formation of corporations for manufacturing, mining, mechanical, chemical, agricultural, horticultural, medical, curative, mercantile or commercial purposes," as heretofore amended and modified, is hereby amended so as to read as follows:

§ 1. At any time hereafter any three or more persons who may desire to form a company for the purpose of carrying on any kind of manufacturing, mining, mechanical or chemical business, or the business of printing, publishing or selling books, pamphlets or newspapers, or the business of making butter, cheese, concentrated or condensed milk, or any other products of the dairy, or the business of erecting buildings for church sheds or laundry purposes, and the carrying on of laundry business, or the business of slaughtering animals, or for the purpose of towing or propelling canal boats, vessels, rafts or floats on the canals and navigable rivers of the state of New York by animal or steam power, their operations not to be confined to the county in which their certificates shall be filed, or the supplying of hot water or hot air or steam for motive power, heating, cooking or other useful applications in the streets and public and private buildings of any city, village or town in this state, may make, sign and acknowledge before some officer competent to take the acknowledgment of deeds, and file in the office of the clerk of the county in which the business of the company shall be carried on, and a duplicate thereof in the office of the secretary of state, a certificate in writing in which shall be stated the corporate name of the said company and the objects for which the company shall be formed, the amount of the capital stock of said company, the time of its existence (not to exceed fifty years), the number of shares of which the said stock shall consist, the number of trustees and their names who shall manage the concerns of said company for the first year, and the name of the town and county in which the operations of said company are to be carried on.

Sec. 2. This act shall take effect immediately.

CHAPTER 324.

AN ACT relative to debts discharged in bankruptcy.

Passed June 8, 1882.

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

Section 1. That no subsequent or new promise hereafter made by any person duly discharged in bankruptcy to pay any debt so discharged in bankruptcy shall revive such debt against the person so discharged, unless such subsequent or new promise shall be contained in some writing signed by the person to be charged thereby.

Sec. 2. This act shall take effect immediately.

CHAPTER 326.

AN ACT in relation to drains, ditches and water channels constructed before the year eighteen hundred and seventy-two, for draining swamps, marshes, and other low lands.

Passed June 8, 1882; three-fifths being present.

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

Section 1. All drains, ditches, and water channels in this state for draining swamps, marshes and other low lands made, completed or constructed before the first day of January, eighteen hundred and seventy-two, under any general or special law, and which, since that time, have been under the undisputed supervision or been maintained or kept in repair by town or other officers having the general charge thereof under said laws, are hereby declared constructed and maintained for the public health and to be in all respects lawful drains, ditches and water channels; and in all proceedings relating to the same where express grants cannot be shown, the easements and rights of way therefor shall be deemed to have been legally and irrevocably dedicated and licensed to the public by the several owners of the lands upon which the same were and are located; and where any such officers shall have kept any such drains, ditches and channels in repair and the expense thereof shall not have been heretofore assessed and collected, the same shall be assessed and collected in the manner provided by the law under which said drains, ditches and channels were constructed.

Sec. 2. This act shall not apply to or affect any suit now pending in which the regularity or legality of any proceedings taken or rights acquired for the construction or completion of any drain, ditch or water channel herein mentioned are in issue or may be questioned by any party thereto.

Sec. 3. The counties of Kings, Richmond, Westchester, Rockland, Livingston, Otsego, Ulster, Cayuga, Orange, Tompkins, Warren, Herkimer, Delaware and Albany are hereby exempted from the provisions of this act.

CHAPTER 330.

AN ACT to amend chapter three hundred and eighty-nine of the laws of eighteen hundred and seventy-eight, entitled "An act to create a police pension fund for disabled and retired policemen in the city of New York," and to provide for the equalization of pensions.

Passed June 8, 1882; three-fifths being present.

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

Section 1. The act to create a police pension fund for disabled and retired policemen in the city of New York, passed June fourth, eighteen hundred and seventy-eight, being chapter three hundred and eighty-nine of the laws of eighteen hundred and seventy-eight, is hereby amended so as to read as follows:

1. The police commissioners of the city of New York are hereby constituted a board of trustees of the police pension fund created and provided for by this act. They shall organize as such board by choosing one of their number chairman and by appointing a secretary. The treasurer of the board of police shall be treasurer of such 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 the said board shall deem most beneficial to said fund, and the said board is hereby authorized and empowered to make all necessary contracts and take all necessary and proper actions and proceedings in the premises, and to make payments from time to time from said fund of pensions granted in pursuance of this act, and, also, of pensions now charged on or made payable from 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, and of any pension fund heretofore created or existing. The said board of trustees may, and it is hereby authorized and empowered from time to time, to establish such rules and regulations for the disposition, investment, preservation and administration of the police pension

fund, as it 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 board of trustees from said fund 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 now existing, and all moneys, bonds, investments, securities, revenues and incomes thereof, or belonging thereto, in whose hands soever, or wherever the same may be, shall be paid over and delivered on demand to the said board of trustees of the said police pension fund hereby provided for.

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

1. The capital, interest, income, dividends, cash deposits, securities and credits derived from the said police life insurance fund and the police pension fund.

2. All fines imposed by the board of police, from time to time, upon or against any member or members of the police force.

3. All awards, 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.

4. All lost, unclaimed or stolen money remaining in the possession of the property clerk of the police department 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, abandoned, lost or stolen property.

5. A sum of money not exceeding four dollars per month for each member of the police force, to be paid monthly by the treasurer of the board of police to the treasurer of the board of trustees of the police pension fund for moneys deducted or withheld from the pay of members of said police force on account of lost time.

Sec. 4. The board of police shall have power, in its discretion, by the unanimous vote of a full board, to retire and dismiss from membership in the said police department or force, and thereupon grant pensions, as hereinafter provided, to any member of the police department or force of said city who shall have become disabled, physically or mentally, or superannuated by age so as to be unfit for police duty, and by a majority vote of the board, to widows and orphans of such members to be paid from the police pension fund by the board of trustees thereof, as follows:

1. To the widow of any member of the police department or force who shall have been killed while in the actual performance of 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 or force of the city of New York, a sum of three hundred dollars per annum.

2. To any child or children under eighteen years of age of such member 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, a sum not exceeding three hundred dollars per annum.

3. To any such member of the police department or force, who whilst in the actual performance of 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 unfit to perform police duty, a sum not to exceed three hundred dollars per annum.

4. To any such member of the said police department or force who shall after ten years' and less than twenty years' membership become superannuated by age, or disabled physically or mentally so as to be unfitted or unable to perform police duty by reason of such disability or disease contracted without misconduct on his part, a sum not less than three hundred dollars nor exceeding six hundred dollars per annum.

5. To any such member of the police department or force who has or shall have become permanently insane or mentally incapacitated from performing police duty, a sum not less than three hundred dollars, nor more than five hundred dollars; such pension to be paid to the person or committee legally authorized to collect and receive the same for and on behalf of the person so pensioned.

Sec. 5. Any member of the police department who has, or shall have, performed duty therein for a period of twenty years, or upwards, upon his own application in writing, or upon a certificate of the board of surgeons, showing that such member is permanently disabled, physically or mentally, so as to be unfit for duty, shall, by resolution, be retired and dismissed from said department, force and service, and placed on the roll of the police pension fund, and awarded and granted to be paid from said pension fund an annual pension during his life-time of a sum of not less than one-half of the full salary or compensation of such member so retired; provided, however, that no pension granted under the provisions of this section shall exceed the sum of one thousand dollars per annum, except that the said board of trustees, may, in their discretion, award and grant pensions to the superintendent of not exceeding fifteen hundred dollars, and to each inspector not exceeding twelve hundred dollars per annum. Pensions granted under this section shall be for the natural life of the pensioner, and shall not be revoked, repealed or diminished. In case any member shall have voluntarily left the police department and entered into the United States service and served in the war of the rebellion in the army and navy, and received an honorable discharge, and afterward shall have been reinstated in the police department, the time of his service in the army or navy shall be considered as continuous service in the police department.

Sec. 6. Pensions to widows shall terminate when the widow shall re-marry, and pensions to children shall terminate whenever the children shall respectively marry or 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, or be diminished, except those pensions granted in pursuance of 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 so to cease or be diminished, and nothing herein, or in any other act contained, shall render the granting of any pension obligatory on the board of police, or chargeable as a matter of right upon said police pension fund, except as provided in this act. All existing pensions lawfully granted, payable out of the police life insurance fund, or the police pension fund, and not lawfully revoked are continued and shall be paid out of the police pension fund in pursuance of the limitations and provisions of this act; and the said board may, in its discretion, by unanimous vote increase, equalize and equitably adjust, but not diminish any such existing pension or pensions so as to conform as near as may be to the provisions, restrictions and limitations of this act; provided, however, that no such increase, equalization or adjustment shall be granted or made unless applied for within sixty days after the passage of this act.

Sec. 7. Pensions may, in the discretion of the said board of trustees, be continued and paid to the widows, or if none, to the child or children whilst under the age of eighteen years, of any member of the police force to whom pensions shall have been granted, under the provisions of section five, or under subdivisions three and four of section four of this act; provided, however, that such pensions to such widows or children, as the case may be, shall in no instance exceed five hundred dollars per annum, and the same may, in the discretion of said board, be from time to time and at any time diminished, modified or revoked.

Sec. 8. In determining the terms of service of any member of the police department, service in the late municipal and metropolitan police force, and subsequently in the police department of the city of New York, shall be counted and held to be service in the police department of the city of New York for all the purposes of this act.

Sec. 9. No member of the police force shall be granted, awarded or paid a pension on account of physical or mental disability or disease, unless a 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 such member shall be filed in the department.

Sec. 10. The moneys, securities and effects of the police pension fund, and all pensions granted and payable from said fund shall be and are exempt from execution and from all process and proceedings to enjoin and recover the same by or on behalf of any creditor or persons having or asserting any claim against, or debt or liability of any pensioner of said fund.

Sec. 11. The said board of police is hereby authorized and empowered to make and adopt all such rules, orders and regulations as are or may be necessary to carry out and enforce the provisions of this act.

Sec. 12. Every person who knowingly or willfully in anywise procures the making or presentation of any false or fraudulent affidavit or affirmation concerning any claim for pension or payment thereof, shall in every such case forfeit a sum not exceeding two hundred and fifty dollars, to be sued for and recovered by and in the name of the said board of police, and when recovered, paid over to and thereupon become a part of the said police pension fund.

Sec. 13. Any person who shall willfully swear falsely in any oath or affirmation in obtaining or procuring any pension or payment thereof, under the provisions of this act, shall be guilty of perjury.

Sec. 14. This act shall take effect immediately.

CHAPTER 331.

AN ACT to amend sections three and four of chapter five hundred and thirty-seven of the laws of eighteen hundred and eighty, entitled "An act in relation to receivers of insolvent corporations."

Passed June 8, 1882; three-fifths being present.

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

Section 1. Section three of chapter five hundred and thirty-seven of the laws of eighteen hundred and eighty, entitled "An act in relation to receivers of insolvent corporations," is hereby amended to read as follows:

§ 3. The attorney-general may, at any time he deems that the interests of the stockholders, creditors, policy-holders, depositors or other beneficiaries interested in the proper and speedy distribution of the assets of any insolvent corporation will be subserved thereby, make a motion in the supreme court at a special term thereof, in any judicial district, for an order removing the receiver of any insolvent corporation and appointing a receiver thereof in his stead, or to compel him to account, or for such other or additional order or orders as to him may seem proper to facilitate the closing up of the affairs of such receivership, and any appeal from any order made upon any motion under this section shall be to the general term of said court of the department in which such motion is made.

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

§ 4. A copy of all notices of motion and of all motion papers, and a copy of any other application to the court, together with a copy of the order or judgment to be proposed thereon to the court, in every action or proceeding now pending for the dissolution of a corporation or a distribution of its assets, or which shall hereafter be commenced for such purpose, shall in all cases be served on the attorney-general, in the same manner as provided by law for the service of papers on attorneys who have appeared in actions, whether the applications but for this law would be ex parte or upon notice, and no order or judgment granted shall vary in any material respect from the relief specified in such copy, order or judgment, unless the attorney-general shall appear on the return day and have been heard in relation thereto; and any order or judgment granted in any action or proceeding aforesaid without such service of such papers upon the attorney-general, shall be void, and no receiver of any such corporation shall pay to any person any money directed to be paid by any order or judgment made in any such action or proceeding, until the expiration of eight days after a certified copy of such order or judgment shall have been served as aforesaid upon the attorney-general.

Sec. 3. The provisions of this act shall only apply to actions and special proceedings heretofore instituted by the attorney-general, and to such as shall hereafter be instituted by him for the purposes aforesaid.

Sec. 4. This act shall take effect immediately.

CHAPTER 340.

AN ACT relating to the proof of age of children.

Passed June 8, 1882; three-fifths being present.

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

Section 1. Whenever in any proceeding or trial it becomes necessary to determine the age of a child, such child may be produced and exhibited to enable the magistrate, court or jury to determine its age by a personal inspection; and such court or magistrate may direct an examination by one or more physicians, whose opinion shall also be competent evidence upon the question of such age.

Sec. 2. This act shall take effect immediately.

CHAPTER 343.

AN ACT to provide for submitting a proposed amendment to the constitution to the electors of the state increasing number of justices of supreme court.

Passed June 10, 1882; three-fifths being present.

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

Section 1. The inspectors of each poll in the several towns and wards in this state, at the general election to be held in the state on the seventh day of November, one thousand eight hundred and eighty-two, shall provide a box to receive the ballots of the citizens of the state in relation to the amendment proposed to the constitution by concurrent resolutions of the legislature, passed in eighteen hundred and eighty-one and eighteen hundred and eighty-two, and each voter may present a ballot on which shall be written or printed, or partly written and partly printed, in the form following, namely: "For the proposed amendment to the sixth article of the constitution," or a ballot on which shall be written or printed, or partly written and partly printed, in the form following, namely: "Against the proposed amendment to the sixth article of the constitution." The said ballot shall be indorsed "constitutional amendment"—"judiciary." And all the electors in the state entitled to vote for members of the legislature in their respective districts shall be entitled to vote on the adoption of said proposed amendment during the day of election in the several election districts in which they reside.

Sec. 2. After finally closing the polls of such election, the inspectors thereof shall count and canvass the ballots given relative to the said proposed amendment in the same manner as they are required by law to canvass the ballots given for governor, and thereupon shall set down in writing the whole number of votes given for said proposed amendment in the words in which said amendment is hereinbefore given, and the whole number of votes given against the said proposed amendment in the words in which said amendment is hereinbefore given, shall certify and subscribe the same, and cause copies thereof to be made and certified and delivered as prescribed by law in respect to the canvass of votes given at an election for governor.

Sec. 3. The votes so given shall be canvassed by the board or county canvassers, and statements thereof shall be made, certified and signed and recorded in the manner required by law in respect to the canvassing of votes given at an election for governor, and certified copies of the statements and certificates of the county canvassers shall be made, certified and transmitted by the county clerks, respectively, in the manner provided by law in respect to the election of governor. The said certified copies transmitted by the county clerks shall be canvassed by the board of state canvassers in the like manner as provided by law in respect to the election of governor, and in like manner they shall make and file a certificate of the result of such canvass, which shall be entered of record by the secretary of state, and shall be published by him in the state paper and in the papers designated by the several boards of supervisors to publish the session laws, or which may be designated by said board to publish the said certificate.

Sec. 4. It shall be the duty of the secretary of state to cause the said proposed amendment to the constitution, together with the form of the ballot as herein specified, to be published in the manner provided for the publication of the certificates of the result of canvass by section three thereof, at least twice prior to such election, but no neglect or failure to publish shall impair the validity of such election.

Sec. 5. This act shall take effect immediately.

CHAPTER 350.

AN ACT to authorize the comptroller of the city of New York to examine the claim of Lyman Tiffany and to audit and pay the amount that may be justly due.

Passed June 15, 1882; 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 to examine the claim of Lyman Tiffany for the amount of money which was advanced by him to the department of public parks of the city of New York, for the surveying, laying out, monumenting and mapping of that portion of the twenty-third ward of the city of New York known as the "Fox estate," and whatever amount may be justly due to the said Lyman Tiffany, he is authorized to audit and pay to him out of the city treasury.

Sec. 2. This act shall take effect immediately.

CHAPTER 353.

AN ACT to create a board of railroad commissioners, and to define and regulate its powers and duties.

Passed June 16, 1882; 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 in and for the state of New York a board of railroad commissioners to consist of three competent persons, who shall be appointed by the governor, by and with the advice and consent of the senate, one of whom shall hold office three years, one four years, and one five years. Such appointments shall be made within ten days after the third day of January, eighteen hundred and eighty-three. One of said persons shall be selected from the party which shall cast at the next general election the greatest number of votes for governor of the state, and one of said persons shall be selected from the party which shall cast at the next

* So in original.

general election the next greatest number of votes for governor of the state, one of whom shall be experienced in railroad business, and one of said persons shall be selected upon the recommendation of the presidents and executive committees, or a majority of such of the Chamber of Commerce of the state of New York, the New York Board of Trade and Transportation and the National Anti-Monopoly League of New York, as said organization now exists, or any two of such organizations so represented, in case of disagreement. And after such appointment first made, the governor, by and with the advice and consent of the senate, shall in each year that a vacancy occurs, fill the same by appointment for the term of five years. If any vacancy happens by resignation or otherwise, he shall in the same manner appoint a commissioner for the residue of the term. Any commissioner may be suspended from office by the governor upon written charges preferred. The governor shall report the fact of such suspension and the reasons therefor at the beginning of the next ensuing session of the senate, and if a majority of such senate shall approve the action of the governor, such commissioner shall be removed from office and his term of office shall expire. If the senate shall not be in session at the time any such vacancy shall occur or exist, the governor shall appoint a commissioner to fill the vacancy, subject to approval of the senate when convened. Said board shall have a clerk or secretary who shall be appointed by the board to serve during their pleasure, and whose duty shall be to keep a full and faithful record of the proceedings of said board, and file and preserve at the general office of said board all books, maps, documents and papers intrusted to his care, and prepare for service such papers and notices as may be required of him by the commissioners, and perform such other duties as the board may prescribe; and he shall have power, under direction of the board, to issue subpoenas for witnesses, and to administer oaths in all cases pertaining to the duties of his office. Such board shall also appoint a marshal, whose duty it shall be to attend at the offices, and at the meetings and examinations of said board as required, and to serve notices and other papers, and perform such other duties as the board shall prescribe. Said commissioners and clerk shall take and subscribe the constitutional oath of office, and be sworn to the due and faithful performance of the duties of their respective offices, before entering upon the discharge of the same; and no person in the employ of, or holding any official relation to, any railroad corporation, or owning stock or bonds in any railroad corporation, or who is in any manner pecuniarily interested in any firm or corporation having business relations with any railroad corporation, shall hold either of said offices, nor shall either of said commissioners be engaged in any other business vocations.

Sec. 2. The principal office of said board shall be at the city of Albany, in rooms to be designated by the capital commissioners, but the said board may also establish a branch office at the city of New York, and one at the city of Buffalo, if in their judgment such branch offices, or either of them, will be necessary for the proper and convenient transaction of the business and duties of said board; and said board or a quorum thereof shall meet at least once a month during the year at their office in the city of Albany, and a record of their proceedings shall be published in their annual report to the legislature. Said offices shall be supplied with necessary postage, stationery, office furniture and appliances, the expense thereof to be paid as other expenses authorized by this act.

Sec. 3. Any two of said commissioners shall constitute a quorum for the transaction of any of the business or duties of said board, and may hold meetings thereof at any time or place within the state. All examinations or investigations hereinafter provided for may be held and taken by and before any one of said commissioners, if so ordered and directed by the board; but the proceedings and decisions of said single commissioner therein shall not be deemed final and conclusive until approved and confirmed by the board.

Sec. 4. Said board of commissioners shall have power to administer oaths in all matters relating to their duties, and shall have the general supervision of all railroads and railways (so far as necessary to enable them to perform the duties and exercise the power imposed and conferred by law) and shall examine the same, and keep themselves informed as to their condition, and the manner in which they are operated, with reference to the security and accommodation of the public and the compliance of the several corporations with the provisions of their charters and the law of the state; it shall also be the duty of said board of railroad commissioners to investigate the causes of any accident on a railroad, resulting in loss of life or injury to person or persons which, in their judgment, shall require investigation, and the result of such investigation shall also be reported upon in the annual report of the commissioners to the legislature; and it is hereby made the duty of the general superintendent or manager of each railroad in this state to inform the said board of any such accident immediately after its occurrence. Before proceeding to make any such examination or investigation of the condition or operation of any railroad in this state or any accident thereon, in accordance with this act, said board shall give reasonable notice to the corporation, person or persons conducting and managing the same of the time and place of entering upon said examination. And such board of railroad commissioners shall have power, for the purposes provided for in this act, to examine the books and affairs of any railroad company or corporation, or to compel the production of copies of books and papers, subpoena witnesses, administer oaths to them, and compel their attendance and examination, as though such subpoena had issued from a court of record in this state. The fees of witnesses before such railroad commissioners shall be two dollars for each day's attendance and five cents per mile traveled by the nearest practicable route in going to and returning from the place where the attendance of the witness is required. All subpoenas shall be signed by the secretary of the commission, and may be served by any person of full age authorized by the commission to serve the same. Fees of witnesses shall be audited and paid by the comptroller on the certificate of the secretary of the commission, which shall state the number of days which each witness attended, and the number of miles traveled. Whenever any such examination of the affairs of any railroad corporation shall take place in which such board will require the examination of the books and affairs of such company or corporation, or the subpoenaing of witnesses, who are in the employ of such company or corporation, the board or a commissioner thereof shall sit for such purpose in the city or town of this state where the principal business office of such railway corporation may be situated. The board of commissioners, however, shall have the power to require copies of books and papers, or abstracts thereof, as provided for in this section, to be sent to them to any part of this state. And the provisions of this act shall apply to all railroads and railways, and the corporations, receivers, trustees, directors, or others owning, or operating the same; and also to all sleeping and drawing room car companies or corporations, and to all other associations, partnerships, companies or corporations engaged in transporting passengers or freight upon any railway as lessees or otherwise.

Sec. 5. Whenever, in the judgment of the board of railroad commissioners, it shall appear that any such corporation has violated any constitutional provision or law, or neglects in any respect or particular to comply with the terms of the act by which it was created, or unjustly discriminates in its charges for services, or usurps any authority not by its act of incorporation granted, or refuses to comply with the provisions of any of the laws of the state, or with any recommendation of said board of commissioners, they shall give notice thereof in writing to such corporation, and if the violation or neglect is continued after such notice, the board may forthwith present the fact to the attorney-general, who shall take such proceedings thereon, as may be necessary for the protection of public interests.

Sec. 6. Whenever in the judgment of the said board of railroad commissioners, after a careful personal examination of the same, it shall appear that repairs are necessary upon any railroad within this state, or that any addition to the rolling stock, or any addition to or change of the stations or station houses, or that additional terminal facilities shall be afforded, or that any change in the rates or fare for transporting freight or passengers, or that any change in the mode of operating the road and conducting its business is reasonable and expedient in order to promote the security, convenience and accommodation of the public, the said board shall give notice and information in writing to the corporation of the improvements and changes which they deem to be proper, and shall give such corporation an opportunity for a full hearing thereon; and if the corporation refuses or neglects to make such repairs, improvements and changes, within a reasonable time after such information and hearing, and shall not satisfy said board that no action is required to be taken by it, the said board shall present the facts in the case to the attorney-general for his consideration and action; and shall also report the same facts in a special report or in the annual report of said board to the legislature.

Sec. 7. Every railroad corporation shall at all times, on request, furnish the said board of railroad commissioners any necessary information required by them concerning the condition, management and operation of its railroad, and particularly with the rates of fare for transporting freight and passengers upon its road and other roads with which its business is connected, and such railroad corporation shall also at all times on request furnish to such board of railroad commissioners copies of all contracts and agreements, leases or other engagements by such corporation entered into with any person or persons, corporation or corporations. But said commissioners shall not be required to give publicity to such information, contracts, agreements, leases or other engagements, if in their judgment the public interests do not require it or the welfare and prosperity of railway corporations of this state might be thereby otherwise injuriously affected. Every officer, agent or employee of any railroad company, who shall, upon due notice, neglect or refuse to make or furnish any statement or report required by said commissioners in their judgment necessary to the purposes of this act, or who shall willfully hinder, delay or obstruct the said commissioners in the discharge of the duties imposed by this act, shall be guilty of a misdemeanor.

Sec. 8. No personal examination, request or advice of the said board of railroad commissioners, nor any investigation or report made by the same shall have the effect to impair, in any manner or degree, the legal rights, duties or obligations of any railroad corporation or its legal liability for the consequence of its acts, or of the neglect or mismanagement of any of its agents or servants.

Sec. 9. The said board of railroad commissioners shall make an annual report to the legislature of their doings, including such statements, facts and explanations as will disclose the actual working of the system of railroad transportation in its bearing upon the business and prosperity of the state, and such suggestions as to the general railroad policy of the state, or the amendment of its laws, or as to the condition, affairs or conduct of any of the railroad corporations as may seem to them appropriate. And the said board of railway commissioners shall be charged with the duty to recommend and draft for the legislature such bills as will, in their judgment, protect the people's interest in and upon the railways of this state. And it shall likewise be the duty of such commissioners to take testimony upon, and have hearing for and against, any proposed change of the law

relating to any railway or railways, or proposed change of the general law in relation to railways, if requested to do so by the legislature or by the committee on railroads of the senate or assembly or by the governor, or by any railroad company, or by any incorporated organization representing agricultural or commercial interests in the state, and such commissioners shall thereupon report their conclusions, in writing, to the legislature or to such legislative committee, governor, company, or such organization from whom the request to act emanated.

Sec. 10. The said board of railroad commissioners shall have power to prescribe the form of the report required to be made by railroad corporations, under section thirty-one of chapter one hundred and forty of the laws of eighteen hundred and fifty, entitled "An act to authorize the formation of railroad corporations, and to regulate the same," and may from time to time make such changes and additions in such form, giving to the corporation six months' notice, before the expiration of any fiscal year, of any such changes and additions which would require any alteration in the method or form of keeping their accounts, and the report by said "Act to authorize the formation of railroad corporations, and to regulate the same," of eighteen hundred and fifty, required to be made to the state engineer and surveyor, shall hereafter be made to such board of railroad commissioners. Until such board of railroad commissioners, however, shall change or alter the form of the report, the form now prescribed by law shall be followed by the said railroad corporations. And the said board of railroad commissioners shall, on or before the fifteenth day of September in each year, furnish a blank form of such returns. When the return received from any corporation is defective, or believed to be erroneous, the board shall notify the corporation to amend the same within thirty days. The said board shall prepare such tables and abstracts of all the returns as they shall deem expedient, and which shall be contained in their annual report, and their annual report shall be transmitted to the legislature on or before the second Monday in January, each year, and which annual report shall, among other things, contain an abstract of the proceedings of the board during the preceding year; and also drafts of bills which have been submitted by the board to the legislature, and the reason therefor, and such suggestions as to the workings of the laws of the state, on the subject of railways and transportation, as to the said board may seem proper and expedient. The originals of the returns as amended, subscribed and sworn to, as now provided by law, or as hereafter to be provided by the said board of railway commissioners, shall be preserved in the office of the board.

Sec. 11. There shall be printed, in addition to the regular number prescribed by law, as a public document of the state, five hundred copies, to be bound in cloth, of the annual report of railroad commissioners, with the returns of the corporations, for the use of the said commissioners, and to be distributed by them to such railroad corporations and other bodies of persons interested therein, in the discretion of the said commissioners.

Sec. 12. The annual salary of each commissioner shall be eight thousand dollars, and of the chief clerk or secretary, three thousand dollars, and of the marshal, fifteen hundred dollars, payable quarterly from the treasury of the state. The said board shall also have power to employ such additional clerical force, not exceeding in number three persons, however, at salaries not to exceed in the aggregate the sum of three thousand dollars per annum, as they may find necessary for the purpose of preparing the reports required by this act, and such other clerical duties as may be required of them by said board. And such board of railroad commissioners may have the power to employ engineers, accountants, and other experts, whose services they may deem to be of temporary importance in the conducting of any investigation herein provided. In the discharge of the duties of their office they shall be transported over the several railroads in the state free of charge upon passes signed by the secretary of state; they may employ and take with them experts or other agents whose services they may deem to be temporarily of importance, and who shall also be transported, while on such duty, free of charge upon passes signed by the secretary of state; and they shall have procured for them by the state the necessary books, maps, and statistics incidentally necessary for the discharge of the duties of their office; and they shall also have reimbursed to them quarterly the expenses and disbursements they may have incurred in traveling, and for the necessary travel expenses and disbursements of their clerks, marshal, and of experts; which expenses, however, shall not exceed in the aggregate five hundred dollars a month; and a statement of such expenditures in detail shall accompany the annual report. The salaries and expenses authorized by this act shall be audited and allowed by the comptroller and paid in the first place by the state treasurer upon the order of the comptroller, out of any unappropriated funds from time to time remaining in the treasury. The sum of fifty thousand dollars, or so much thereof as may be necessary is hereby appropriated to carry out the provisions of this act.

Sec. 13. The annual total expense of the said board of railroad commissioners, including salaries for commissioners, clerks and marshal, and additional clerical force, printing of additional copies of report, as provided by section eleven of this act, and all other expenses incident to said board, excepting only rent of office, shall not exceed the sum of fifty thousand dollars; and such expenses shall be borne by the several corporations owning or operating railroads according to their means, to be apportioned by the comptroller and state assessors, who, on or before the first day of July in each year, shall assess upon each of said corporations its just proportion of said expenses, one-half in proportion to its net income for the year next preceding that in which the assessment is made, and one-half in proportion to the length of main track or tracks on road, and such assessment shall be collected in the manner provided by law for the collection of taxes upon corporations.

Sec. 14. Said railroad commissioners, and either of them, shall have the right in their or his official capacity to enter and remain during business hours in the cars, offices and depots, and upon the railroads of any railroad company within this state, in the performance of official duties; but said railroad commissioners shall not, directly or indirectly, solicit or request from, or recommend to, any railroad corporation, or any officer, attorney or agent thereof, the appointment of any person or persons to any place or position, nor shall any railroad corporation, its attorney or agent, offer any place, appointment or position or other consideration to such commissioners, or either of them, nor to any clerk or employee of said commissioners whatever; neither shall said commissioners nor their secretary, clerks, agents, employees or experts accept, receive or request any pass, present, gift or gratuity of any kind from any railroad corporation; and the request or acceptance by them, or either of them, of any such place or position, pass, presents, gifts or other gratuity shall work a forfeiture of the office of the said commissioner or commissioners, secretary, clerk or clerks, agent or agents, employee or employees, expert or experts, who shall be guilty thereof; and any violation of this section, or of any part thereof, shall also be deemed a misdemeanor, and punishable as such. And any commissioner who shall secretly reveal any information gained by him from one railroad company to any other railroad company or person, shall be guilty of a misdemeanor.

Sec. 15. All acts and parts of acts inconsistent with the foregoing provisions are hereby repealed.

Sec. 16. This act shall take effect immediately.

CHAPTER 366.

An Act to punish false swearing at political caucuses and assemblies.

Passed June 29, 1882; 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 be lawful for the presiding officer or any of the presiding officers of any caucus or assembly held for the purpose, in whole or in part, of selecting a candidate or candidates for office, or a delegate or delegates to a political convention or assembly, to administer to any person offering to vote, by ballot or otherwise, at such caucus or assembly, who shall have been challenged, an oath or affirmation, as follows: "You do swear (or affirm, as the case may be) that you will true answers make to such questions as shall be put to you by the presiding officer, or either of the presiding officers of this caucus or assembly, touching your name and residence and your qualifications as a voter in this district, and whether you have before voted at this caucus or assembly." And it shall be the duty of the presiding officer or officers at such caucus or assembly to keep a correct record of the interrogatories propounded by said presiding officer or officers, to any person who shall have been duly sworn, as provided in this act, and also a correct record of the answers to all such interrogatories, which records shall be forthwith deposited by him or them with the clerk of the county.

Sec. 2. In case the person so swearing shall intentionally make false answer to any question so put to him by the presiding officers, or either of the presiding officers of such caucus or assembly, he shall, upon conviction, be adjudged guilty of perjury, and shall be punished by imprisonment in the state's prison for a term not less than one year, nor more than three years.

Sec. 3. This act shall take effect immediately.

CHAPTER 367.

An Act to restrict the formation of corporations under chapter three hundred and nineteen of the laws of eighteen hundred and forty-eight, entitled "An act to provide for the incorporation of benevolent, charitable, scientific and missionary societies," and the acts amendatory thereof, and to legalize the incorporation of certain societies organized thereunder, and to regulate the same.

Passed June 29, 1882.

The People of the State of New York, represented in Senate and Assembly, do enact as follows: Section 1. Hereafter no literary or scientific college or university shall be incorporated under the provisions of chapter three hundred and nineteen of the laws of eighteen hundred and forty-eight, entitled "An act to provide for the incorporation of benevolent, charitable, scientific and missionary societies," and the acts amendatory thereof, without the approval of the regents of the university of the state of New York, to be indorsed upon and filed with the certificate of incorporation, and the said regents as a condition of such approval may impose such conditions as in their judgment they may deem advisable, which shall not conflict with said acts.

Sec. 2. All scientific and all literary colleges and universities, organized under said acts, which shall have reported to the said regents within the two years last past are hereby declared legally incorporated, and all degrees heretofore and hereafter conferred by them are declared valid; and all such colleges and universities shall be subject to the same duties, obligations and liabilities and to the same control and visitation of said regents as colleges and universities chartered by said regents.

Sec. 3. All acts and parts of acts inconsistent herewith are hereby repealed.

Sec. 4. This act shall take effect immediately.

CHAPTER 368.

AN ACT to provide the means to complete the construction of the New York and Brooklyn bridge, and open it for public use.

Passed June 29, 1882; three-fifths being present.

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

Section 1. For the purpose of completing the bridge between the cities of New York and Brooklyn, and its approaches, constructing railway tracks, together with platforms, waiting rooms, ticket offices, and so forth, at the termini; and purchasing rolling stock, all necessary machinery and apparatus, for safe and convenient passenger transit over the bridge, constructing and fitting up warehouses under the arches of the approach in the city of New York, and the purchase of land at the terminus of the bridge in the said city, the city of New York shall pay to the trustees of the said bridge the sum of four hundred and sixteen thousand six hundred and sixty-six dollars and sixty-six cents; and the city of Brooklyn shall pay to the said trustees the sum of eight hundred and thirty-three thousand three hundred and thirty-three dollars and thirty-four cents, or so much of the said sums, respectively, in those relative proportions, that is to say, one-third of the whole amount herein authorized to be raised and expended for said purposes shall be paid by the city of New York, and two-thirds by the city of Brooklyn, as the said trustees shall, from time to time, require and call upon said cities to pay, by requisition of said trustees upon the mayor and comptroller of said cities, respectively, and it shall be the duty of the said comptrollers, respectively, and they are hereby authorized and directed to borrow, from time to time, as shall be necessary, upon the faith and credit, and in the name of the mayor, aldermen and commonalty of the city of New York, and in the name of the city of Brooklyn, respectively, the moneys required to pay to the said trustees the sums aforesaid; and to borrow and raise such sums of money, the bonds of said cities shall be issued:—the bonds of the said city of New York under and in conformity with existing provisions of law authorizing and regulating the issue of bonds of said city, and the bonds of the said city of Brooklyn shall be signed by the mayor and comptroller of said city for the money so to be borrowed by it as aforesaid, with interest at a rate not exceeding that allowed by law, payable half yearly, which bonds issued by the city of Brooklyn shall be redeemable at such time or times as the comptroller of said city shall deem proper and determine.

Sec. 2. This act shall take effect immediately.

CHAPTER 377.

AN ACT to expedite the improvement of the Harlem river and Spuyten Duyvil creek as authorized by chapter one hundred and forty-seven of the laws of eighteen hundred and seventy-six, and the acts amendatory thereof and supplementary thereto, passed May twentieth, eighteen hundred and seventy-nine, March seventeenth, eighteen hundred and eighty, and March twenty-eighth, eighteen hundred and eighty-one, and to facilitate the proceedings of the commissioners appointed under said act.

Passed June 29, 1882; three-fifths being present.

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

Section 1. In order to expedite the improvement of the Harlem river and Spuyten Duyvil creek, as authorized by chapter one hundred and forty-seven of the laws of eighteen hundred and seventy-six, and the acts amendatory thereof and supplementary thereto, passed May twentieth, eighteen hundred and seventy-nine, March seventeenth, eighteen hundred and eighty, and March twenty-eighth, eighteen hundred and eighty-one, and to facilitate the proceedings of the commissioners appointed under said acts, the comptroller of the city of New York, in anticipation and on the faith and security of the amounts to be paid in and collected as provided in sections six and seven of chapter sixty-five of the laws of eighteen hundred and eighty, as amended by chapter sixty-one of the laws of eighteen hundred and eighty-one, is hereby authorized and required to raise on the assessment bonds of the city of New York, in the manner now provided by law, a sum not exceeding fifty thousand dollars.

Sec. 2. So much of the proceeds of said bonds as shall be necessary to liquidate and cancel the expenses necessarily incurred and to be necessarily incurred by the commissioners appointed under the acts aforesaid (in eighteen hundred and seventy-nine) shall be paid over to said commissioners, the amounts to be first certified to, taxed and adjusted by the supreme court on presentation thereto of the proper vouchers which shall be filed, upon the entry of the order by the court.

Sec. 3. So much of section seven of chapter sixty-five of the laws of eighteen hundred and eighty, as amended by chapter sixty-one of the laws of eighteen hundred and eighty-one, as authorizes the comptroller of the city of New York to issue assessment bonds as therein provided is hereby repealed, but nothing in this act contained shall affect or modify in any other respect the aforesaid sections six and seven.

Sec. 4. So much of the proceeds of the said bonds herein authorized as shall not be required to liquidate the expenses provided for in section two of this act shall be applied at the times, in the manner and for the objects specified in section eight of chapter sixty-five of the laws of eighteen hundred and eighty, as amended by chapter sixty-one of the laws of eighteen hundred and eighty-one. Except that no further part thereof than is herein provided shall be applied to the liquidation of the costs, charges and disbursements of the proceedings taken by the commissioners under said acts.

Sec. 5. This act shall take effect immediately.

CHAPTER 378.

AN ACT in relation to the grades of streets and avenues in that part of the city of New York between Eighty-fourth and Ninety-sixth streets, and between the Boulevard and the Riverside Drive.

Passed June 29, 1882; 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, within six months from and after the passage of this act, to make such changes and alterations in the existing grades of the streets and avenues between the northerly side or line of Eighty-fourth street and the southerly line or side of Ninety-sixth street, and between the Boulevard and the Riverside Drive or avenue, as will secure more practicable grades of said streets and avenue between the Boulevard and the Riverside Drive or avenue.

Sec. 2. The said commissioner shall make three maps or plans, showing the changes and alterations of such grades which he shall make as aforesaid, one of which shall be filed in the department of public works of said city, one in the office of the register of the city and county of New York, and one in the office of the secretary of state of the state of New York, within the said period of six months, and from and after the filing thereof the said grades shall be the lawful grades of the said streets and avenues.

Sec. 3. This act shall take effect immediately.

CHAPTER 393.

AN ACT to amend chapter six hundred and six of the laws of eighteen hundred and seventy-five, entitled "An act further to provide for the construction and operation of a steam railway or railways in counties of the State."

Passed July 1, 1882.

The People of the State of New York, represented in Senate and Assembly, do enact as follows: Section 1. Section six of chapter six hundred and six of the laws of eighteen hundred and seventy-five, entitled "An act further to provide for the construction and operation of a steam railway or railways in counties of the state," is hereby amended so as to read as follows:

§ 6. The said commissioners shall, within the like period of ninety days after their organization, fix and determine the time within which such railway or railways, or portions of the same, shall be constructed and ready for operation, together with the maximum rates to be paid for transportation

and conveyance over such railway or railways, and the hours during which special cars or trains shall be run at reduced rates of fares. The said commissioners shall also, within the like period of ninety days after their organization, fix and determine the amount of the capital stock of the company to be formed for the purpose of constructing, maintaining or operating such railway or railways for public use in the conveyance of persons and property, the number of shares into which such capital stock shall be divided, and the percentage thereof to be paid in cash on subscribing for such shares. The said commissioners shall also, within one hundred and ten days after their organization, ascertain and determine the aggregate pecuniary damage arising from the diminution in value of the property bounded on that portion of such street or streets, highway or highways, upon which it is proposed to construct and operate such railway or railways, to be caused by the construction, maintenance and operation thereof. For the purpose of ascertaining such aggregate pecuniary damage the said commissioners shall view the several parcels of real estate bounded as aforesaid, and shall appraise separately the pecuniary damage arising from the diminution in value of each parcel thereof to be caused as aforesaid, and for the purposes of such appraisal they "shall give notice of the time and place, when and where they will meet to hear the owners, or persons interested in the said several parcels of real estate bounded as aforesaid, which notice shall be published for at least ten days consecutively, in at least two newspapers published in the county where such railway is to be constructed, and may in their discretion take testimony upon the probable diminution in value of any or all such parcels to be caused as aforesaid, and the aggregate sum of the amounts so appraised and determined by said commissioners shall be the aggregate pecuniary damage required to be ascertained and determined by said commissioners as above provided. And no corporation which shall hereafter be organized under this act shall enter upon any street, highway or lane of any city or county of this state, or become vested either directly or indirectly, whether by implication or otherwise, with any right, privilege or franchise in any street, highway or lane therein, until it shall first have deposited with some trust company, to be designated by the mayor of the city within which it is proposed to construct the railway, or by the board of supervisors when the road does not lie wholly within the city, a sum of money equal to the amount so ascertained and determined as aforesaid by said commissioners to be the aggregate pecuniary damage to the property, bounded as aforesaid, or shall have secured the payment of such amount by depositing with the said trust company negotiable securities, equivalent at their par and actual value to the aggregate amount aforesaid, and approved either by the county treasurer, or in case the said commissioners shall have been appointed by the mayor of a city, then by the said mayor. And the said corporation shall also at the same time deposit with the said trust company, or with the county treasurer, the sum of five thousand dollars in cash, for the payment of the expense of apportioning and distributing the aforesaid fund; and unless such moneys or securities as aforesaid shall be deposited by such corporation within one year after it shall have obtained the consent of the local authorities, and of the property-owners, or the confirmation by the general term of the supreme court of the determination of three commissioners, appointed by said court, as required by the fourth section of this act, and in the case of a company heretofore organized within one year after it shall have obtained the confirmation by the general term of the supreme court of the report of three commissioners appointed by said court, in lieu of the consent of property-owners or within one year after the commissioners appointed to ascertain and determine the aggregate pecuniary damages as provided in this act shall have made their report, then and in such case the said corporation shall be deemed not to have accepted the franchises duly granted.

Provided, however, that in all cases where the said commissioners shall fix and determine the different periods of time within which different sections of said railway shall be constructed and ready for operation, they shall ascertain, determine and report separately the aggregate pecuniary damage to property bounded upon that portion of said street or streets upon which each of such sections is located; and upon the deposit by said corporation as above provided of moneys or securities equivalent to the aggregate pecuniary damage to be sustained by any one of such sections of said railway, said corporation shall immediately be vested with the right and privilege to construct its railway through such section.

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

§ 7. The said commissioners shall prepare appropriate articles of association for the company, in the last section mentioned in which said articles of association shall be set forth and embodied as component parts thereof, the several conditions, requirements and particulars by said commissioners determined pursuant to sections four, five and six of this act, and which further shall provide for the release and forfeiture to the supervisors of the county of all rights and franchises acquired by such corporation in case such railway or railways shall not be completed within the time and upon the conditions therein provided; and the said commissioners shall thereupon and within one hundred and twenty days after their organization as aforesaid, cause a suitable book of subscription to the capital stock of such company to be opened, pursuant to due public notice at a banking office in such county.

Provided, however, that a failure by any corporation heretofore or hereafter organized under this act to complete its railway within the time limited in and by its articles of association, shall work a forfeiture of the franchises of such corporation only with respect to that portion of its route which such corporation shall have failed to complete, and shall not affect the rights and franchises of such corporation to construct and operate such part of its railway which it shall have completed within the term prescribed by its articles of association, or as to which the time for completion shall not have expired, any thing contained in the articles of association of such corporation to the contrary hereof in any wise notwithstanding.

Sec. 3. Section forty-two of the said act is hereby amended so as to read as follows:

§ 42. At any time, not less than two years nor more than three years after the completion and operation of said railway or railways, any owner of, or party having or claimed to have any estate or interest in any of the property bounded upon that portion of any street or highway upon which such railway shall have been constructed, may petition that the supreme court at any general term thereof, held in the judicial district in which such railway shall be located, for the appointment of commissioners to apportion among the persons entitled thereto, under the provisions of this act, the moneys deposited or secured for the payment of pecuniary damages under the sixth section thereof. Such petition shall be signed and verified according to the rules and practices of such court, and shall contain a description of the property of such petitioner, together with a statement in detail of damages which he may claim to have sustained. Upon the presentation of such petition, the court shall make an order for the service of the same, and of notice of the time and place of an application thereupon for the appointment of commissioners, by the publication of such petition and notice in not less than two newspapers published in the county in which the said railway is located, and not less than once a week for at least three months from the date of the first publication.

Sec. 4. The aforesaid act is hereby further amended by adding thereto the following: to be known as sections forty-three, forty-four, forty-five, forty-six, forty-seven, forty-eight, forty-nine, fifty and fifty-one.

§ 43. At the time and place named in the said notice so published as above provided, and after hearing all parties appearing pursuant to such notice, the said court shall make an order for the appointment of three disinterested and competent persons, who shall be residents and freeholders in the county in which said railway is located, as commissioners to apportion among the persons entitled thereto, under the provisions of this act, the amount deposited as required by the sixth section hereof.

§ 44. The said commissioners shall take and subscribe the oath prescribed by the twelfth article of the constitution. Any one of them may issue subpoenas and administer oaths to witnesses; any two of them may adjourn the proceedings before them from time to time in their discretion. Whenever they meet, except by the appointment of the court, or pursuant to adjournment, they shall cause notice of such meeting to be given to all parties who have appeared in the proceedings, in such manner as the court shall direct. They shall view the property bounded upon that portion of any street or highway upon which said railway is located, and hear the proofs and allegations of the persons owning, or having or claiming to have an interest therein, and of the railway company, and reduce the testimony, if any is taken by them, to writing; and after the testimony is closed, all being present and acting, shall ascertain and determine what amount of the money deposited or secured, as above provided, ought justly to be paid to each owner or person interested in said property, or any parcel thereof as compensation for any diminution in value thereof caused by the construction, maintenance and operation of said railway; and in determining such amounts respectively, they shall make allowances for any benefit which shall have accrued, or may thereafter accrue to such property, or any parcel thereof, by reason of the construction and operation of said railway. The sum of all the amounts so awarded shall not exceed the amount deposited or secured by said railway company as above provided. The said commissioners shall make a report to the supreme court, signed by them, or a majority of them, of the proceedings before them, with the minutes of the testimony taken by them, if any. Said commissioners shall be entitled to five dollars per day for each day they are engaged in the performance of their duties. The fees of said commissioners together with their reasonable expenses, approved by a justice of the supreme court, upon notice to the said railway company, shall be paid out of the money deposited with the county treasurer or trust company for such purpose as above provided in the sixth section hereof and any balance of said money so deposited for such purpose shall thereupon be paid over to said railway company. No costs shall be allowed in the proceedings before said commissioners.

§ 45. On such report being made by such commissioners, the petitioner, or any party who have appeared in the proceedings, may give notice to the other parties who have appeared according to the rules and practice of said court, at a special term thereof, for the confirmation of such report, and the court shall thereupon confirm, and shall make an order containing a recital of the substance of the proceedings, and shall also direct to whom the money is to be paid.

§ 46. Upon the expiration of thirty days after the entry of said order of confirmation, and upon the presentation of a certified copy thereof, the county treasurer or trust company shall pay the sums awarded by such order to the persons entitled thereto under the provisions of said order. Within twenty days after the entry of said order confirming the report of the commissioners and service thereof upon all parties who have appeared, any party may appeal, by notice and in writing served upon all who have appeared, and upon the county clerk and county treasurer, to the general term of the supreme court from the said order of confirmation; and service of such notice upon the county treasurer or trust company shall stay all payments by him or it until the further order of

the court. Such appeal shall be heard by the supreme court at any general term thereof, on notice thereof being given according to the rules and practice of said court. On the hearing of such appeal the court may affirm the order so appealed from, or may reverse the same and direct a new apportionment before the same or new commissioners, in its discretion; and in case a new apportionment shall be directed, the second report shall be final and conclusive upon all parties interested.

§ 47. In case any award shall have been made by said commissioners for diminution in value of any property, the owners of or persons interested in which shall not have appeared in said proceedings, the amount of such award shall be retained by the county treasurer or trust company, subject to such order as the court may afterwards make.

§ 48. In case the aggregate amount awarded to the several owners and persons interested shall be less than the amount deposited with the county treasurer or trust company as aforesaid, the excess of such amount shall be repaid to the corporation depositing the same, such repayment not to be made until thirty days after final confirmation of the report of the commissioners of apportionment.

§ 49. In case the said corporation shall have deposited with the county treasurer or trust company negotiable securities in lieu of moneys, as provided in the sixth section hereof, then upon the confirmation of the report of the commissioners of apportionment, the county treasurer or trust company shall notify said railway company to pay to him the aggregate amount awarded by said report, and upon its failure so to do shall sell the said securities, or such part thereof as may be necessary for the purpose of raising such amount.

§ 50. In case any of the securities which may be deposited in lieu of money as provided in the sixth section hereof, shall, in the opinion of the county treasurer or trust company with whom they may be deposited, fall below their actual value at the time of deposit, the said county treasurer or trust company shall call upon said railway company to substitute therefor other securities equivalent at their par and market value to the amount in lieu of which the securities for which they are to be substituted were deposited, and in case such other securities shall not be furnished the said county treasurer or trust company shall call upon said railroad company to furnish as a substitute, and said railroad company shall so furnish, an amount of money equal to the amount in lieu of which the securities first above referred to were deposited.

§ 51. Any corporation heretofore organized under the provisions of the act hereby amended, and which has not constructed its railway and has obtained the consent of the local authorities to the construction and operation of a railway upon any or all of the routes designated for it by its articles of association, and whose rights under such consent have not terminated, and whose proposed railway lies wholly within the limits of any city, may, within ninety days after the passage of this act, apply to the mayor of such city for the appointment of commissioners to estimate and fix the damages to be caused by the construction and operation of its railway upon and along the streets or highways as to which such consent has been given.

Such mayor shall thereupon appoint three disinterested and competent freeholders, residents in such city, who shall thereupon each take and subscribe an oath faithfully to perform the duties of his office; and the commission provided by this section shall thereupon have all the powers and authority as to ascertaining, estimating and fixing damages that the commissioners mentioned in the first section of this act have as to any corporation organized, or to be organized by them, and all the provisions of this act as to ascertaining, estimating and fixing damages, the deposit of money or securities in lieu thereof, and the proceedings and authority to distribute and apportion the same, and the effect of a failure to make the deposit as thus required, shall apply to such corporation and commission, except so far as is inconsistent with this section, and after a commission shall have been appointed under this section to ascertain, estimate and fix damages as hereinbefore provided, the corporation which made the application therefor may proceed without prejudice to obtain such other consent or authority as it may require, and the proceedings had under the authority given by this section may be presented in aid of any application it may make.

Sec. 5. None of the provisions of this act shall apply to the counties of New York and Westchester, and nothing herein contained shall be deemed to affect existing provisions of laws as to the acquisition of the title to real estate for railroad purposes.

Sec. 6. This act shall take effect immediately.

CHAPTER 403.

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," as amended by chapter four hundred of the laws of eighteen hundred and seventy-eight.

Passed July 1, 1882; 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," as amended by chapter four hundred of the laws of eighteen hundred and seventy-eight, is hereby amended so as to read as follows:

§ 4. The board of aldermen now in office shall hold office until the first Monday in January in the year eighteen hundred and eighty-three, the same being the term for which they were elected. There shall be twenty-four aldermen elected at the general election, which shall occur in the year eighteen hundred and eighty-two, one of whom shall be elected in the territory embraced in each assembly district as the same existed on the first day of January, eighteen hundred and eighty-two, and shall be residents of the districts in which they are elected. 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 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 in relation to the publication of the Civil Code, and an act to consolidate and revise several special and local laws affecting public interests in the city of New York.

Passed July 1, 1882; three-fifths being present.

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

Section 1. The act to establish a Civil Code, and an act to consolidate and revise several special and local laws affecting public interests in the city of New York, passed at the present session of the legislature, shall be printed and published in two separate volumes as volumes two and three of the session laws of eighteen hundred and eighty-two, but shall not be printed or published in any other manner at the expense of the state, or of any county.

Sec. 2. This act shall take effect immediately.

CHAPTER 405.

AN ACT in relation to railroad corporations.

Passed July 1, 1882; three-fifths being present.

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

Section 1. Any railroad company heretofore organized or incorporated under the laws of this state, except such as may have been organized for the purpose of constructing or operating a railroad in the city of New York, which may be unable from any cause to construct its railroad within the time specified in its charter or articles of association, or heretofore limited by law, shall hereby have the time for the completion of the railroad it was authorized to construct extended for a further term of two years beyond the time heretofore limited; and failure to expend ten per centum on the amount of its capital, or to have completed its road within the time heretofore limited, shall not be deemed a cause for forfeiture of its corporate powers; but nothing herein contained shall have the effect to revive any corporation whose corporate power shall have ceased prior to January first, eighteen hundred and eighty-two, shall have been judicially ascertained and determined to have been forfeited from any cause.

Sec. 2. The provisions of this act shall not extend or apply to any corporation or company, or

to the assignee or successor of any corporation or company, organized under chapter three hundred and twenty-six of the laws of eighteen hundred and eighty, entitled "An act relating to the banks and prism of the Genesee Valley Canal, and for the sale thereof," or to any corporation or company that has already commenced the construction of its road. The provisions of this act shall not extend or apply to the New York and Albany Railroad Company.

Sec. 3. This act shall take effect immediately.

DEPARTMENT OF PUBLIC CHARITIES AND CORRECTION.

MEETINGS JULY 24 TO JULY 29, 1882.

Communications Received.

From Penitentiary—List of prisoners received during week ending July 22, 1882: Males, 37; females, 11. On file.

List of 21 prisoners to be discharged from July 30 to August 5, 1882. Transmitted to Prison Association.

From Lunatic Asylum, Blackwell's Island—History of 15 patients received during week ending July 22, 1882. On file.

From New York City Asylum for Insane, Ward's Island—History of 10 patients received during week ending July 22, 1882. On file.

From City Prison—Amount of fines received during week ending July 22, 1882, \$346. On file.

Proposals.

Resolved, That the proposals of Robert Betty, to furnish 5,500 yards cadet cassimere, at 33 20-100 cents per yard; 3,750 yards Vermont cassimere, at 42 74-100 cents per yard; 2,500 yards awning stripes, at 16 65-100 cents per yard; 100 pieces oiled muslin, at \$1.39 per piece;

Charles H. Webb, 1,500 yards striped prison cloth, at \$1.03 per yard; 1,000 yards plain prison cloth, at \$1.03 per yard;

M. M. Speers, 1,500 yards cottonades, at 16 20-100 cents per yard; 10,000 yards cottonades, at 9 87-100 cents per yard; 5,000 yards cottonades, at 12 44-100 cents per yard,

—be accepted, and the awards made to them, the sureties having been approved by the Comptroller. Adopted.

Appointments.

July 24. Robert S. Foster, Attendant, N. Y. City Asylum for Insane. Salary \$216 per annum.

25. Emile Francois, Attendant, N. Y. City Asylum for Insane. Salary \$216 per annum.

26. Maggie Manion, Attendant, Randall's Island Hospital. Salary \$168 per annum.

27. Catharine Fox, Waitress, Bellevue Hospital. Salary \$120 per annum.

William E. Butterfield, Attendant, N. Y. City Asylum for Insane. Salary \$216 per annum.

28. Mary Lynch, Cook, Charity Hospital. Salary \$180 per annum.

Mortimer Sullivan, Attendant, N. Y. City Asylum for Insane. Salary \$216 per annum.

William I. Little, Attendant, N. Y. City Asylum for Insane. Salary \$216 per annum.

Frank McNamara, Attendant, N. Y. City Asylum for Insane. Salary \$216 per annum.

Resignations.

July 24. Michael Dowd, Attendant, N. Y. City Asylum for Insane.

26. John Gillis, Attendant, N. Y. City Asylum for Insane.

Ellen Freeman, Nurse, Homoeopathic Hospital.

28. Garrett Dillon, Guard, Branch Workhouse.

G. F. BRITTON, Secretary.

DEPARTMENT OF PUBLIC PARKS.

Abstract of proceedings for the week ending August 5, 1882.

WEDNESDAY, August 2.—REGULAR MEETING—9.30 A. M.

Present—Commissioners Wales and MacLean.

A quorum not being present, no meeting was held.

Pay-rolls amounting to \$18,554.32 were approved, and sent to the Finance Department for payment.

Cash to the amount of \$1,260 was deposited with the Comptroller.

A contract for building the southern approach to the bridge over Harlem river at Madison avenue, was executed with John McQuade, contractor, and Francis M. Bixby and George H. Toap, sureties.

E. P. BARKER, Secretary.

LAW DEPARTMENT.

The following schedules form a report of the transactions of the office of the Counsel to the Corporation for the week ending August 5, 1882:

The Mayor, Aldermen and Commonalty of the City of New York are defendants, unless otherwise mentioned.

SCHEDULE "A."

SUITS AND SPECIAL PROCEEDINGS INSTITUTED.

SUPREME COURT.

In re petition of Peter C. Barnum et al.—To vacate an assessment for regulating and grading, curbing, guttering and flagging Ninety-fifth street, from Lexington to Fifth avenue.

People, ex rel. Cornelius J. McCarty, vs. The Board of Police Commissioners of the City of New York—Certiorari to review removal of relator, a patrolman, from the force.

In re petition of A. S. Rosenbaum—To vacate an assessment for flagging Fifty-eighth street, between Sixth and Seventh avenues.

In the matter of opening One Hundred and Thirty-eighth, etc., streets, in Twenty-third Ward of the City of New York.

On petition of Evan T. Walker—For an award of \$593 made to unknown owners on damage map, Nos. 673 and 677.

In re Isaac P. Martin—To vacate assessment for Ninety-fifth street regulating, etc.; confirmed May 4, 1882.

In re John W. Salter—To vacate assessment for Ninety-fifth street regulating, etc.; confirmed May 4, 1882.

In re Stephen H. Thayer—To vacate assessment for Ninety-fifth street regulating, etc.; confirmed May 4, 1882.

In re William S. Patten—To vacate assessment for Ninety-fifth street regulating, etc.; confirmed May 4, 1882.

In re George Bissell—To vacate assessment for Ninety-fifth street regulating, etc.; confirmed May 4, 1882.

Richard Arnold and another—To vacate assessment for Ninety-fifth street regulating, etc.; confirmed May 4, 1882.

People, ex rel. Denis Dowd, vs. Hubert O. Thompson, Commissioner of Public Works—Application for mandamus to compel Commissioner of Public Works to receive relator's proposal for paving Fourth avenue, from One Hundred and Twenty-fourth to One Hundred and Thirty-third street.

People, ex rel. John Lindeberg, vs. The Board of Police Commissioners of the Police Department of the City of New York—Certiorari to review removal of relator, a patrolman, from the force.

In the matter of Charles F. Willis for an order directing the Clerk of Arrears to receive the tax of 1873 on a certain piece of real estate and to cancel the lien therefor.

People, ex rel. Thomas D. Maitland (an inmate of N. Y. City Asylum, Ward's Island)—Habeas corpus.

SUPERIOR COURT.

The Mayor, etc., vs. Daniel Dailey—Dock rent bulkhead foot of Fourteenth street, East river; \$137.

MARINE COURT.

William Schirmer against Patrick English—Damages for alleged assault and battery, July 21, 1882, at No. 20 Bowery, damages \$2,000.
Assessment Commission appointed under chapter 550 of the Laws of 1880.
In re petition of Philip and William Ebling—To vacate an assessment for Ninety-fifth and Ninety-eighth street sewers from First to Third avenue.
In re petition of Philip and William Ebling—To vacate an assessment for One Hundred and Sixth street outlet sewer, with branches from Fifth avenue to the Harlem river.
In re Union Dime Savings Institution—For an award for an assessment, Ninetieth street, regulating, etc.
In re petition Sarah Jane Booth et al.—To vacate, modify and reduce assessment for One Hundred and Thirty-fourth street regulating, etc.
In re petition Sarah Jane Booth et al.—To vacate, modify and reduce assessment for Sixth avenue sewers, etc.
In re petition Sarah Jane Booth et al.—To vacate, modify and reduce assessment for Sixth avenue regulating, etc.
In re petition Sarah Jane Booth et al.—To vacate, modify and reduce assessment for Sixth avenue macadamizing, etc.

SCHEDULE "B."

JUDGMENTS ENTERED AND ORDERS OF THE GENERAL AND SPECIAL TERMS.

In re John G. Wendell et al., Fiftieth street, sewer—Order to reduce assessment entered.
Martin T. McMahon, Receiver of Taxes, etc., vs. Antonio D. Antonini—Judgment entered in favor of Receiver of Taxes for \$103.05.
Parole Turf Club—Order entered to discontinue action without costs.
Anna Maria Downes—Judgment entered in favor of plaintiff for \$162.08.
Emigrant Industrial Savings Bank against the Commissioners of Charities and Corrections, et al.—Order entered discontinuing action without costs.

WM. C. WHITNEY, Counsel to the Corporation.

HEALTH DEPARTMENT.

HEALTH DEPARTMENT OF THE CITY OF NEW YORK,
NEW YORK, August 1, 1882.

The Board met this day.

Reports.

From the Sanitary Superintendent: On operations of the Sanitary Bureau; on contagious diseases; on slaughter-houses; on work performed by the Disinfecting Corps; weekly report from Riverside Hospital; on work performed by the Sanitary Company of Police; on work performed by the Milk Inspectors; on applications for permits; on applications for relief from certain orders, etc.; on street pavements, etc.; on the sanitary condition of Second avenue, between First and Second streets; on condition of Centre Market, etc.; on applications for leave of absence; on condition of Theatre alley, in rear of Park row; on alleged dumping by night-soil contractor in the lower bay.

From the Attorney and Counsel: Weekly report and monthly report.

From the Deputy Register of Records: Weekly letter; weekly mortuary statement; weekly abstract of births; weekly abstract of still-births; weekly abstract of marriages; weekly abstract of deaths from contagious diseases; weekly report on attendance of clerks.

Communications from other Departments.

From the Department of Finance: Comptroller's weekly statement.
From the Department of Docks: In respect to extension of sewer through Pier 40.
From the Department of Public Works: Submitting estimate of cost of conveying Croton water to North Brother Island for supplying hospitals.
From the Board of Aldermen: In respect to a nuisance on the Bronx river near the Iron Bridge.

Miscellaneous Communications.

From the Cunard Steamship Co.: In respect to extension of sewer through Pier 40.

Bills Audited.

John Tagliabue	\$30 00	A. M. Barney	\$100 00
John Lawrence	62 50	Thos. C. Nostrand	51 00
Wm. McKenna	7 50	Charles Lederer	22 92
C. E. Palmer	95 60	J. B. Purroy	166 67
Wm. F. White	12 50	F. Brown	32 00
American Condensed Milk Co.	100 00	McKesson & Robbins	10 50
C. Golderman	312 41	Owen Duffey	53 20

Permits Granted.

To keep a lodging-house at No. 83 Greenwich street.
To keep one cow in stable at Nos. 426 and 428 East Fourteenth street.
To keep six chickens at No. 164 Wooster street.
To keep eight chickens at Nos. 76, 78 and 80 Broome street.
To keep ten chickens at No. 192 Ninth avenue.

Permits Denied.

To keep six chickens at No. 183 Bleecker street.

Resolutions.

Resolved, That the Sanitary Superintendent be and is hereby authorized and directed to enforce the following orders:

No. 543, on premises No. 331 East One Hundred and Fourth street.
No. 544, on premises No. 333 East One Hundred and Fourth street.
No. 545, on premises No. 335 East One Hundred and Fourth street.
No. 9399, on premises No. 133 West Twenty-third street.

Resolved, That so much of Order No. 9676, on premises Nos. 155 and 157 Greenwich street, relating to sewer connection and water-closets, be and is hereby suspended until May 1, 1883.

Resolved, That so much of Order No. 9418, on premises west side of Third avenue, second house south of No. 158, relating to separate sewer connection, be and is hereby suspended for one month.

Resolved, That copies of the reports of Sanitary Inspectors upon the condition of certain street pavements, etc., be forwarded to the Department of Public Works for the necessary action, as follows:

Street pavement in front of No. 877 Third avenue.
Street and gutter in front of Nos. 2316 and 2318 First avenue.
Street and gutter in front of No. 9 Varrick street.
Street and gutter in front of Nos. 413 to 421 Sixth avenue.
Street and gutter in front of No. 303 Bowery.

Receiving basin in front of No. 65 Cherry street.

Resolved, That a copy of the report of the Sanitary Superintendent upon the condition of Second avenue, between First and Second streets be forwarded to the Department of Public Works with the request that for sanitary reasons a sewer be constructed in Second avenue, between First and Second streets.

Resolved, That a copy of the report of Sanitary Inspector Ewing, upon the condition of Centre Market, be forwarded to the Comptroller for the necessary action.

Resolved, That leave of absence of one month be and is hereby granted to William Cooney.

Resolved, That a copy of the communication of Demas Barnes and report of Sanitary Inspector Tracy, upon the nuisance in Theatre Alley, in rear of No. 21 Park Row, be forwarded to the Police Department.

Resolved, That copies of the communications of the Commissioner of Street Cleaning, and of the contractor for the removal of dead animals and night soil, in regard to alleged dumping in the lower bay of New York Harbor, be forwarded to Paul Bauer and others.

Resolved, That the Register of Records be and he is hereby authorized and directed to record the birth of Magdalena Elvira de Castro, born February 11, 1882.

Resolved, That the following-named physicians, graduates of over two years' standing, be and are hereby appointed to serve on the temporary corps of Sanitary inspectors for the period of five

weeks, for which the compensation shall be \$100 for each sanitary inspector, the work and employment to begin when the Chairman of the Sanitary Committee shall consider it necessary:

Dr. William P. Northrup, Dr. F. C. Riley, Dr. William E. Wamsley.

Resolved, That the Comptroller be and he is hereby respectfully requested to pay to the Board of Health the sum of five hundred dollars, to be used for the payment of fees, upon presentation by registered physicians of the Night Medical Service of duly authorized certificates of service rendered, pursuant to the provisions of chapter 588, Laws of 1880.

The resignation of the following-named assistant sanitary inspectors were received and accepted:

Dr. Joseph A. Peters, Dr. John F. Duffield, Dr. George H. Mitchell.

Action of the Board on Tenement-houses.

Resolved, That plans for light and ventilation of tenement-houses be and are hereby approved, as follows:

Plan No. 1606, one tenement, south side of East Twenty-sixth street, 334 feet east of First avenue.

Plan No. 1607, two tenements, Nos. 216 and 218 East Forty-seventh street.

Plan No. 1608, one tenement, No. 540 West Twenty-ninth street.

Plan No. 1609, two tenements, Nos. 222 and 224 West One Hundred and Twenty-fourth street.

Plan No. 1610, one tenement, Second avenue, northeast corner of Seventy-first street.

Plan No. 1611, three tenements, east side of Second avenue, 27 feet 2 inches north of Seventy-first street.

Plan No. 1612, one tenement, south side of East One Hundred and Fourteenth street, 193 feet west of Avenue A.

Plan No. 1613, four tenements, Ninth avenue, beginning northwest corner of One Hundred and Twenty-sixth street.

Plan No. 1614, two tenements, north side of Seventy-sixth street, 100 feet east of Avenue A.

Plan No. 1615, five tenements, south side of Ninety-seventh street, 100 feet west of Second avenue.

Plan No. 1616, one tenement, north side of One Hundred and Twenty-eighth street, 175 feet east of Seventh avenue.

Plan No. 1617, one tenement, No. 326 East One Hundred and Fourteenth street.

Plan No. 1618, three tenements, north side of One Hundred and Sixteenth street, beginning 85 feet east of Third avenue.

Plan No. 1619, one tenement, north side of Ninetieth street, 280 feet west of Third avenue.

Plan No. 1620, one tenement, north side of Ninetieth street, 250 feet west of Third avenue.

Plan No. 1621, four tenements, southeast corner of Lexington avenue and One Hundred and Twelfth street.

Plans Disapproved.

Resolved, That the following plans for light and ventilation of tenement-houses be and are hereby disapproved:

Plan No. 1540, one tenement proposed to be built at No. 30 Cornelia street.

Plan No. 1622, one tenement, proposed to be built at southeast corner Fifty-seventh street and Avenue A.

The weekly report of inspections of new tenement-houses was received and ordered on file.

Plumbing and Drainage of New Houses.

Resolved, That the plans for the plumbing and drainage of new houses be and are hereby approved:

Plan No. 565, one tenement on the west side of Westchester avenue, about 100 feet west of Brook avenue; conditionally.

Plan No. 566, four tenements on the south side of One Hundredth street, 175 feet west of Ninth avenue; conditionally.

Plan No. 567, two tenements on the south side of One Hundred and Twenty-sixth street, 275 feet west of Sixth avenue; conditionally.

Plan No. 568, five tenements on the southeast corner of Seventy-first street and Second avenue; conditionally.

Plan No. 569, two tenements on the north side of One Hundred and Fourth street, 100 feet west of Second avenue; conditionally.

Plan No. 570, four tenements on the northwest corner of Tenth avenue and Sixty-first street; conditionally.

Plan No. 571, one tenement at No. 210 East Tenth street.

Plan No. 572, one double tenement at Nos. 159 and 161 East Ninetieth street; conditionally.

Plan No. 573, four tenements on the north side of Forty-third street, 150 feet east of Third avenue.

Plan No. 574, one tenement on the west side of Second avenue, corner of One Hundred and Fifteenth street; conditionally.

Plan No. 575, six tenements on the north side of Ninety-fourth street, 95 feet east of Lexington avenue.

Plan No. 576, one tenement at No. 326 East Fourteenth street.

Plan No. 577, two tenements on the south side of Fifty-seventh street, 275 feet west of Eighth avenue; conditionally.

Plan No. 578, one tenement at No. 726 Broadway.

Plan No. 579, one stable at No. 424 West Fifty-second street.

Plan No. 580, one tenement on the west side of Second avenue, 22 feet north of One Hundred and Fifteenth street; conditionally.

Plan No. 581, four houses on the north side of Sixty-first street, 92 feet west of Tenth avenue; conditionally.

Plan No. 582, one store building on the north side of Twentieth street, 40 feet west of Sixth avenue.

The weekly reports of Assistant Sanitary Engineers, on the plumbing and drainage of new houses, were received and ordered on file.

The application of Louis Weiher to retain earthenware drains under seven houses on Fourth and Fifth avenues, and One Hundred and Nineteenth street, which were constructed in violation of the plans and specifications, and of the rules and regulations of the Board, was received, and, on motion, the application was denied.

Sanitary Bureau.

The following is a record of the work performed in the Sanitary Bureau for the week ending July 29, 1882:

The total number of inspections made by the Sanitary and Assistant Sanitary Inspectors was 1,348, as follows, viz.: 1 public building, 639 tenement-houses, 68 private dwellings, 53 other dwellings, 10 manufactories and workshops, 22 stores and warehouses, 31 stables, 29 slaughter-houses, 3 lodging-houses, 2 markets, 1 pier, 1 lard-rendering establishment, 9 sunken and vacant lots, 42 yards, courts, and areas, 74 cellars and basements, 131 waste-pipes and drains, 190 privies and water-closets, 20 street gutters and sinks, 6 dangerous stairways, 6 smoky chimneys, 1 cesspool, and 8 other nuisances.

The number of reports thereon received from the Sanitary Inspectors was 478.

During the past week 256 complaints were received from citizens and referred to the Sanitary Inspectors for investigation and report.

86 permits were granted to the consignees of vessels to discharge cargoes on vouchers from the Health Officer of the port.

128 permits were granted scavengers to empty, clean, and disinfect privy-sinks.

The Disinfecting Corps have visited 76 premises where contagious diseases were found, and have disinfected and fumigated 66 houses and 66 privy-sinks, together with clothing, bedding, etc.

One case of contagious disease was removed to the hospital by the Ambulance Corps.

Bureau of Vital Statistics.

The certificates of 452 births, 36 still-births, 107 marriages, and 1,217 deaths, reported to have taken place in this city, were received by this Bureau during the week ending Saturday, July 29, 1882; this shows a decrease of 66 births, 8 still-births and 94 marriages, and an increase of 201 deaths, when compared with the number received during the preceding week, but when compared with the corresponding week of the year 1881, there was a decrease of 106 births, 12 still-births and 35 marriages, and an increase of 335 deaths. Compared with the mortality reported during the preceding week, the deaths from measles decreased 8; whooping cough, 3; typhoid fever, 1; cerebro-spinal fever, 3; malarial fevers, 2; phthisis pulmonalis, 20; pneumonia, 2; heart diseases, 9; marasmus, tabes, mesenterica and scrofula, 11; convulsions, 2; cirrhosis and hepatitis, 7; suicide 4; while the deaths from small-pox increased 3; scarlatina 1; diphtheria, 4; croup, 6; puerperal diseases, 9; diarrhoeal diseases, 162; inanition, 3; alcoholism, 1; cancers, 3; bronchitis, 1; hydrocephalus and tubercular meningitis, 6; direct effect of solar heat, 20; apoplexy, 11; all diseases of the brain and nervous system, 19; gastritis, enteritis and peritonitis, 12; Bright's disease and nephritis, 9; cyanosis and atelectasis, 7; surgical operations, 1; drowning, 3. The number of deaths from rheumatism and gout, aneurism, and meningitis and encephalitis, was the same in the two successive weeks.

Deaths from the principal Zymotic Diseases, Phthisis Pulmonalis, Pneumonia, Bronchitis, and Children under five years of age, reported during the week and compared with the three preceding weeks.

WEEK ENDING—	Small-Pox.	Measles.	Scarlatina.	Diphtheria.	Membranous Croup.	Whooping Cough.	Typhus Fever.	Typhoid Fever.	Cerebro-Spinal Fever.	Remittent, Intermittent, Typhoid, Malarial, and Simple Continued Fevers.	Diarrhoeal Diseases.	Phthisis Pulmonalis.	Pneumonia.	Bronchitis.	Diseases of the Nervous System.	Diseases of the Urinary System.	Under 1 year of age.	Under 2 years of age.	Under 5 years of age.
July 8, 1882	2	9	21	22	6	12	2	6	2	8	163	81	45	19	50	29	250	309	368
" 15, "	2	24	13	29	6	18	1	5	6	7	389	105	45	26	84	39	522	617	690
" 22, "	2	20	15	15	6	22	..	7	8	14	371	117	34	15	81	28	483	580	638
" 29, "	3	12	16	19	12	19	..	6	5	12	533	97	32	16	110	41	575	703	769
Total.....	7	65	65	85	30	71	3	24	21	41	1456	400	156	76	325	137	1830	2209	2465

The ages of 575 of the persons who died during the week were reported to be under one year, 703 under two years, 769 under five years, and 54 seventy years and over, which shows that the deaths of children under five years of age was 131 more than the number reported during last week, and represent 63.19 per cent. of the total weekly mortality.

Deaths reported from Small-pox, Measles, Scarlatina, Diphtheria, Membranous Croup, Whooping Cough, Typhus, Typhoid, Cerebro-Spinal, and Malarial Fevers, in Institutions, Tenement and other Dwellings, with Average Age, Floor, and Ward where the Death occurred, and the Hour of Death, for the week ending July 29, 1882.

DISEASE.	In Houses containing 3 Families and under.	In Houses containing over 3 Families.	Canal Boats.	Hotels and Boarding-houses.	Institutions.	In Streets, Rivers, etc.	Basement.	FLOOR.										AVERAGE AGE.		
								First.	Second.	Third.	Fourth.	Fifth.	Sixth.	Top.	Not Stated.	Years.	Months.	Days.		
Small-pox.....	..	..	..	..	3	..	..	..	..	..	..	..	..	..	..	..	29	8	0
Measles.....	1	8	..	..	3	..	..	1	2	4	1	1	..	..	..	..	2	1	2
Scarlatina.....	4	12	..	..	..	..	..	4	3	5	4	..	..	..	..	..	3	8	9
Diphtheria.....	5	14	..	..	..	..	..	1	5	3	7	3	..	..	..	..	2	10	22
Membranous Croup.	3	9	..	..	..	..	..	2	7	1	1	1	..	..	..	..	2	9	8
Whooping Cough...	7	11	..	..	1	..	..	5	6	4	2	1	..	..	..	..	0	10	27
Typhus Fever.....	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
Typhoid Fever.....	..	4	..	..	2	..	..	2	..	2	..	..	..	..	..	..	24	7	12
Cerebro-Spinal Fever	2	3	..	..	..	..	..	3	1	..	1	..	..	..	..	..	8	5	23
Malarial Fevers....	4	4	..	..	4	..	..	1	4	1	1	1	..	..	..	..	32	6	10

DISEASE.	WARDS.																TOTAL DEATHS.
	First.	Second.	Third.	Fourth.	Fifth.	Sixth.	Seventh.	Eighth.	Ninth.	Tenth.	Eleventh.	Twelfth.	Thirteenth.	Fourteenth.	Fifteenth.	Sixteenth.	
Small-pox.....	3
Measles.....	1	..	..	..	..	1	3	..	..	..	..	..	..	12
Scarlatina.....	1	..	..	1	..	1	..	..	..	..	..	..	..	1	..	..	16
Diphtheria.....	1	..	1	..	1	..	..	..	..	..	3	3	6	19
Membranous Croup.	1	..	..	..	..	2	..	..	..	..	1	3	1	12
Whooping Cough...	1	..	1	3	1	1	1	..	2	1	..	..	..	1	2	1	19
Typhus Fever.....	0
Typhoid Fever.....	1	..	..	..	..	..	2	2	1	6
Cerebro-Spinal Fever	1	..	..	..	..	..	1	1	1	5
Malarial Fevers....	1	1	..	1	3	..	..	..	1	1	1	12

Hours at which Deaths Occurred.

DISEASE.	A. M.												P. M.												TOTAL.
	1 o'clock.	2 o'clock.	3 o'clock.	4 o'clock.	5 o'clock.	6 o'clock.	7 o'clock.	8 o'clock.	9 o'clock.	10 o'clock.	11 o'clock.	12 o'clock.	1 o'clock.	2 o'clock.	3 o'clock.	4 o'clock.	5 o'clock.	6 o'clock.	7 o'clock.	8 o'clock.	9 o'clock.	10 o'clock.	11 o'clock.	12 o'clock.		Not stated.
Small-pox .....	..	..	..	..	..	..	..	..	..	1	..	..	..	..	1	..	..	..	..	1	..	..	..	..	3
Measles	2	..	..	..	1	..	..	3	..	..	1	..	1	..	2	1	..	..	..	1	..	..	..	..	12
Scarlatina	2	..	..	..	..	..	..	1	1	..	1	..	1	1	3	1	2	..	1	..	1	..	3	..	16
Diphtheria	1	..	1	..	2	..	1	..	2	1	..	..	2	..	2	..	2	2	1	..	1	1	1	1	19
Membranous Croup.	..	2	..	..	1	..	1	1	1	..	1	..	1	..	..	..	2	..	2	..	..	..	..	..	12
Whooping Cough....	..	..	..	1	1	1	..	..	1	2	..	1	1	2	1	1	1	2	..	1	2	1	1	1	19
Typhus Fever.....	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	0
Typhoid Fever.....	..	1	..	1	2	1	..	..	..	..	..	..	..	1	..	..	..	..	..	1	..	..	..	..	6
Cerebro-Spinal Fever	..	..	1	..	..	..	..	..	..	..	..	..	1	..	..	1	..	..	1	..	..	..	1	..	5
Malarial Fevers.....	..	..	..	..	..	..	..	..	..	..	..	2	..	2	..	..	3	2	2	1	..	..	..	..	12

Of the total number of deaths reported for the week, 214 were in institutions, 688 in tenement-houses, 292 in houses containing three families or less, 8 in hotels and boarding-houses, 15 in rivers, streets, boats, etc.; 21 were on the basement floor, 227 on the first, 303 on the second, 231 on the third, 164 on the fourth, 38 on the fifth, 4 on the sixth. 1,214 were stated to be residents of New York City, and 3 non-residents; — were stated to be single, — married, — widowed, and the condition of — was not stated; these were children who had not attained a marriageable age.

The total number of burial permits issued during the week are as follows, viz.: City deaths, 1217; still-births, 36; bodies in transit, 29; of the total burial permits issued for city and still-births 105 were upon certificates received from the Coroners; 452 births; 107 marriages; 36 still-births; 1,217 deaths; 29 applications for transit permits were recorded, indexed, and tabulated, 53 searches of the registers of births, marriages, and deaths were made, and 5 transcripts of the birth record, 5 of marriage, and 29 of death were issued during the week.

The mean temperature for the week ending July 29, 1882, was 81.7 degrees Fahr., the mean reading of the barometer was 29.914, the mean humidity was 77, saturation being 100, the number of miles traveled by the wind was 818, and the total amount of rain-fall was 0 inches depth of water, as reported by D. Draper, Ph.D., Director of the New York Meteorological Observatory, Central Park.

The disposition of 1,167 deaths and still-births, or 93.14 per cent. of the total number reported, was in the following 14 cemeteries: Bayside (Jewish), 27; Calvary (Roman Catholic), 418; City pauper burial ground (undenominational), 232; Greenwood (undenominational), 53; Lutheran, (undenominational), 215; Cypress Hills (undenominational), 34; Evergreen (undenominational), 66; Woodlawn (undenominational), 39; St. Michael's (Protestant Episcopal), 30; Union (Methodist Protestant), 7; Holy Cross (Roman Catholic), 9; Machpelah, L. I. (Jewish), 8; St. Raymond's (Roman Catholic), 10; Washington (undenominational), 19.

The distribution of deaths (actual mortality) for the week ending July 22, 1882, was in the following wards, viz.: First, 13; Second, 1; Third, 4; Fourth, 10; Fifth, 10; Sixth, 23; Seventh, 40; Eighth, 34; Ninth, 40; Tenth, 40; Eleventh, 61; Twelfth, 96; Thirteenth, 17; Fourteenth, 26; Fifteenth, 12; Sixteenth, 30; Seventeenth, 78; Eighteenth, 40; Nineteenth, 167; Twentieth, 80; Twenty-first, 63; Twenty-second, 82; Twenty-third, 20; Twenty-fourth, 12.

The actual mortality for the week ending July 22, 1882, was 999; this is 29 more than the number that occurred during the corresponding week of the year 1881, and 208.6 more than the average of the corresponding weeks of the past five years, and represents an annual death-rate of 40.53 per 1,000 persons living, the population estimated at 1,281,684.

The annual death-rate per 1,000 persons living, of the estimated or enumerated population, according to the most recent weekly returns of Philadelphia was 29.44; Baltimore, 24.41; New Orleans, 22.85; San Francisco, 26.43; Charleston, 39.52; Dayton, 22.66; Erie, 13.13; Savannah, 27.86; Lowell, 28.85; Worcester, 19.93; Cambridge, 11.83; Fall River, 26.53; Lawrence, 23.89; Lynn, 17.66; Springfield, 12.48. Quarterly returns—Allegheny, 19.38. Foreign cities, weekly returns—London, 18.1; Liverpool, 25.1; Birmingham, 14.9; Manchester, 23; Glasgow, 22.5; Edinburgh, 15.6; Dundee, 24.3; Dublin, 16.7; Belfast, 19.8; Cork, 21.9; Brussels, 23.9; Antwerp, 24.9; Ghent, 25.3; Paris, 20.52; Rome, 23.8; Berlin, 28.7; Munich, 26.9; Breslau, 37.38; Vienna, 25.6; Trieste, 29.5; Copenhagen, 25.9; Stockholm, 19; Christiania, 16.62; Amsterdam, 23.8; Rotterdam, 19.8; The Hague, 21.9; Calcutta, 34.8; Bombay, 21.4; Madras, 36.05; Geneva (with suburbs), 11.3; Basel, 20.4; Bern, 23; Warsaw, 31.56; Havre, 31.04; Prague and suburbs, 28.5; Lisbon, 33.3; Zaragoza, 45.9; Malaga, 45.3; Salford, 24.3; Buda-Pesth, 31.2. Monthly returns—Genoa, 27.5; Marseilles, 31.1.

By order of the Board.

EMMONS CLARK, Secretary.

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 and Courts.

EXECUTIVE DEPARTMENT.

Mayor's Office.
No. 6 City Hall, 10 A. M. to 3 P. M.
WILLIAM R. GRACE, Mayor; WILLIAM M. IVINS, Secretary and Chief Clerk.
Mayor's Marshal's Office.
No. 1 City Hall, 10 A. M. to 3 P. M.
GEORGE A. McDERMOTT, First Marshal.
Permit Bureau Office.
No. 13½ City Hall, 10 A. M. to 3 P. M.
HENRY WOLTMAN, Register.

Sealers and Inspectors of Weights and Measures.
No. 7 City Hall, 10 A. M. to 3 P. M.
WILLIAM EYERS, Sealer First District; CHRISTOPHER BARRY, Sealer Second District; JOHN MURRAY, Inspector First District; JOSEPH SHANNON, Inspector Second District.

COMMISSIONERS OF ACCOUNTS.

No. 1 County Court-house, 9 A. M. to 4 P. M.
WM. PITT SHEARMAN, JOHN W. BARROW.

LEGISLATIVE DEPARTMENT.

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

City Library.

No. 12 City Hall, 10 A. M. to 4 P. M.
THOS. J. O'CONNELL, Librarian.

DEPARTMENT OF PUBLIC WORKS.

Commissioner's Office.
No. 31 Chambers street, 9 A. M. to 4 P. M.
HUBERT O. THOMPSON, Commissioner; FREDERICK H. HAMLIN, Deputy Commissioner.

Bureau of Water Register.

No. 31 Chambers street, 9 A. M. to 4 P. M.
JOHN H. CHAMBERS, Register.

Bureau of Incumbrances.

No. 31 Chambers street, 9 A. M. to 4 P. M.
JOSEPH BLUMENTHAL, Superintendent.

Bureau of Lamps and Gas.

No. 31 Chambers street, 9 A. M. to 4 P. M.
STEPHEN MCCORMICK, Superintendent.

Bureau of Streets.

No. 31 Chambers street, 9 A. M. to 4 P. M.
JAMES J. MOONEY, Superintendent.

Engineer in Charge of Sewers.

No. 31 Chambers street, 9 A. M. to 4 P. M.
STEPHENSON TOWLE, Engineer-in-Charge.

Bureau of Chief Engineer.

No. 31 Chambers street, 9 A. M. to 4 P. M.
ISAAC NEWTON, Chief Engineer.

Bureau of Street Improvements.

No. 31 Chambers street, 9 A. M. to 4 P. M.
GEORGE A. JEREMIAH, Superintendent.

Bureau of Repairs and Supplies.

No. 31 Chambers street, 9 A. M. to 4 P. M.
THOMAS H. McAVOY, Superintendent.

Bureau of Water Purveyor.

No. 31 Chambers street, 9 A. M. to 4 P. M.
DANIEL O'REILLY, Water Purveyor.

Keeper of Buildings in City Hall Park.

MARTIN J. KERSE, City Hall.

FINANCE DEPARTMENT.

Comptroller's Office.
Nos. 19 and 20 New County Court-house, 9 A. M. to 4 P. M.
ALLAN CAMPBELL, 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 for the Collection of Assessments and Arrears of Taxes and Assessments and of Water Rents.
No. 5 New County Court-house, 9 A. M. to 4 P. M.
ARTEMAS CADDY, Collector of Assessments and Clerk of Arrears.

Bureau for the Collection of City Revenues and of Markets.
No. 6 New County Court-house, 9 A. M. to 4 P. M.
THOMAS F. DEVOE, Collector of City Revenue and 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.

Office of the City Paymaster.
Room 1, New County Court-house, 9 A. M. to 4 P. M.
MOOR FALLS, City Paymaster.

LAW DEPARTMENT.

Office of the Counsel to the Corporation.
Staatz Zeitung Building, third floor, 9 A. M. to 5 P. M.
Saturdays, 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.

POLICE DEPARTMENT.

Central Office.
No. 300 Mulberry street, 9 A. M. to 4 P. M.
STEPHEN B. FRENCH, President; SETH C. HAWLEY, Chief Clerk; JOHN J. O'BRIEN, Chief Bureau of Elections.

DEPARTMENT OF CHARITIES AND CORRECTION.
Central Office.
No. 66 Third avenue, corner Eleventh street, 8:30 A. M. to 5:30 P. M.
THOMAS S. BRENNAN, President; GEORGE F. BRITTON, Secretary.

FIRE DEPARTMENT.

Headquarters.
Nos. 155 and 157 Mercer street.
JOHN J. GORMAN, President; CARL JUSSEN, Secretary.

Bureau of Chief of Department.
ELI BATES, Chief of Department.

Bureau of Inspector of Combustibles.
PETER SEERY, Inspector of Combustibles.

Bureau of Fire Marshal.
GEORGE H. SHELTON, Fire Marshal.

Bureau of Inspection of Buildings.
WM. P. ESTERBROOK, Inspector of Buildings.
Office hours, Headquarters and Bureaus, from 9 A. M. to 4 P. M. Saturdays, 3 P. M.

Attorney to Department.
WM. L. FINDLEY, Nos. 155 and 157 Mercer street and No. 120 Broadway.

Fire Alarm Telegraph.
J. ELLIOT SMITH, Superintendent of Telegraph, Nos. 155 and 157 Mercer street.

Repair Shops.
Nos. 128 and 130 West Third street.
JOHN MCCABE, Chief of Battalion-in-Charge, 8 A. M. to 5 P. M.

Hospital Stables.
No. 199 Chrystie street.
DEDERICK G. GALE, Superintendent of Horses.

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.
EDWARD P. BARKER, Secretary.

Civil and Topographical Office.
Arsenal, 64th street and 5th avenue, 9 A. M. to 5 P. M.
Office of Superintendent of 23d and 24th Wards.
146th street and 3d avenue, 9 A. M. to 5 P. M.

DEPARTMENT OF DOCKS.
Nos. 117 and 119 Duane street, 9 A. M. to 4 P. M.
WILLIAM LAM

COMMISSIONER OF JURORS.

No. 17 New County Court-house, 9 A. M. to 4 P. M.
 GEORGE CAULFIELD, 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.
 WILLIAM A. BUTLER, County Clerk; CHAS. S. BEARDSLEY, Deputy County Clerk.

DISTRICT ATTORNEY'S OFFICE.

Second floor, Brown-stone Building, City Hall Park, 9 A. M. to 4 P. M.
 JOHN McKEON, District Attorney; HUGH DONNELLY, Chief Clerk.

THE CITY RECORD OFFICE.

And Bureau of Printing, Stationery, and Blank Books.
 No. 2 City Hall, 8 A. M. to 5 P. M., except Saturdays on which days 8 A. M. to 3 P. M.
 THOMAS COSTIGAN, Supervisor; R. P. H. ABELL, Book-keeper.

CORONERS' OFFICE.

Nos. 13 and 15 Chatham street.
 PHILIP MERKLE, THOMAS C. KNOX, GERSON N. HERRMAN, JOHN H. BRADY, Coroners; JOHN D. COUGHLIN, Clerk of the Board of Coroners.

SUPREME COURT.

Second floor, New County Court-house, 10½ A. M. to 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; WILLIAM A. BUTLER, 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. 35.
 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.
 JOHN SEDGWICK, Chief Justice; THOMAS BOESE, 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.

COURT OF GENERAL SESSIONS.

No. 32 Chambers street. Parts I. and II.
 FREDERICK SMYTH, Recorder, Presiding Judge of the General Sessions; HENRY A. GILDERSLEEVE and RUFUS B. COWING, Judges.
 Terms first Monday each month.
 JOHN SPARKS, Clerk.

MARINE COURT.

General Term, Room No. 15, City Hall.
 Trial Term, Parts I., II., and III., second floor, City Hall.
 Special Term, Chambers, Room No. 21, City Hall, 10 A. M. to 4 P. M.
 Clerk's Office, Room No. 10, City Hall.
 GEORGE SHEA, Chief Justice; JOHN SAVAGE, Clerk.

OVER AND TERMINER COURT.

General Term, New County Court-house, second floor, southeast corner, Room No. 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.
 MICHAEL NORTON, Justice.
 Second District—Fourth, Sixth, and Fourteenth Wards corner of Pearl and Centre streets, 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 Nos. 20 and 22 Second avenue, 9 A. M. to 4 P. M.
 ALFRED STECKLER, Justice.
 Fifth District—Seventh, Eleventh, and Thirteenth Wards, No. 154 Clinton street.
 JOHN H. MCCARTHY, 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.
 AMBROSE MONELL, Justice.
 Eighth District—Sixteenth and Twentieth Wards, southwest corner of Twenty-second street and Seventh avenue.
 FREDERICK G. GRADNEY, 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.
 JAMES R. ANGEL, Justice.

POLICE COURTS.

Judges—BUTLER H. BIXBY, MAURICE J. POWER, J. HENRY FORD, JACOB PATTERSON, JR., JAMES T. KILBRETH, BANKSON T. MORGAN, HENRY MURRAY, MARCUS OTTERBOURNE, SOLON B. SMITH, ANDREW J. WHITE, HUGH GARDINER.
 GEORGE W. CREIGER, Secretary.
 Office of Secretary, Fifth District Police Court, One Hundred and Twenty-fifth street, near Fourth avenue.
 First District—Tombs, Centre street.
 Second District—Jefferson Market.
 Third District—No. 69 Essex street.
 Fourth District—Fifty-seventh street, near Lexington avenue.
 Fifth District—One Hundred and Twenty-fifth street, near Fourth avenue.
 Sixth District—One Hundred and Fifty-eighth street and Third avenue.

SUPREME COURT.

In the matter of the application of the Department of Public Parks, for and in behalf of the Mayor, Aldermen and Commonality of the City of New York, relative to the opening, as a first-class street, of that certain continuous street or avenue known as Webster avenue, although not yet named by proper authority, extending from the eastern line of the New York and Harlem Railroad, at One Hundred and Sixty-fifth street, to the northern line of One Hundred and Eighty-fourth street, in the City of New York.

NOTICE IS HEREBY GIVEN THAT THE BILL of the costs, charges and expenses incurred by reason of the proceeding in the above entitled matter, will be presented for taxation to one of the Justices of the Supreme Court, at the Chambers thereof in the County Court House at the City Hall, in the City of New York, on the Twenty-second day of August, 1882, at 10½ o'clock in the forenoon of that day, or as soon thereafter as counsel can be heard thereon; and that the said bill of costs, charges and expenses has been deposited in the office of the Department of Public Works, there to remain for and during the space of ten days.

Dated New York, August 8, 1882.

CHARLES H. HASWELL,
 WILLIAM H. WICKHAM,
 CLIFFORD A. H. BARTLETT,
 Commissioners.

PUBLIC POUND.

NOTICE.

NOTICE IS HEREBY GIVEN THAT I SHALL sell at public auction at the public pound, corner of One Hundred and Sixty-first street and Elton avenue, in the Twenty-third Ward of the City of New York, on Thursday, the 10th instant, at 9 o'clock A. M., one dark brown pony, about six years old, twelve hands high, hind right foot white and lame.

Dated New York, August 7, 1882.

GEORGE BRUECKNER,
 Pound Master.

DEPARTMENT OF PUBLIC CHARITIES AND CORRECTION.

DEPARTMENT OF PUBLIC CHARITIES AND CORRECTION,
 No. 66 THIRD AVENUE,
 NEW YORK, August 5, 1882.

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 Morgue, Bellevue Hospital, from Staten Island ferry—Unknown man; age about 45 years; 5 feet 8 inches high; gray hair. Had on black pants, linen duster, white vest, with black stripes, white shirt and drawers, poker-dot socks, gaiters.

Unknown man from foot of Horatio street; age about 40 years; 5 feet 8 inches high; sandy hair; moustache. Had on blue plaid shirt, gray knit undershirt, jeans pants, brogan shoes.

Unknown man from Port Morris; age about 40 years; 5 feet 7 inches high; dark hair and chin beard, mixed with gray; gray eyes. Had on blue coat, black vest, gray striped pants, white shirt, white socks, gaiters.

Unknown man from Brook avenue and "Kills"; age about 50 years; 5 feet 6 inches high; dark hair, beard and moustache, mixed with gray; blue eyes. Had on striped coat and vest, dark striped pants, white shirt, white cotton undershirt, blue socks, gaiters.

Unknown woman from Fourth Precinct Station-house; age about 60 years; 5 feet 3 inches high; gray hair and eyes. Had on brown cambric hood, dark calico jacket, gray petticoat, brown merino skirt, carpet slippers.

Unknown man from Barretto's Point; age about 30 years; 5 feet 8 inches high; light brown hair; clean shave; no clothing.

At Charity Hospital, Blackwell's Island—Margaret Monell; age 35 years; 5 feet high; black hair; blue eyes. Had on when admitted, black dress, plaid shawl, black hat.

Bernard McKee; age 42 years; 5 feet 8 inches high; dark hair; blue eyes. Had on when admitted, black coat and pants; black cap, shoes.

At Work-house, Blackwell's Island—Mary Healy; age 39 years; committed April 13, 1882, for 6 months.

At Lunatic Asylum, Blackwell's Island—Kate Woods; age 61 years; 5 feet 4½ inches high; brown hair; blue eyes.

Mary Haley; age 48 years; 5 feet 1½ inch high; brown hair; blue eyes.

Mary Kane, alias St. Clair; age 34 years; 5 feet 7½ inches high; brown hair; blue eyes.

At Homeopathic Hospital, Ward's Island—Jacob Friberg; age 35 years; 5 feet 7 inches high; brown eyes and hair. Had on when admitted, drab coat and pants; black vest.

At New York City Asylum for Insane, Ward's Island—Adolph Bright; age 25 years; 5 feet 7½ inches high; brown eyes and hair.

Nothing known of their friends or relatives.

By order,
 G. F. BRITTON,
 Secretary.

DEPARTMENT OF PUBLIC CHARITIES AND CORRECTION,
 No. 66 THIRD AVENUE.

TO CONTRACTORS.

PROPOSALS FOR FLOUR, GROCERIES, ETC.

SEALED BIDS OR ESTIMATES FOR FURNISHING

GROCERIES.
 25,000 fresh eggs (all to be candled).
 3,000 pounds fresh dairy butter (sample on exhibition August 18, A. M.)
 100 barrels crackers.
 50 barrels wheaten grits (160 lbs. net each).
 50,000 pounds brown sugar.
 10,000 pounds granulated sugar.
 10,000 pounds coffee sugar.
 20 boxes corn starch.
 1 cask prunes.
 300 barrels American salt, 320 lbs. net each.
 4 tons white meal.

DRY GOODS.
 3,000 yards bleached muslin.
 200 bales bandage muslin.
 100 gross pantaloons buckles.

LEATHER.
 200 sides sole leather.

STRAW.
 500 bales long bright rye straw, weight delivered at Blackwell's Island.

LUMBER.
 30,000 feet B. M. good shipping box boards, 12 to 16 feet long, 14 to 16 inches wide, planed on one side, to be delivered at Storehouse Dock, Blackwell's Island.

—or any part thereof, will be received at the office of the Department of Public Charities and Correction, in the City of New York, until 9:30 o'clock A. M., of Friday, August 18, 1882. The person or persons making any bid or estimate shall furnish the same in a sealed envelope, indorsed "Bid or Estimate for Groceries, Dry Goods, Leather, Lumber, etc.," and with his or their name or names, and the date of presentation, to the head of said Department, at the said office, on or before the day and hour above named, at which time and place the bids or estimates received will be publicly opened by the head of said Department and read.

The Department of Public Charities and Correction reserves the right to decline any and all bids or estimates if deemed to be for the public interest, and to accept any

bid or estimate as a whole, or for any one or more articles included therein. No bid or estimate 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 a defaulter, as surety or otherwise, upon any obligation to the Corporation.

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

Delivery will be required to be made from time to time, at such times and in such quantities as may be directed by the said Department.

Any bidder for this contract must be known to be engaged in and well prepared for the business, and must have satisfactory testimonials to that effect; and the person or persons to whom the contract may be awarded will be required to give security for the performance of the contract by his or their bond, with two sufficient sureties, in the penal amount of fifty (50) per cent. of the estimated amount of the contract.

Each bid or estimate shall contain and state the name and place of residence of each of the persons making the same; the names of all persons interested with him or them therein; and if no other person be so interested, it shall distinctly state that fact; that it is made without any connection with any other person making an estimate for the same purpose, and is in all respects fair and without collusion or fraud; and that no member of the Common Council, head of a Department, Chief of a Bureau, Deputy thereof or Clerk therein, or other officer of the Corporation, is directly or indirectly interested therein, or in the supplies or work to which it relates, or in any portion of the profits thereof. The bid or estimate must be verified by the oath, in writing, of the party or parties making the estimate, that the several matters stated therein are in all respects true. Where more than one person is interested, it is requisite that the verification be made and subscribed by all the parties interested.

Each bid or estimate shall be accompanied by the consent, in writing, of two householders or freeholders in the City of New York, with their respective places of business or residence, to the effect, that if the contract be awarded to the person making the estimate, they will, on its being so awarded, become bound as his sureties for its faithful performance; and that if he shall omit or refuse to execute the same, they shall pay to the Corporation any difference between the sum to which he would be entitled on its completion, and that which the Corporation may be obliged to pay to the person or persons to whom the contract may be awarded at any subsequent letting; the amount in each case to be calculated upon the estimated amount of the work by which the bids are tested. The consent above mentioned shall be accompanied by the oath or affirmation, in writing, of each of the persons signing the same, that he is a householder or freeholder in the City of New York, and is worth the amount of the security required for the completion of this contract over and above all his debts of every nature, and over and above his liabilities, as bail, surety, or otherwise; and that he has offered himself as a surety in good faith and with the intention to execute the bond required by section 27 of chapter 8 of the Revised Ordinances of the City of New York, if the contract shall be awarded to the person or persons for whom he consents to become surety. The adequacy and sufficiency of the security offered to be approved by the Comptroller of the City of New York.

No bid or estimate will be considered unless accompanied by either a certified check upon one of the national banks of the City of New York, drawn to the order of the Comptroller, or money to the amount of five per centum of the amount of the security required for the faithful performance of the contract. Such check or money must not be inclosed in the sealed envelope containing the estimate, but must be handed to the officer or clerk of the Department who has charge of the Estimate-box, and no estimate can be deposited in said box until such check or money has been examined by said officer or clerk and found to be correct. All such deposits, except that of the successful bidder, will be returned to the persons making the same within three days after the contract is awarded. If the successful bidder shall refuse or neglect, within five days after notice that the contract has been awarded to him to execute the same, the amount of the deposit made by him shall be forfeited to and retained by the City of New York as liquidated damages for such neglect or refusal; but, if he shall execute the contract within the time aforesaid, the amount of his deposit will be returned to him.

Should the person or persons to whom the contract may be awarded neglect or refuse to accept the contract within five days after written notice that the same has been awarded to his or their bid or proposal, or if he or they accept but do not execute the contract and give the proper security, he or they shall be considered as having abandoned it and as in default to the Corporation, and the contract will be readvertised and relet as provided by law.

The quality of the articles, supplies, goods, wares, and merchandise must conform in every respect to the samples of the same respectively at the office of the said Department. Bidders are cautioned to examine the specifications for particulars of the articles, etc., required, before making their estimates.

Bidders will state the prices for each article, by which the bids will be tested.

Bidders will write out the amount of their estimate, in addition to inserting the same in figures.

Payment will be made by a requisition on the Comptroller, issued on the completion of the contract, or from time to time, as the Commissioners may determine.

Bidders are informed that no deviation from the specifications will be allowed, unless under the written instruction of the Commissioners of Public Charities and Correction.

The Department of Public Charities and Correction reserves the right to decline any and all bids or estimates if deemed to be for the public interest, and to accept any bid or estimate as a whole, or for any one or more articles included therein. No bid or estimate 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 a defaulter, as surety or otherwise, upon any obligation to the Corporation.

The form of the agreement, including specifications, and showing the manner of payment, can be obtained at the office of the Department.

Dated New York, August 7, 1882.

THOMAS S. BRENNAN,
 JACOB HESS,
 HENRY H. PORTER,
 Commissioners of the Department of Public Charities and Correction.

DEPARTMENT OF PUBLIC CHARITIES AND CORRECTION,
 No. 66 THIRD AVENUE,
 NEW YORK, July 25, 1882.

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 Morgue, Bellevue Hospital, from Pier 53, East river—Unknown man; age 50 years; 5 feet 7 inches high; gray hair; dark moustache; blue eyes. Had on blue check jumper, gray cotton pants, gaiters. Tattooed on several parts of body.

Unknown woman, from 67 Madison street; age about 45 years; 5 feet 3 inches high; brown hair. Had on dark calico waist and skirt, white chemise.

Unknown man, from Chambers Street Hospital; age about 50 years; 5 feet 8 inches high; gray hair; sandy moustache; blue eyes; no clothing.

Unknown man, from 229 South Fifth avenue; age about 40 years; 5 feet 9 inches high; light brown hair; red moustache; chin beard; blue eyes; no clothing.

Unknown woman, from Forty-third street and Second avenue; age about 50 years; 5 feet 2 inches high; sandy hair; blue eyes. Had on black shawl, gray flannel jacket, white waist, brown skirt, check skirt, brown petticoat, white cotton stockings, black prunella gaiters.

Unknown man from Pier 54, East river, age about 45 years, 5 feet 7 inches high, black hair, blue eyes, brown moustache, no clothing.

Unknown man from Presbyterian Hospital, age about 45 years, 5 feet 9 inches high, dark brown hair, graying tinted brown moustache, imperial and chin whiskers, blue eyes, no clothing.

Unknown man, from foot of Jackson street, age about 45 years, 5 feet 8 inches high, dark brown hair, moustache and chin whiskers, blue eyes; had on dark frock coat, black vest and pants, white shirt, white knit undershirt, white socks, gaiters.

At Charity Hospital, Blackwell's Island, John Woods, age 35 years, 5 feet 4½ inches high, blue eyes, dark hair; had on when admitted black overcoat, blue overalls, white shirt, cap and shoes.

At Lunatic Asylum, Blackwell's Island—Mary Connors, alias Connelly; age 35 years; 5 feet 3 inches high; black hair; dark brown eyes.

At Homeopathic Hospital, Ward's Island—Sarah Rollins; age 35 years; 5 feet 5 inches high; gray eyes; brown hair. Had on when admitted brown wrapper, black sacking.

Eliza Dobson; age 48 years; 5 feet 6 inches high; gray eyes and hair. Had on when admitted brown wrapper, black sacking, gray shawl.

Both the above works to be completed in sixty (6) working days after the commencement thereof.

The damages to be paid by the contractor for each day that the contract may be unfulfilled after the time specified in the contract for the completion thereof shall have expired, are, by a clause in the contract, fixed and liquidated at twenty dollars per day.

Should the person or persons to whom the contract is awarded neglect or refuse to accept the contract for five days after written notice that the same has been awarded to his or their bid or estimate, or if, after acceptance, he or they should refuse or neglect to execute the contract and give proper security, for five days after notice that the contract is ready for execution, he or they will be considered as having abandoned it, and the contract will be readvertised and relet, and so on, until it be accepted and executed.

The Department of Public Charities and Correction reserves the right to decline any and all bids or estimates if deemed to be for the public interest. No bid or estimate 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 a defaulter, as surety or otherwise, upon any obligation to the Corporation.

Each bid or estimate shall contain and state the name and place of residence of each of the persons making the same; the names of all persons interested with him or them therein; and if no other person be so interested, it shall distinctly state that fact; that it is made without any connection with any other person making an estimate for the same purpose, and is in all respects fair, and without collusion or fraud; and that no member of the Common Council, Head of a Department, Chief of a Bureau, Deputy thereof, or Clerk therein, or other officer of the Corporation, is directly or indirectly interested therein, or in the supplies or work to which it relates, or in any portion of the profits thereof. The bid or estimate must be verified by the oath, in writing, of the party or parties making the estimate, that the several matters stated therein are in all respects true. Where more than one person is interested, it is requisite that the verification be made and subscribed by all the parties interested.

Each bid or estimate shall be accompanied by the consent, in writing, of two householders or freeholders in the City of New York, with their respective places of business or residence, to the effect, that if the contract be awarded to the person making the estimate, they will, on its being so awarded, become bound as his sureties for its faithful performance; and that if he shall omit or refuse to execute the same, they will pay to the Corporation any difference between the sum to which he would be entitled on its completion, and that which the Corporation may be obliged to pay to the person or persons to whom the contract may be awarded at any subsequent letting; the amount in each case to be calculated upon the estimated amount of the work by which the bids are tested. The consent above mentioned shall be accompanied by the oath or affirmation, in writing, of each of the persons signing the same, that he is a householder or freeholder in the City of New York, and is worth the amount of the security required for the completion of this contract over and above all his debts of every nature, and over and above his liabilities, as bail, surety, or otherwise; and that he has offered himself as a surety in good faith and with the intention to execute the bond required by law. The adequacy and sufficiency of the security offered to be approved by the Comptroller of the City of New York, after the award is made, and prior to the signing of the contract.

Bidders will state the price for doing either of the works, by which the bids will be tested.

Bidders will write out the amount of their estimate in addition to inserting the same in figures.

No bid or estimate will be considered unless accompanied by either a certified check upon one of the national banks of the City of New York, drawn to the order of the Comptroller, or money, to the amount of five per centum of the amount of the security required for the faithful performance of the contract. Such check or money must not be inclosed in the sealed envelope containing the estimate, but must be handed to the officer or clerk of the Department who has charge of the Estimate-box, and no estimate can be deposited in said box until such check or money has been examined by said officer or clerk and found to be correct. All such deposits, except that of the successful bidder will be returned to the persons making the same within three days after the contract is awarded. If the successful bidder shall refuse or neglect, within five days after notice that the contract has been awarded to him, to execute the same, the amount of the deposit made by him shall be forfeited to and retained by the City of New York, as liquidated damages for such neglect or refusal; but, if he shall execute the contract within the time aforesaid, the amount of his deposit will be returned to him.

Payment will be made by a requisition on the Comptroller, issued in the manner specified in the contract.

Bidders are informed that no deviation from the specifications will be allowed, unless under the written instruction of the Commissioners of Public Charities and Correction.

The form of the agreement, including specifications, and showing the manner of payment for the work, will be furnished at the office of the Department.

Dated New York, August 7, 1882.

THOMAS S. BRENNAN,
 JACOB HESS,
 HENRY H. PORTER,
 Commissioners of the Department of Public Charities and Correction.

DEPARTMENT OF PUBLIC CHARITIES AND CORRECTION,
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