

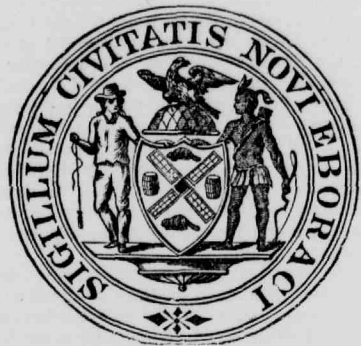
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CHAPTER 4.

AN ACT to declare the cases in which offices shall be deemed vacant.

Passed February 5, 1880; three-fifths being present.

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

Section 1. When a new office is created more than three months prior to the next general election the same shall be deemed vacant from and after the date of the creation of the same and until the same shall be filled by election or appointment.

Sec. 2. Whenever more than three months prior to the next general election provision is made for an additional incumbent of an office then existing such office shall be deemed vacant as to such additional incumbent from and after the time when such provision shall take effect until the same shall be filled by election or appointment.

Sec. 3. This act shall apply to all new offices heretofore created, and to all cases where provision has been heretofore made for an additional incumbent of an office then existing.

Sec. 4. This act shall take effect immediately.

CHAPTER 5.

AN ACT to authorize the president, treasurer and secretary of any railroad company to issue certificates of stock in certain cases after a foreclosure and sale of the property and franchises of the corporation.

Passed February 5, 1880.

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

Section 1. The president, treasurer and secretary of any railroad company organized under the laws of this State, or either of them, whose property and franchises have been sold under a foreclosure of any mortgage given to secure the payment of any bond or bonds issued by such company, are hereby authorized and required after such foreclosure and sale, upon demand of any individual or any duly authorized officers of any corporation, town, county or city entitled thereto, to issue certificates of stock in said railroad company, provided when any such individual or the proper officers of any corporation, county, town or city duly authorized so to do have subscribed to the stock of such railroad company and paid the amount of such subscription to the officers of such railroad company, either in money or bonds, before the date of such foreclosure and sale, and a certificate of stock through the neglect of such railroad company or of any individual or the officers of any town, county, city or corporation has not been issued and delivered to said subscriber or the officers of any corporation, town, county or city for the amount of money or both so subscribed and paid.

Sec. 2. All certificates of stock issued under the authority of the first section of this act shall have all the force and effect and shall give the holder all the rights which would pertain thereto as if said stock had been issued at the date and payment of the subscription thereto.

Sec. 3. This act shall take effect immediately.

CHAPTER 8.

AN ACT relating to legal proceedings in which the mayor, aldermen, and commonalty of the city of New York are parties of record or in interest.

Passed February 11, 1880; three-fifths being present.

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

Section 1. In all actions or proceedings, in either the State or United States courts, in which the mayor, aldermen, and commonalty of the city of New York, or any department thereof, shall be a party, wherever an undertaking, bond, security, or stipulation is required as a condition to the obtaining of any legal remedy or process, the perfecting of an appeal, or the stay of execution, or other writ in the nature thereof, such undertaking, bond, or stipulation may be executed on behalf of the mayor, aldermen, and commonalty of the city of New York by the comptroller of said city, upon the advice of the counsel to the corporation that the same should be executed, and in such form as he may approve; or security may be given in such manner and form as the said counsel to the corporation may advise.

Sec. 2. Any such bond, undertaking, or stipulation executed since the first day of January, one thousand eight hundred and eighty, shall have the same force and effect as if executed subsequent to the passage of this act.

Sec. 3. This act shall not affect any existing provision of law authorizing municipal corporations to stay the execution of a judgment, or order appealed from without an undertaking or other security.

Sec. 4. This act shall take effect immediately.

CHAPTER 9.

AN ACT to declare women eligible to serve as school trustees.

Passed February 12, 1880; three-fifths being present.

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

Section 1. No person shall be deemed to be ineligible to serve as any school officer, or to vote at any school meeting, by reason of sex, who has the other qualifications now required by law.

Sec. 2. This act shall take effect immediately.

CHAPTER 12.

AN ACT to amend chapter three hundred and seventeen of the laws of eighteen hundred and seventy-eight, entitled "An act to amend chapter seventy-five of the laws of eighteen hundred and seventy-eight, entitled 'An act in relation to the bonded indebtedness of villages, cities, towns and counties.'"

Passed February 14, 1880; 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 three hundred and seventeen of the laws of eighteen hundred and seventy-eight, entitled "An act to amend chapter seventy-five of the laws of eighteen hundred

and seventy-eight, entitled 'An act in relation to the bonded indebtedness of villages, cities, towns and counties,' is hereby amended so as to read as follows:

§ 1. The present bonded indebtedness of any village, city, town, district of a town, or county, may be paid up or retired by the issuance of bonds of the same amount by the respective officers or boards who were authorized to issue such outstanding bonds; provided, however, that such new bonds shall only be issued when the existing bonds can be retired or paid by the substitution of new bonds or by money realized thereon, in the place and stead of existing bonds, bearing a lower rate of interest than the bonds so authorized to be retired or paid. All bonds taken up by new bonds, or paid under the provisions of this act, shall be immediately cancelled and destroyed; and a certificate shall be made and filed in the county clerk's office of the bonds destroyed, and, also, of the new bonds issued. This act shall not be so construed as to authorize the issue of new bonds to supersede or pay existing bonds which have been adjudged invalid by the final judgment of a competent court; and the officers and boards referred to in this act shall include the successors in office of those who originally issued the outstanding bonds.

Sec. 2. This act shall take effect immediately.

CHAPTER 20.

AN ACT to authorize the extension of the time for the collection of taxes in the several towns of this State.

Passed February 20, 1880; three-fifths being present.

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

Section 1. If any collector or receiver of taxes in any town of this state shall pay over all moneys collected by him and shall make his return to the treasurer of his county, as now required by law, of all unpaid taxes on lands of non-residents, and shall renew his bond as herein provided, the time for the collection of all other taxes and for making return thereof, by him, shall be, and is hereby extended to the first day of May, eighteen hundred and eighty; such bond shall be renewed with such sureties as in any town shall be approved by the supervisor thereof, or in case of his absence or inability to act, by the town clerk thereof. The penalty thereof in any case shall be double the amount of taxes in that case remaining uncollected. The bond shall be approved in writing and filed in the same manner as the original bond is required by law to be filed and to have all the effect of the collector's or receiver's bond. A copy of the bond and the approval thereof shall, within fifteen days after the passage of this act, be delivered to the county treasurer of the county in which said town is, but nothing herein contained shall be construed as extending the time for the payment of the state tax, or any part thereof, by the county treasurer of said county to the comptroller as now provided by law.

Sec. 2. It shall be the duty of the secretary of state, immediately after the passage of this act, to cause to be printed on slips of paper and delivered to each county treasurer a sufficient number thereof to supply one copy to each collector or receiver of taxes in said county, and it shall be the duty of said county treasurer to deliver one copy thereof to each collector or receiver of taxes in his county.

Sec. 3. This act shall take effect immediately.

CHAPTER 27.

AN ACT to amend chapter five hundred and fifty-five of the laws of eighteen hundred and sixty-four, entitled "An act to revise and consolidate the general acts relating to public instruction."

Passed February 23, 1880; three-fifths being present.

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

Section 1. Section ten of title three of chapter five hundred and fifty-five of the laws of eighteen hundred and sixty-four, entitled "An act to revise and consolidate the general acts relating to public instruction," is hereby amended so as to read as follows:

§ 10. Whenever any school district or separate neighborhood shall have been excluded from participation in any apportionment made by the superintendent, or by the school commissioners, by reason of its having omitted to make any report required by law, or to comply with any other provision of law, or with any rule or regulation made by the superintendent under the authority of law, and it shall be shown to the superintendent that such omission was accidental or excusable, he may upon the application of such district or neighborhood, make to it an equitable allowance; and if the apportionment was made by himself, cause it to be paid out of the contingent fund; and if the apportionment was made by the commissioners, direct them to apportion such allowance to it, at their next annual apportionment, in addition to any apportionment to which it may then be entitled. And the superintendent may, in his discretion, upon the recommendation of the school commissioner having jurisdiction over the district in default, direct that the money so equitably apportioned shall be paid in satisfaction of teachers' wages earned by a teacher not qualified in accordance with the provisions of the law as hereinafter set forth.

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

Sec. 3. This act shall take effect immediately.

CHAPTER 36.

AN ACT to amend the law of evidence and practice on civil and criminal trials.

Passed February 29, 1880; three-fifths being present.

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

SECTION 1. Comparison of a disputed writing, with any writing proved to the satisfaction of the court to be genuine, shall be permitted to be made by witnesses in all trials and proceedings, and such writings and the evidence of witnesses respecting the same may be submitted to the court and jury as evidence of the genuineness, or otherwise, of the writing in dispute.

Sec. 2. This act shall take effect immediately.

CHAPTER 42.

AN ACT to amend chapter five hundred and ninety of the laws of eighteen hundred and seventy-two, entitled "An act to regulate processions and parades in the cities of the state of New York."

Passed March 3, 1880; 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 ninety of the laws of eighteen hundred and seventy-two, entitled "An act to regulate processions and parades in the cities of the state of New York," is hereby amended so as to read as follows:

§ 3. All processions and parades on Sunday, in any street or public place of any city, excepting only funeral processions engaged in the actual burial of the dead, and processions to and from any place of worship in connection with a religious service there celebrated, are forbidden; and in no such excepted case shall there be any music, fireworks, discharge of cannon or firearms, or other disturbing noise; provided that in any military or Grand Army of the Republic funeral music may be played while escorting the body to and from such place, but such music shall not be played within one block of any place of worship, where worship is being celebrated.

Sec. 2. This act shall take effect immediately.

CHAPTER 47.

AN ACT to amend chapter fifty of the laws of eighteen hundred and twenty-four, entitled "An act relating to hackney coaches and carriages in the city of New York."

Passed March 4, 1880; 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 fifty of the laws of eighteen hundred and twenty-four,

entitled "An act relating to hackney coaches and carriages in the city of New York," is hereby amended so as to read as follows:

§ 1. That the owner of every hackney coach or carriage, or hackney coaches or carriages, in the city of New York, who shall obtain such license as is mentioned in the two hundred and seventy-second section of the act entitled "An act to reduce several laws relating particularly to the city of New York into one act," passed April ninth, eighteen hundred and thirteen, shall pay therefor, annually, to the mayor, aldermen and commonalty of said city, a sum to be determined by the said common council.

Sec. 2. This act shall take effect immediately.

CHAPTER 54.

AN ACT to amend the Code of Civil Procedure.

Passed March 10, 1880; 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 hundred and fifty-one of the Code of Civil Procedure is hereby amended so as to read as follows:

§ 251. The justices of the supreme court for the first judicial district, or a majority of them, must appoint, and may at pleasure remove, a stenographer for each term of the circuit court, for the general term of the supreme court, and for each special term of the supreme court where issues of fact are triable which constitutes a separate part. Each stenographer so appointed is entitled to a salary, fixed and to be paid as prescribed by law. He must attend all the sittings of the part for which he is appointed. If any judge requires a copy of any proceedings written out at length from the stenographic notes, he may make an order directing one-half of the stenographer's fees therefor to be paid by each of the parties to the action or special proceeding, at the rate of ten cents for each folio so written out, and may enforce payment thereof. If there are two or more parties on the same side, the order may direct either of them to pay the sum payable by their side for the stenographer's fees, or it may apportion the payment thereof among them as the judge deems just.

Sec. 2. This act shall take effect immediately.

CHAPTER 55.

AN ACT to amend section three of chapter one hundred and ten of the laws of eighteen hundred and seventy-six, entitled "An act supplemental to chapter sixty of the laws of eighteen hundred and thirteen, entitled 'An act to provide for the incorporation of religious societies, and of the several acts amendatory thereof.'"

Passed March 10, 1880.

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 ten of the laws of eighteen hundred and seventy-six, entitled "An act supplemental to chapter sixty of the laws of eighteen hundred and thirteen, entitled 'An act to provide for the incorporation of religious societies, and of the several acts amendatory thereof,'" is hereby amended so as to read as follows:

§ 3. Whenever any church, parish, or religious society, in connection with any such governing body, shall become extinct, or shall cease to maintain religious services therein for two consecutive years, by reason of the death or removal of its members, or for any other cause, it shall be lawful for the trustees elected by such governing body, as aforesaid, to take possession of the temporalities belonging to such extinct church or society, and manage or dispose of the same, and apply the proceeds thereof to any of the objects mentioned in the second section of this act. The governing body to which the church or society belongs shall determine when any church or society has become extinct, or has ceased to maintain religious services for two consecutive years, provided that no church or society having more than thirteen resident members shall be declared extinct, unless it has failed for two consecutive years to maintain religious service therein.

Sec. 2. This act shall take effect immediately.

CHAPTER 56.

AN ACT to promote honest elections.

Passed March 11, 1880; three-fifths being present.

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

Section 1. No person shall be eligible to the office of inspector of election or clerk of the poll, or be qualified to act as such, unless he can read and write the English language.

Sec. 2. It shall be a misdemeanor for any person not possessing such qualifications to act as an inspector of election or clerk of the poll.

Sec. 3. The election at every poll shall be public to the watchers hereafter provided for, from its commencement to the close of the canvass and signing of the proper returns and copies thereof.

Sec. 4. Every political organization which shall present a candidate or candidates for the suffrages of the voters of any election district, shall have the right to appoint, not to exceed, two electors as watchers at the poll of such election district for every election. Such appointment may be evidenced by a written or printed appointment, signed by the president or the chairman and the secretary of such political organization, but no ward or town organization shall be entitled to watchers at any poll outside the limit of such ward or town.

Sec. 5. Said watchers and each of them shall be entitled to be present at such election in the room occupied by the inspectors of election, commencing at least fifteen minutes before any ballot-box shall be opened, until the close of the canvass, and the signing of the proper returns of such election.

Sec. 6. At every election immediately before any ballots are received by the inspectors of election, or any of them, said inspectors shall unlock every ballot-box used, or to be used, at such election, and permit each watcher present to examine said ballot-box, and every part and portion thereof, until he is satisfied as to the structure thereof, and that there is, at the commencement of receiving ballots, no ballots therein.

Sec. 7. Every watcher shall have the right, from the time of so inspecting said ballot-box or boxes, at any and all times until the canvass of the ballots and signing of the proper returns and copies thereof, to be present in the room occupied by said inspectors, in a position and place where he may fully, conveniently and comfortably watch the reception and deposit of every ballot cast at such election, and the full and final canvass of the ballots, and signing of the proper returns and copies thereof; and no ballot-box or ballot cast, except it be in the ballot-box, shall be removed from the constant sight and inspection of such watchers, until the canvass is closed and the proper returns and copies thereof made and completed.

Sec. 8. Every ballot-box shall be so placed, at a window or elsewhere, that the voter depositing any ballot and each watcher may conveniently see every ballot received by the inspectors and deposited in the ballot-box.

Sec. 9. No screen or other obstruction to such view of any ballot-box by the voter or any watcher shall be allowed.

Sec. 10. If requested by any watcher or any elector present at any canvass, it shall be the duty of the inspectors of election, and each of them, to exhibit any and all ballots cast at such election to such watcher or elector fully opened, and in such a condition and manner that he may fully and carefully read and examine the same, though said inspector shall not allow any such ballot to be taken from his hand.

Sec. 11. Every return or statement of the result of the canvass of any election shall be made upon a single sheet of paper, or if not, each half-sheet shall be signed at the end thereof by the inspectors.

Sec. 12. The room used for the reception of ballots shall be of a reasonable size, so as to admit at all times at least twelve electors, including the watchers, exclusive of the inspectors of election and clerks of the poll.

Sec. 13. Any watcher or other elector may challenge the right of any person offering to vote at any election, and the name of the person so challenging shall not be disclosed by any inspector of election or clerk of the poll, unless required so to do by a court of justice or magistrate in some legal proceeding.

Sec. 14. The inspectors of election of each election district shall, within twenty-four hours after the completion of the canvass, in addition to the making and filing of the returns and statements thereof, now directed and required by law, cause a duplicate of such return or statement to be filed in the office of the clerk of the county. One of their number may be deputed by them to, and may file the same, and he shall be paid for so doing, except in cities and towns where the county clerk's office is situated, the sum of five dollars, and also, four cents a mile for each mile actually and necessarily traveled by the usual route in going to and returning from the said county clerk's office, to be audited, allowed and paid in the same manner as for other services of said inspectors.

Sec. 15. The returns or statements of election on file in county, town and city clerk's offices shall be public records and open to inspection and examination by any elector of the state.

Sec. 16. No inspector of election or clerk of the poll, who shall act as such during any portion of any election, shall peddle, distribute or give tickets to electors during any part of the day of such election.

Sec. 17. No lager beer, ale, wine or spirituous liquors shall be allowed on any election day in any room used for election purposes.

Sec. 18. Every inspector of election or clerk of the poll who shall intentionally make, or attempt to make, any false canvass of the ballots cast at an election, or shall intentionally make, or attempt to make, any false statement of the result of any canvass, though not signed by a majority of the inspectors of election, shall be guilty of a felony, and be punished by imprisonment in the county jail or a penitentiary, not exceeding one year, or in the state prison, not exceeding five years.

Sec. 19. Any person who shall induce, or attempt to induce, any inspector of election, or clerk of the poll, to do any act forbidden by the last section, shall be guilty of a felony, and be punished in the same manner and to the same extent.

Sec. 20. Every inspector of election, or clerk of the poll, who shall intentionally omit, neglect or refuse to do any act required by this act, and every inspector of election, clerk of the poll, policeman, member of any police force, or other person who shall intentionally refuse to permit the doing of any act hereby allowed to be done by any watcher or elector, or shall intentionally prevent, or attempt to prevent, the doing thereof, or shall intentionally do any act forbidden by this act, except in sections eighteen and nineteen thereof, shall be guilty of a misdemeanor, and be punished by imprisonment in a county jail or penitentiary for not exceeding one year, or by a fine of not exceeding two hundred and fifty dollars, or by both such fine and imprisonment.

Sec. 21. This act shall apply to all elections, general or special, including town elections in all towns and charter elections in all of the cities and incorporated villages of this state. Where the charter of any village shall provide that the trustees, or any officer or officers thereof, may or shall, ex officio, be inspectors of any charter election therein or therefor, said trustees or officers may so act, notwithstanding they do not possess the qualifications required by section one hereof, and section two shall not apply to their so acting.

Sec. 22. Wherever the word inspector appears in this act it shall be taken to include and mean all officers who, under any law of this state, shall be required to canvass votes.

Sec. 23. This act, so far as the same refers to the qualifications of "inspectors of elections" and "clerks of the poll," shall take effect so as to apply to those hereafter to be appointed or elected as such inspectors and clerks, and in all other respects shall take effect immediately.

CHAPTER 60.

AN ACT making an appropriation to pay the expense of the publication of the concurrent resolutions proposing amendments to the constitution, under the direction of the secretary of state, in eighteen hundred and seventy-nine, and providing for the publication of concurrent resolutions hereafter.

Passed March 12, 1880; 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 fifty thousand dollars, or so much thereof as may be necessary, is hereby appropriated out of any moneys in the treasury not otherwise appropriated for the purpose of meeting the deficiency in the funds necessary to pay for the publication of the concurrent resolutions of the legislature of eighteen hundred and seventy-nine, proposing amendments to the constitution, under the direction of the secretary of state.

Sec. 2. The secretary of state shall cause to be published, in not to exceed two public newspapers in each county of this state, all concurrent resolutions of the senate and assembly which are by the constitution or by any law of the state, required to be published. Such publication shall be for one time only, except concurrent resolutions proposing amendments to the constitution, which shall be published once a week for thirteen consecutive weeks; and in all cases where such publication is made in more than one newspaper in a county, the publication shall be directed to be made in the two newspapers respectively representing the two rival political parties polling the highest number of votes at the preceding election.

Sec. 3. This act shall take effect immediately.

CHAPTER 65.

AN ACT further to amend chapter one hundred and forty-seven of the laws of eighteen hundred and seventy-six, entitled "An act granting to the United States the right to acquire the right of way necessary for the improvement of the Harlem river and Spuyten Duyvil creek from the North river to the East river, through the Harlem Kills, and ceding jurisdiction on the same," as amended by chapter three hundred and forty-five of the laws of eighteen hundred and seventy-nine.

Passed March 17, 1880; by a two-thirds vote.

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

Section 1. All sums of money which have been or shall hereafter be awarded under and according to the provisions of the acts hereby amended, to the owners and parties in interest in the lands and premises taken or which shall hereafter be taken for the purposes of the improvement of the Harlem river and Spuyten Duyvil creek, as just compensation to be made to them for such lands and premises, and the costs and expenses of estimate, assessment and other proceedings necessarily taken or to be taken under and authorized by said acts, and by said acts as hereby amended, shall be borne and paid by the parties and persons interested in and entitled as owners or otherwise to the lands and premises deemed to be benefited by said improvement, and the same shall be assessed upon such parties and persons, lands and premises in the manner hereinafter provided.

Sec. 2. The commissioners of estimate and assessment appointed pursuant to the provisions of chapter one hundred and forty-seven of the laws of eighteen hundred and seventy-six, and chapter three hundred and forty-five of the laws of eighteen hundred and seventy-nine, by the several orders of the supreme court made and entered upon the petition of John Newton, the engineer in charge of said improvement, in the name of the United States, at a special term of the first judicial district, held in the city of New York on the twenty-fourth, twenty-seventh and thirty-first days of October, eighteen hundred and seventy-nine, are hereby authorized and directed to lay out and determine, upon an area of assessment embracing such lands and premises on each side of the exterior lines of said improvement, or as nearly adjacent thereto as said commissioners shall deem to be benefited thereby, and to assess upon such lands and premises, and to the persons and parties in interest owning the same, within such area of assessment for the value of such benefit, the sum required to pay the compensation awarded to, or to be awarded by them under the acts hereby amended, and as hereby amended, and the order or orders of the supreme court heretofore made or hereafter to be made upon such petition, and the costs and expenses of estimate, assessment and other proceedings necessarily taken or to be taken under and authorized by said acts, and by said acts as hereby amended. Said commissioners, before they enter upon the performance of the duties hereinafter prescribed, shall severally take and subscribe the oath prescribed by the twelfth section of the constitution of this state, which oath shall be filed in the clerk's office of the city of New York.

Sec. 3. It shall be the duty of said commissioners, after having viewed the premises, to lay out and determine upon an area of assessment embracing the lands and premises on each side of said improvement, or as nearly adjacent thereto as said commissioners may deem to be benefited thereby, to cause a map of the same to be made showing the limits of said area of assessment, the names of the parties owning or in possession of the lands within the same, so far as the same can be ascertained, and the quantity of land belonging to such owner, and the quantity belonging to such unknown owners whose names cannot be ascertained, and the location of the same on said map as nearly as they can ascertain the same, and to make a just and equitable assessment of the value of the benefit and advantage of such improvement to the respective owners, persons or parties in interest, entitled to or interested in the said respective lands and premises within said area of assessment, in proportion as nearly as may be to the advantage which each shall be deemed to acquire thereby, and in each and every case where the owners or parties in interest, or their respective estates and interests, are not known or are not fully known to the said commissioners, it shall be sufficient for them to assess and set forth in general terms the respective sums to be paid by the owners and proprietors generally of said lands and premises and parties interested therein, and to report the same to the supreme court without any unnecessary delay. An abstract of the assessment of said commissioners, containing the names of the owners of the parcels of land, so far as the same can be ascertained, the numbers and description of such parcels as they appear upon said map, together with such map, the amount of assessments made against each owner or party in interest, and also all affidavits, estimates and other documents which were used by said commissioners in making their said report, shall be deposited in the clerk's office of the city and county of New York, for the inspection of whomsoever it may concern, for at least thirty days before said commissioners make their report to said court. They shall give notice of the time and place of making their said report to the court, and of the filing of said abstract, by advertisement to be published for and during the space of twenty days previous to making said report, in at least four of the public newspapers printed in said city, and by posting copies of said advertisement in hand bills to be posted up for the same space of time, in three conspicuous places adjacent to said improvement.

Sec. 4. Any person or party whose rights may be affected by the said assessment, and who shall object to the same or any part thereof, may, within ten days after the first publication of the said notice, state his, her or their objections to the same in writing to the said commissioners, which statements shall not be received by them unless verified by his, her or their affidavits, or the affidavits of other persons; and it shall be the duty of the said commissioners, in all cases, to transmit to said

court, together with their said report, all the written statements and affidavits which may have been served upon them within the time aforesaid. And at the expiration of the said ten days, it shall be the duty of the said commissioners to give at least ten days' notice, by publication as aforesaid, of a time and place when and where any person or persons, who may consider themselves aggrieved by such assessment, shall be heard in opposition to the same; and the said commissioners shall have power to adjourn from time to time, within the space of ten judicial days, until such person or persons are fully heard. Said commissioners, or such of them as shall make such assessment, in case any objections be made to them and stated in writing, and verified as aforesaid, shall reconsider their said assessment, or the part or parts thereof so objected to, and in case the same shall appear to them to require correction, but not otherwise, they shall and may correct the same accordingly.

Sec. 5. Upon the coming in of said report, signed by said commissioners or any two of them, the said court, at a special term thereof, shall, after hearing any matter which may be alleged against the same, either confirm the said report or refer the same to the same commissioners for revision and correction, or to new commissioners to be appointed by said court to reconsider the subject-matter thereof, and the commissioners, to whom said report shall be so referred, shall return the same report corrected and revised, or a new report to be made by them in the premises, to the said court, and the same, on being so returned, shall be confirmed or again referred by the said court in manner aforesaid as right and justice shall require, and so from time to time until a report shall be made in the premises which the said court shall confirm, and such report, when made, shall be final and conclusive upon the owners, persons or parties in interest and entitled to any lands and premises mentioned in said report, and, also, upon all other persons and parties whatsoever; and the several assessments thereby confirmed shall thereupon become a lien upon the several lands and premises so as aforesaid severally assessed, to the extent of the amount so assessed upon each parcel set forth in said report within said area of assessment.

Sec. 6. The sums assessed for benefit as the same shall appear by the report of assessment so as aforesaid confirmed, shall be paid by the parties against whom the same are assessed, to the comptroller of the city of New York, who is hereby authorized to receive and apply the same in the manner hereinafter directed. After the confirmation of said report, the said comptroller shall forthwith cause a notice to be published for twenty days, in three of the public newspapers issued in said city of New York, of the confirmation of said report, that the assessments therein made are to be paid at his office within thirty days from the date of the confirmation of said report, without interest, and that if the same are not paid within ninety days from such confirmation, the proceedings provided for by this act will be taken for the enforcement and collection of the same, with interest thereon at the rate of eight per centum after thirty days from such confirmation. Said assessments may be paid to the said comptroller at any time after the confirmation of the said report of assessment, and within thirty days thereafter without interest. And if not paid within thirty days thereafter, interest at the rate of eight per centum per annum shall accrue and be paid upon the same until the same are paid; and as to all such assessments as shall not be paid within ninety days from the time said report of assessment is confirmed, the said comptroller is hereby authorized and directed, immediately upon the expiration of said ninety days, to issue his warrant for the collection of such unpaid assessments. Such warrant shall be signed by the said comptroller, and directed to the sheriff of the city and county of New York. It shall contain the names of all the persons and parties assessed, who have not paid the sums assessed against them by said report of assessment, the amounts due from such persons and parties respectively; the number and description of the parcels of lands and premises assessed for benefit, owned by such persons or parties respectively, and the amounts due from unknown owners, if any, with the number and description of all parcels assessed to such unknown owners, as set forth in said report of assessment and the map filed therewith. If any such persons or parties shall be the owners of, or interested in, any of the lands and premises taken for such improvement, to whom an award for compensation shall have been made in said report of assessment as confirmed, the amount awarded for such compensation shall be deducted from the amount assessed for benefit, and the excess only shall be the sum inserted in said warrant as the sum to be collected from such persons or parties. Said warrant shall command the sheriff to collect from the persons and parties named in said warrant, the sum or sums due from them respectively, with interest at the rate of eight per centum per annum from and after the expiration of thirty days from the date of the confirmation of said report of assessment, pursuant to the provisions and under the authority of this act, and to return the same with the moneys collected thereon, to said comptroller within the period of sixty days from the date thereof. The said comptroller is hereby authorized to renew said warrant after the expiration of said sixty days, from time to time, until the whole amount due for said assessments shall be collected.

Sec. 7. The sheriff of the city and county of New York shall thereupon, by virtue of said warrant and the authority hereby given, collect the several amounts so directed to be collected from the several persons or parties named therein, and from the several lands and premises numbered and described therein as belonging to such persons or parties, and he shall have the same power to enforce the collection of the same or any renewal thereof as if said warrant or any renewal thereof were an execution issued in due form of law, upon a judgment of a court of record of this state, against the persons and parties named therein, as against the several parcels of land and premises numbered and described in said warrant. If any of the parcels numbered and described in said warrant shall be assessed to unknown owners, and the amount so assessed shall not be paid to said sheriff within twenty days after said warrant shall have come into his hands, said sheriff is hereby authorized and directed immediately after the expiration of said twenty days to advertise the several parcels so assessed to unknown owners in the same manner and for the same period of time as in the case of known owners, except that for the name or names of the persons or parties as set forth in the notice of sale and other proceedings subsequent thereto, taken by him, the description of "unknown owners" may be inserted therein.

Sec. 8. From the moneys so collected by said comptroller, he shall pay all sums which have been awarded to the persons and parties as owners, or interested in the lands and premises taken or to be taken for the purpose of said improvement, as the same shall appear by the report of the commissioners of estimate, made in pursuance of the provisions of the acts hereby amended, and as amended, when confirmed, and the expenses, charges and disbursements of the proceedings taken under said acts and under the same as hereby amended as taxed and certified by a justice of the supreme court; and whenever it shall appear by the report of the commissioners of estimate, as provided in the acts hereby amended, and as hereby amended, and by the report of the commissioners of assessments as provided by this act, that an award for compensation for the lands taken or to be taken for the purposes of said improvement, has been made to the same owners or parties in interest upon whom and upon whose lands and premises an assessment for benefit has been made in which the award for compensation is greater than the assessment for benefit, said comptroller shall pay to the said owners or parties in interest the excess only of such compensation so awarded over the amount assessed upon such owners or parties in interest; and whenever an assessment for benefit upon the owners or parties in interest of lands and premises within said area of assessment is made against the same owners or parties in interest, to whom compensation is awarded, for lands and premises taken or to be taken, for said improvement, and such assessment for benefit exceeds such award for compensation, such owners or parties in interest shall be liable only to pay such excess; and upon receipt of the amount of such excess with interest, as above provided, said comptroller is hereby authorized and required to discharge such assessment and the lien created thereby.

Sec. 9. Such of the provisions of chapter one hundred and forty-seven of the laws of eighteen hundred and seventy-six, and chapter three hundred and forty-five of the laws of eighteen hundred and seventy-nine, as are inconsistent with the provisions of this act are hereby repealed, except that this act shall not affect any proceedings heretofore taken under the acts hereby amended, but the court in which said proceedings may be pending may amend the same or any orders heretofore made therein, so as to make the same conform with the provisions of this act. In case there shall be received by said comptroller under this act, from said assessments and interest thereon, a greater sum than will be required to pay the several amounts hereinbefore directed to be paid from the same, the several persons and parties in interest who have paid such assessments shall be entitled to receive from said comptroller the proportion of said surplus which the sums so paid by them bear to the whole amount of said surplus.

Sec. 10. This act shall take effect immediately.

CHAPTER 66.

AN ACT to confer power upon the common council of the city of New York to complete the restoration of Tompkins square as a public park.

Passed March 18, 1880; three-fifths being present.

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

Section 1. The common council of the city of New York is hereby authorized to direct the department of public parks of the city of New York to complete the restoration of Tompkins square as a public park or square.

Sec. 2. To provide the means for the work authorized by the first section of this act, the board of estimate and apportionment of the city of New York is hereby authorized and directed, within twenty days after requisition is made upon said board by the head of the department of public parks, to add to and include in the final estimate of the amounts required to pay the expenses of conducting the public business of the city and county of New York for the year eighteen hundred and eighty, an appropriation of twenty-five thousand dollars for the purpose, and it shall be the duty of the head of the said department of public parks to fully and entirely complete the work authorized by this act, within the amount appropriated for the purpose, before the close of the year eighteen hundred and eighty.

Sec. 3. This act shall take effect immediately.

CHAPTER 67.

AN ACT to amend the Code of Civil Procedure.

Passed March 18, 1880; three-fifths being present.

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

Section 1. Subdivision two of section one thousand and eighty-one of "The Code of Civil Procedure" is hereby amended so as to read as follows:

§ 2. A practicing physician, surgeon, or surgeon dentist having patients requiring his daily professional attention, and not following any other calling, and a licensed pharmacist or pharmacist while actually engaged in his profession as a means of livelihood.

Sec. 2. This act shall take effect immediately.

CHAPTER 72.

AN ACT to amend section one, title four, chapter seventeen, part one of the Revised Statutes, relating to the licensing of hawkers and peddlers.

Passed March 20, 1880; 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, title four, chapter seventeen, part one of the Revised Statutes is hereby amended so as to read as follows:

§ 1. No person shall be authorized to travel from place to place within this state for the purpose of carrying to sell, or exposing for sale, any goods, wares or merchandise of the growth, produce or manufacture of any foreign country other than family groceries and provisions, unless he shall have obtained a license as a hawker and peddler in the manner hereinafter directed.

Sec. 2. This act shall take effect immediately.

CHAPTER 73.

AN ACT to authorize the Ogdensburgh and Lake Champlain Railroad Company to issue bonds and to execute a mortgage to raise funds to provide for the retirement of its preferred stock and other purposes.

Passed March 23, 1880; three-fifths being present.

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

Section 1. The Ogdensburgh and Lake Champlain Railroad Company, a corporation duly organized and incorporated under and pursuant to the laws of the state of New York, is hereby authorized and empowered to issue its bonds to an amount not exceeding four millions five hundred thousand dollars, in such form and payable at such place and time as its directors may determine and to secure the payment of the whole or any part of said bonds by a mortgage upon its franchise, railroad and other property, both real and personal.

Sec. 2. The said bonds, or the proceeds thereof, shall be used only in the purchase, exchange or retirement of its preferred stock as hereinafter provided, in the purchase, exchange or payment of its present mortgage and other bonds, and in the construction of an elevator, building or purchasing new cars and engines, relaying its track with new rails, and other improvements to its property.

Sec. 3. The said company is hereby authorized and empowered, with the proceeds of said bonds, to purchase the whole or any part of its preferred stock or to exchange said bonds for the whole or any part of said preferred stock upon such terms as may be agreed on hereafter. And said stock, when so purchased or exchanged, shall be canceled by said company, and shall not thereafter be reissued. And said company shall, in its annual report to the state engineer and surveyor, state the amount of such stock so canceled until the whole of said preferred stock shall be so canceled.

Sec. 4. The directors of said Ogdensburgh and Lake Champlain Railroad Company shall not issue any of said bonds or execute such mortgage until the same shall be authorized by the vote of a majority of the stock of said company, represented and voted upon by the holders thereof in person or by proxy, as at an election for directors, at an annual meeting or special meeting called for that purpose, of which annual or special meeting a written or printed notice distinctly specifying its object, shall have been given at least thirty days previous to the time designated for holding the same, to all stockholders whose addresses shall be known to said company. Said notice may be served personally or by mail, by depositing copies thereof in the post-office at Boston, Massachusetts, postage paid, and directed to the stockholders intended to be served at their respective places of residence or business, so far as known, and by publishing the same in the Boston Daily Journal, a newspaper published in the city of Boston, and in one newspaper in each of the counties of St. Lawrence, Franklin and Clinton, in this state, at least once in each week for thirty days prior to the day designated for said meeting.

Sec. 5. The said company shall keep a book, in which the ownership of any of the bonds issued under this act may be registered, which shall be open at all reasonable times during the usual hours of transacting business, to the examination of every stockholder or owner of said bonds issued under this act, for thirty days previous to the election of directors, and every owner of said bonds, the ownership of which in his name shall have been entered in said book at least thirty days previous to such election, shall have one vote, either personally or by proxy, for each one hundred dollars of said bonds, in the election of directors of said company, under the same regulations as apply to the votes of stockholders. The said book shall be kept in the office where the stock book of said company shall be kept, and shall be produced for the use of the inspectors of election at every meeting for the election of directors. The production of said bonds to the officer of said company in charge of said book shall entitle the holder thereof to the registry thereof in his name upon said book.

Sec. 6. This act shall take effect immediately.

CHAPTER 74.

AN ACT relative to lands under water in front of lands devised by James Morris, deceased.

Passed March 23, 1880; three-fifths being present.

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

Section 1. On the petition of William Henry Morris and his descendants in being, in person if of age, and by a next friend if infants, the supreme court, at a general or special term thereof, held in the city and county of New York, may authorize the sale in fee simple absolute, or the lease for a term of years not to exceed twenty-one years, of all lands including lands between high and low-water mark, which have been heretofore granted or may hereafter be granted by the people of the state of New York to the said William Henry Morris and to his descendants, originally lying under the waters of the Harlem river in front of and adjacent to other lands which, in the will of James Morris, deceased, dated the twenty-seventh day of January, eighteen hundred and twenty-five, are known and described as the said testator's mansion house, and the residue of the farm of land whereon he then resided, and of all rights to, and interests in, the said land or other land under water in front of and adjacent to the said lands in said will described, whether such rights or interests are pre-emptive or otherwise, or of any part or parts of such lands, rights and interests from time to time as may be judged expedient and calculated to promote the interests of the descendants of the said James Morris, whether yet in being or not, to whom or for whose benefit the upland adjoining the said land under water is devised by said will after the death of the said William H. Morris. The court, upon the petition of the said William H. Morris, or of any other adult descendant of the said William H. Morris, shall appoint one or more suitable persons as the next friend or guardian, or next friends or guardians of such of the descendants of the said William H. Morris as may be infants, in relation to the proceedings on such application.

Sec. 2. The court shall, in respect to each sale, either authorize and direct the same to be by auction, on such terms as the court may prescribe, or shall ascertain, by the report of a referee or otherwise, the terms on which such sale shall be proposed to be made at private sale, and in every sale shall ascertain what portion of the price to be paid thereon is the proceeds of the interest, legal or equitable, of said William Henry Morris in the premises to be sold, and, if it shall seem proper, may direct such proposal to be confirmed, and the sale, if by auction, shall be reported to the court, and, if approved, the court may confirm the same and direct the sale to be made and a conveyance for the premises to be executed accordingly, by the said William H. Morris and a referee acting on behalf of his descendants in the premises. And in case of a lease of such lands, or any part thereof, the court shall, in like manner, ascertain the terms upon which said lease shall be proposed to be made, and may direct such proposal to be confirmed, and may authorize the said lease to be made and to be executed by the said William H. Morris, and a referee acting in behalf of his descendants in the premises.

Sec. 3. The portion of the proceeds of each sale which shall so appear to be produced from the interest of said William H. Morris shall be directed to be paid to him, and the residue thereof, after the payment of the necessary expenses and charges connected with the said sale, and said proceedings, shall be invested under the direction of the court for the benefit of such descendants of the said William H. Morris as may become interested therein under the said will; all or any part of such investment may be made by taking the bond of a purchaser for part of the

purchase-money on any such sale, secured by a mortgage on the premises sold. And in case of a lease of the said premises, or of any part thereof, the rent reserved thereby may be directed to be paid to the said William H. Morris during his life-time, and, after his death, to such of his descendants as may be owner or owners of said premises.

Sec. 4. All sales and conveyances made as aforesaid in pursuance of such authority or direction shall be valid and effectual to vest the said lands sold or conveyed in the purchaser and his assigns in fee simple absolute; and all leases made as aforesaid in pursuance of such authority or direction shall be valid and effectual to vest the lands leased in the lessee and his assigns for the term of years thereby granted as against the said William Henry Morris, and as against all his descendants, whether in being or not, who might become entitled under the said will.

Sec. 5. This act shall take effect immediately.

CHAPTER 76.

AN ACT to amend section one of chapter two hundred and twelve of the laws of eighteen hundred and seventy-nine, entitled "An act to provide for the distribution of the acts passed by the legislature to town clerks' offices."

Passed March 23, 1880; 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 two hundred and twelve of the laws of eighteen hundred and seventy-nine, entitled "An act to provide for the distribution of the acts passed by the legislature to town clerks' offices," is hereby amended so as to read as follows:

§ 1. It shall be the duty of the secretary of state to forward by mail, or by express, to the clerks of each of the counties of this state a sufficient number of printed slips of the acts passed by the legislature at each session, as soon as approved by the governor, to supply the clerk of each town and incorporated village in their respective counties with one copy thereof.

Sec. 2. This act shall take effect immediately.

CHAPTER 90.

AN ACT to authorize the police department or board of police of any city to appoint policemen of district telegraph companies.

Passed April 2, 1880; three-fifths being present.

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

Section 1. The police department or board of police of any city is hereby authorized, in addition to the police force now authorized by law, to appoint a number of persons, not exceeding two hundred, who may be designated by any company which may be operating a system of signaling by telegraph to a central office for police assistance, to act as special patrolmen in connection with such telegraphic system. And the persons so appointed shall, in and about such service, have all the powers possessed by the members of the regular force, except as may be limited by and subject to the supervision and control of the police department or board of police of said city.

Sec. 2. No person shall be appointed as a special patrolman under this act, who does not possess the qualifications which may be required by such police department or board of police for said special service; and the persons so appointed shall be subject, in and about such service, to do duty as a part of the regular police force of such city. The police department or board of police shall have power to revoke any such appointment or appointments at any time, and every person so appointed shall wear a badge and uniform, to be furnished by such company and approved by the police department or board of police. Such uniform shall be designated at the time of the first appointment under this act, and shall be the permanent uniform to be worn by said special police.

Sec. 3. The pay of such special patrolmen, and all expenses connected with their service shall be wholly paid by such company or companies, and no expense or liability shall at any time be incurred or paid by the police department or board of police of any city for, or by reason of, the services of the persons so as aforesaid appointed.

Sec. 4. This act shall take effect immediately.

CHAPTER 94.

AN ACT to amend section two of chapter nine hundred and seventeen of the laws of eighteen hundred and sixty-nine, entitled "An Act authorizing the consolidation of certain railroad companies."

Passed April 3, 1880.

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

Section 1. Section two of chapter nine hundred and seventeen of the laws of eighteen hundred and sixty-nine, entitled "An act authorizing the consolidation of certain railroad companies," is hereby amended so as to read as follows:

§ 2. Said consolidation shall be made under the conditions, provisions and restrictions, and with the powers hereinafter in this act mentioned and contained, that is to say:

1. The directors of the companies proposing to consolidate may enter into a joint agreement, under the corporate seal of each company, for the consolidation of said companies and railroads, and prescribing the terms and conditions thereof, the mode of carrying the same into effect, the name of the new corporation, the number and names of the directors and other officers thereof, and who shall be the first directors and officers, and their places of residence, the number of shares of the capital stock, the amount or par value of each share, and the manner of converting the capital stock of each of said companies into that of the new corporation, and how and when directors and officers shall be chosen, with such other details as they shall deem necessary to perfect such new organization and the consolidation of said companies or railroads. But in no case shall the capital stock of the company formed by such consolidation exceed the sum of the capital stock of the companies so consolidated, at the par value thereof. Nor shall any bonds or other evidences of debt be issued as a consideration for, or in connection with, such consolidation.

2. Said agreement shall be submitted to the stockholders of each of the said companies or corporations at a meeting thereof called separately for the purpose of taking the same into consideration; due notice of the time and place of holding said meeting, and the object thereof, shall be given by each company to its stockholders by written or printed notices addressed to each of the persons in whose names the capital stock of such company stands on the books thereof, and deliver to such persons respectively, or send to them by mail, when their post-office address is known to the company, at least thirty days before the time of holding such meeting, and also by a general notice published daily for at least four weeks in some newspaper printed in the city, town or county where such company has its principal office or place of business; and at the said meeting of stockholders the agreement of the said directors shall be considered, and a vote by ballot taken for the adoption or rejection of the same, each share entitling the holder thereof to one vote, and said ballots shall be cast in person or by proxy, and if two-thirds of all the votes of all the stockholders shall be for the adoption of said agreement, then that fact shall be certified thereon by the secretaries of the respective companies, under the seal thereof, and the agreement so adopted, or a certified copy thereof, shall be filed in the office of the secretary of state, and shall from thence be deemed and taken to be the agreement and act of consolidation of the said companies; and a copy of said agreement and act of consolidation, duly certified by the secretary of state, under his official seal, shall be evidence in all courts and places of the existence of said new corporation, and that the foregoing provisions of this act have been fully observed and complied with.

Sec. 2. This act shall take effect immediately.

CHAPTER 98.

AN ACT to amend chapter two hundred and sixty-seven of the laws of eighteen hundred and seventy-five, entitled "An act for the incorporation of societies or clubs for certain lawful purposes."

Passed April 7, 1880.

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

Section 1. Section four of chapter two hundred and sixty-seven of the laws of eighteen hundred and seventy-five, entitled "An act for the incorporation of societies or clubs for certain lawful purposes," is hereby amended so as to read as follows:

§ 4. The society so incorporated may elect from its members its trustees, directors or managers; and the trustees, directors or managers so elected may divide the whole number of trustees, directors or managers into classes, so that not less than one-fourth of their number shall be elected annually, after the first organization of any board of such trustees, directors or managers. Such election may be held at such time and place and in such manner as may be specified in the by-laws;

and such board shall have the control and management of the affairs and funds of said society, a majority of whom shall be a quorum for the transaction of business; and whenever any vacancy shall happen among such trustees, directors or managers, by death, resignation, or neglect to serve, such vacancy shall be filled in such manner as shall be provided by the by-laws of such society. The number of trustees, directors or managers in any corporation organized under this act may at any time be increased to not more than twenty or diminished to not less than five, as follows: The existing trustees, directors or managers of any such corporation, or a majority of them, shall make and sign a certificate declaring how many trustees, directors or managers the corporation shall thereafter have, and stating the names of such trustees, directors or managers for the present time, which certificate shall be acknowledged by the trustees, directors or managers signing the same, or proved by subscribing witness, and shall be filed in the office of the clerk of the county where the original certificate of incorporation was filed, and a duplicate or transcript thereof, duly certified under the official seal of such clerk, shall be filed in the office of the secretary of state; and from and after the filing of such certificate and duplicate or transcript the trustees, directors or managers of such corporation shall be deemed increased or diminished to the number therein stated, and the persons so named therein shall be trustees, directors or managers until a new election thereof shall be had according to this act and the constitution, by-laws or regulations of such corporation. But no action of the trustees, directors or managers, changing the number of such trustees, directors or managers, shall be valid until ratified by a majority of the members of such corporation at a meeting called for that purpose.

Sec. 2. This act shall take effect immediately.

CHAPTER 105.

AN ACT to provide for the completion and opening for public travel of the New York and Brooklyn bridge, and to authorize the sale and conveyance of certain gores and pieces of land by the trustees thereof.

Passed April 7, 1880; 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 now in course of construction between the cities of New York and Brooklyn, acquiring the land necessary therefor, and fitting and equipping the same with the requisite structures and machinery for travel and transportation thereon, as the trustees of the said bridge may determine, the city of New York shall pay to the trustees of the New York and Brooklyn bridge the sum of seven hundred and fifty thousand dollars, and the city of Brooklyn shall pay to the said trustees the sum of one million five hundred thousand dollars, or so much of said sums respectively, in those relative proportions, that is to say, one part by the city of New York, and two parts by the city of Brooklyn, as the said trustees shall from time to time require, and call upon the said cities to pay, by request made by the 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 to borrow, from time to time as shall be requisite, upon the faith and credit, and in the name of the mayor, aldermen and commonalty of the city of New York, and of the city of Brooklyn, respectively, the moneys necessary to pay to the said trustees the sums aforesaid, and to pay the interest to accrue until the said bridge shall be completed and ready for public travel, on the bonds to be issued therefor; and also the interest to accrue from and after the first day of January, eighteen hundred and eighty, until the said bridge shall be completed and ready for public travel as aforesaid, on the bonds issued by the said cities, respectively, under the provisions of chapter three hundred of the laws of eighteen hundred and seventy-five, and to issue the bonds of said cities, which bonds shall be signed by the mayors and comptrollers of said cities, respectively, for the moneys so to be borrowed, with interest at a rate not exceeding that allowed by law, and payable half yearly, and which bonds shall be redeemable in such time or times as said comptrollers shall respectively deem proper. And it is hereby expressly provided and declared that the money, by this section authorized to be raised and paid, together with the proceeds of the sales of lands, authorized by section two of this act, is intended and shall be used fully to complete, fit up and equip the said bridge as a public highway between the said cities of New York and Brooklyn; the said moneys being the limit of the total amount authorized to be expended to fully and finally complete, fit up and equip the same.

Sec. 2. The said trustees are authorized to sell, grant and convey any gores, pieces or parcels of land which shall have been acquired, or are held for the purposes of said bridge, or on account thereof, in the cities of New York and Brooklyn, and may be deemed by them unnecessary for such purposes; and they shall dispose of the same at public sale, upon such terms as they may deem proper, and shall apply the proceeds thereof to the construction of the said bridge and the maintenance thereof.

Sec. 3. This act shall take effect immediately.

CHAPTER 106.

AN ACT to repeal chapter five hundred and fifteen of the laws of eighteen hundred and seventy-nine, entitled "An act to amend chapter six hundred and twenty-five of the laws of eighteen hundred and seventy-five, entitled 'An act in relation to courts of record in the city and county of New York.'"

Passed April 7, 1880; three-fifths being present.

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

Section 1. Chapter five hundred and fifteen of the laws of eighteen hundred and seventy-nine, entitled "An act to amend chapter six hundred and twenty-five of the laws of eighteen hundred and seventy-five, entitled 'An act in relation to courts of record in the city and county of New York,' " is hereby repealed.

Sec. 2. This act shall take effect immediately.

CHAPTER 108.

AN ACT to amend section one thousand and thirty-nine of the Code of Civil Procedure.

Passed April 8, 1880; 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 thousand and thirty-nine of the "Code of Civil Procedure" is hereby amended so as to read as follows:

§ 1039. Before depositing the ballots the county clerk must destroy each ballot remaining in either of the boxes kept by him and containing the name of a resident of a town for which a new list has been transmitted. If for any reason the list from a town is not received by the county clerk by the first Monday of August, he shall give immediate notice thereof to the town clerk, and it must be transmitted as soon thereafter as practicable; and if after the same is received by the county clerk it has been or shall be lost or destroyed, he must forthwith give notice thereof to the town clerk, and a copy of the duplicate list on file in the town clerk's office, certified by him to be correct, or if that duplicate is also lost or destroyed or cannot be found, a new list to be made forthwith as prescribed for making the original list, must be transmitted to the county clerk as soon thereafter as practicable; and the county clerk must prepare new ballots, and destroy the old ballots, containing the names of residents of that town immediately after the receipt by him of the list therefrom.

Sec. 2. This act shall take effect immediately.

CHAPTER 115.

AN ACT further to amend chapter two hundred and seventy of the laws of eighteen hundred and fifty, entitled "An act to authorize the appointment of commissioners to take the proof and acknowledgment of deeds and other instruments, and to administer oaths in other states and territories."

Passed April 9, 1880.

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

Section 1. Section five of chapter two hundred and seventy of the laws of eighteen hundred and fifty, entitled "An act to authorize the appointment of commissioners to take the proof and acknowledgment of deeds and other instruments, and to administer oaths in other states and territories," is hereby further amended so as to read as follows:

§ 5. No commissioner appointed under or by virtue of this act shall be authorized to take the proof or acknowledgment of any deed or instrument, or to administer any oath or affirmation at any place other than within the city or county within which he shall reside at the time of his appointment, and every certificate of any such commissioner to any proof or acknowledgment taken

before him, or to any oath or affirmation administered by him, shall specify the day on which and the town and county or the city within which the same was taken or administered; and without such specification the said certificate shall be wholly invalid, inoperative and void.

Sec. 2. This act shall take effect immediately.

CHAPTER 117.

AN ACT for the relief of persons who performed the duties of clerks and assistant clerks of district courts in the city of New York, in the year one thousand eight hundred and seventy-six.

Passed April 10, 1880; three-fifths being present.

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

Section 1. The comptroller of the city of New York is hereby authorized and required to examine the claim of any and every person claiming to have acted as the clerk or the assistant clerk of any district court in the city of New York, during any portion of the year one thousand eight hundred and seventy-six, for services rendered and duties performed by him as such clerk or assistant clerk, and the words "clerk" and "assistant clerk" as used in this act shall be construed as meaning and including all persons who have, during any part of said year eighteen hundred and seventy-six, actually performed the duties appertaining to the office of clerk or assistant clerk of any of said district courts under an appointment by the justice thereof, and upon the production to said comptroller of a certificate of the appointment of such person as such clerk or assistant clerk, by the justice who held the district court in which such services were rendered, or duties performed, and a further certificate of said justice showing when and for what length of time said duties and services were performed in such court by said person as such clerk or assistant clerk, or upon the production of such other evidence of appointment and performance of such duties as may be satisfactory to said comptroller, and a duly certified copy of the official bond of said person as such clerk or assistant clerk, and the certificate of the clerk of the city and county of New York, of the filing thereof in his office, accompanied by the affidavit of such claimant verifying the truth of the facts upon which such claim is made, and that he has not been paid for such duties and services; and on proof that such person has duly accounted for all moneys received by him in such capacity on account of the city, the said comptroller shall audit and certify the amount of such claim for services rendered and duties performed as aforesaid, during any part of the year eighteen hundred and seventy-six at the rate established by law, as the compensation for the services of the clerks and assistant clerks of the district courts in the city of New York at the time of the rendition of such services, and shall forthwith draw his warrant or warrants upon the chamberlain of the city of New York and deliver the same respectively to the persons acting as such clerks or assistant clerks as aforesaid, in satisfaction of their said claims.

Sec. 2. The comptroller of the city of New York is hereby authorized and directed to raise such sums of money as may be necessary to make all payments herein provided for by the issue of revenue bonds in anticipation of the taxes of the year eighteen hundred and eighty-one, and said moneys so to be raised shall be paid for the claims referred to in this act. Such bonds shall bear interest at a rate not exceeding six per centum per annum.

Sec. 3. The board of estimate and apportionment of the city of New York is hereby authorized, directed, and required to cause to be included in the taxes to be so levied and raised in the city of New York for the year eighteen hundred and eighty-one, upon the property subject to taxation in the city and county of New York, an amount sufficient to pay revenue bonds herein directed to be issued, with all interest due or to become due thereon.

Sec. 4. This act shall take effect immediately.

CHAPTER 122.

AN ACT to amend section six of title four, chapter two, article one, part four of the Revised Statutes.

Passed April 15, 1880.

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

Section 1. Section six of chapter two, article one, part four of the Revised Statutes is hereby amended so as to read as follows:

§ 6. On receiving such list the county clerk shall write the names of the persons contained therein, with their additions and places of residence, on separate pieces of paper, and shall roll up or fold such pieces of paper, each in the same manner as near as may be, so that the name written therein shall not be visible, and shall deposit such pieces of paper in a sufficient box from which they shall be drawn as hereinafter provided. If, from any cause, such box or the pieces of paper containing the names of jurors so deposited therein shall be lost or destroyed the county clerk, in whose office such loss or destruction shall happen, shall forthwith provide a new box and again write the names of the persons contained in the list, so filed in his office, on separate pieces of paper and roll up or fold the same in the same manner as hereinbefore directed, and deposit the same in the box so provided by him.

Sec. 2. This act shall take effect immediately.

CHAPTER 123.

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

Passed April 15, 1880; three-fifths being present.

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

Section 1. At any time after the passage of this act, and before the first day of October, eighteen hundred and eighty, any person may pay to the comptroller of the city of New York the amount of any tax upon real property belonging to such person, heretofore laid or imposed and now remaining unpaid, together with interest thereon at the rate of seven per centum per annum, to be calculated from the time that such tax was imposed to the time of such payment, provided, also, that the time when such payment may be made on the amount of any such tax laid or imposed in the years eighteen hundred and seventy-seven, eighteen hundred and seventy-eight and eighteen hundred and seventy-nine shall extend to the first day of April, eighteen hundred and eighty-one. The comptroller shall make and deliver to the person making any such payment a receipt therefor, and shall forthwith cancel the record of any such tax on the books of the finance department; and upon such payment being made such tax shall cease to be a lien upon the property and shall be deemed fully paid, satisfied and discharged, and there shall be no right to any further interest or penalty by reason of such tax not having been paid within the time heretofore required by law, or by reason of any statute passed requiring the payment heretofore of any penalty or interest over seven per centum per annum upon any unpaid tax.

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

Sec. 3. This act shall take effect immediately.

CHAPTER 132.

AN ACT to alter and define the limits and boundaries of the first and third judicial districts of the city of New York, and to provide for the election of justices therein.

Passed April 19, 1880; three-fifths being present.

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

Section 1. The first judicial district of the city of New York, now composed of the first, second, third, and fifth wards thereof, shall, on and after the first day of January, eighteen hundred and eighty-two, be constituted and composed of the first, second, third, fifth, and eighth wards of said city. The third judicial district of the city of New York, now composed of the eighth, ninth, and fifteenth wards thereof, shall, on and after the first day of January, eighteen hundred and eighty-two, be constituted and composed of the ninth and fifteenth wards of said city.

Sec. 2. On and after the first day of January, eighteen hundred and eighty-two, the jurisdiction of the district court, in the city of New York, for the first judicial district, shall extend over the first, second, third, fifth, and eighth wards of said city, hereby constituted the said first judicial district; and on and after the said first day of January, eighteen hundred and eighty-two, the jurisdiction of the district court, in the city of New York, for the third judicial district, shall extend over the ninth and fifteenth wards of said city, hereby constituted the said third judicial district.

Sec. 3. At the general state election to be held in the city of New York, in the year eighteen hundred and eighty-one, justices shall be elected in and for the said first and third judicial districts,

as the same are hereby constituted, in the same manner as the law now directs, the justices of district courts in said city to be elected, who shall hold office for the term of six years from the first day of January, eighteen hundred and eighty-two.

Sec. 4. All acts and parts of acts inconsistent with the provisions of this act are hereby repealed. But nothing in this act contained shall affect any action pending in either of said district courts on said first day of January, eighteen hundred and eighty-two, but such actions shall proceed to judgment and execution as effectually as if this act had not been passed.

Sec. 5. This act shall take effect immediately.

CHAPTER 134.

AN ACT to amend chapter three hundred and seventy-one of the laws of eighteen hundred and seventy-five, entitled "An act to conform the charters of all savings banks or institutions for savings to a uniformity of powers, rights and liabilities, and to provide for the organization of savings banks, for their supervision and for the administration of their affairs."

Passed April 19, 1880.

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

Section 1. Section twenty-six of chapter three hundred and seventy-one of the laws of eighteen hundred and seventy-five, entitled "An act to conform the charters of all savings banks or institutions for savings to a uniformity of powers, rights and liabilities, and to provide for the organization of savings banks, for their supervision and for the administration of their affairs," is hereby amended so as to read as follows:

§ 26. It shall be lawful for the trustees of any savings bank to invest the moneys deposited therein only as follows, namely:

First. In the stocks or bonds, or interest-bearing notes, or obligations of the United States, or those for which the faith of the United States is pledged to provide for the payment of the interest and principal.

Second. In the stocks or bonds of this state bearing interest.

Third. In the stocks or bonds of any state in the Union that has not, within ten years, previous to making such investment by such corporation, defaulted in the payment of any part of either principal or interest of any debt authorized by any legislature of such state to be contracted.

Fourth. In the stocks or bonds of any city, county, town or village of this state issued pursuant to the authority of any law of this state, or in any interest-bearing obligations issued by the city or county in which such bank shall be situated.

Fifth. In bonds and mortgages on unincumbered real estate situate in this state and worth at least twice the amount loaned thereon, but not to exceed sixty per centum of the whole amount of deposits shall be so loaned or invested; but in case the loan is on unimproved and unproductive real estate the amount loaned thereon shall not be more than forty per centum of its actual value; and no investment in any bond and mortgage shall be made by any savings bank, except upon the report of a committee charged with the duty of investigating the same, and who shall certify to the value of the premises mortgaged, or to be mortgaged, according to their best judgment, and such report shall be filed and preserved among the records of the institution.

Sixth. In real estate subject to the provisions of section twenty-nine of this act.

CHAPTER 135.

AN ACT to simplify the proof of the Sanitary Code in the city of New York.

Passed April 19, 1880; three-fifths being present.

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

Section 1. The Sanitary Code adopted and declared as such at a meeting of the board of health of the health department of the city of New York, held in the city on the second day of June, one thousand eight hundred and seventy-three, is hereby declared to be the Sanitary Code mentioned and described in section eighty-two of an act entitled "An act to reorganize the local government of the city of New York," passed April thirtieth, eighteen hundred and seventy-three, and in all courts of justice or judicial proceedings proof of the said Sanitary Code, and of the proceedings of such board of health in relation thereto, by the production of the book of minutes of such meeting held as aforesaid, or a transcript of the record of such proceedings duly authenticated by the secretary of the said board of health, shall be held and taken as complete and valid evidence of the said Sanitary Code, its due adoption, enactment and publication; and such Sanitary Code shall be deemed in full force and operative in the city of New York, save as duly modified or repealed by the said board of health.

Sec. 2. This act shall take effect immediately.

CHAPTER 140.

AN ACT to place and maintain shareholders of State banks, in the assessment and taxation of their shares of stock, upon an equality with shareholders of National banks.

Passed April 21, 1880; three-fifths being present.

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

Section 1. The shareholders of any bank, banking association, or corporation doing a banking business under the general banking law or a special charter of this state, shall be assessed and taxed with respect to their shares of stock, only at the same rate and place, to the same extent, and in the same manner as shareholders of national banks may be liable at the same time to be assessed and taxed by authority of the state of New York; provided, however, that no debts shall be deducted from any such assessment of any person applying for the benefit of this act, which have been deducted from the assessment of other personal property of such person, and in making application for such deduction every person making the application shall make oath that he has not applied to have such debts deducted from any other assessments against him, and that no such deduction has been made.

Sec. 2. It is hereby declared that the true intent and meaning of this act is to place and maintain shareholders of banks, associations and corporations aforesaid upon an equality, in the particulars in this act referred to, with the shareholders of national banks organized under the act of congress, entitled "An act to provide a national currency, secured by a pledge of United States bonds, and to provide for the circulation and redemption thereof, approved June third, eighteen hundred and sixty-four;" and all acts and parts of acts inconsistent with the provisions hereof are hereby repealed.

Sec. 3. This act shall take effect immediately.

CHAPTER 145.

AN ACT to amend section one of chapter four hundred and ninety-eight of the laws of eighteen hundred and seventy-two, entitled "An act for the protection of livery stable keepers and other persons keeping horses at livery or pasture."

Passed April 22, 1880; three-fifths being present.

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

Section 1. Section one of chapter four hundred and ninety-eight of the laws of eighteen hundred and seventy-two, entitled "An act for the protection of livery-stable keepers and other persons keeping horses at livery or pasture," is hereby amended so as to read as follows:

§ 1. It shall be lawful for all persons keeping any animals at livery or pasture, or boarding the same for hire, under any agreement with the owner thereof, to detain such animals until all charges under such agreement for the care, keep, pasture or board of such animals shall have been paid; provided, however, that notice in writing shall first be given to such owner in person, or at his last known place of residence, of the amount of such charges and the intention to detain such animal or animals until such charges shall be paid; and such persons may at any time maintain an action in any of the courts of this state to enforce such lien and procure a sale of the said animals for the payment of said keeping, pasture and board, and the costs of such action, whenever such sum shall exceed fifty dollars.

Sec. 2. This act shall take effect immediately.

CHAPTER 149.

AN ACT amending the Code of Civil Procedure.

Passed April 26, 1880; three-fifths being present.

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

Section 1. The Code of Civil Procedure, as enacted on the second day of June, eighteen hundred and seventy-six, and amended by subsequent statutes, is hereby amended as follows, that is to say: Section eight hundred and thirty-one, so that it will read as follows:

§ 831. A husband or wife is not competent to testify against the other upon the trial of an action, or the hearing upon the merits of a special proceeding founded upon an allegation of adultery, except to prove the marriage. A husband or wife shall not be compelled, or without consent of the other, if living, allowed to disclose a confidential communication made by one to the other during marriage. In an action for criminal conversation, the plaintiff's wife is not a competent witness for the plaintiff, but she is a competent witness for the defendant as to any matter in controversy, except that she cannot, without the plaintiff's consent, disclose any confidential communication had or made between herself and the plaintiff.

Sec. 2. This act shall take effect immediately.

CHAPTER 154.

AN ACT in relation to the sheriff of the city and county of New York.

Passed April 27, 1880; three-fifths being present.

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

Section 1. The sheriff of the city and county of New York shall keep his office open for the transaction of business every day in the year except Sundays; the first day of January, commonly called new year's day; the twenty-second day of February, known as Washington's Birthday; the thirtieth day of May, commonly called Decoration day; the day observed as the anniversary of American independence; election day; the day appointed by the governor of this state as a day of general thanksgiving, and the twenty-fifth day of December, commonly called Christmas, from nine o'clock in the forenoon to four o'clock in the afternoon. Whenever any of the holidays mentioned aforesaid shall fall on Sunday, the Monday next following shall be deemed and considered as the first day of the week or Sunday, and a public holiday.

Sec. 2. This act shall take effect immediately.

CHAPTER 155.

AN ACT to facilitate the carrying out of plans and agreements for the reorganization of railroads.

Passed April 27, 1880.

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

Section 1. Whenever the maximum amount of capital stock, mentioned in the certificate of incorporation of any railroad or railway company on file in the office of the secretary of state, shall be insufficient to carry out any plan or agreement of reorganization set forth in such certificate of incorporation, it shall be lawful for the directors, or a majority of the directors of said company, to file an additional certificate with the secretary of state, which shall set forth the fact of such insufficiency and the additional amount of capital stock required to carry out such plan or agreement of reorganization, and thereupon, with the approval of the state engineer and surveyor, said company shall be authorized to issue such capital stock as fully as if the same had been mentioned or set forth in the original certificate of incorporation. Said additional certificates shall be filed in the office of the secretary of state within two months after the passage of this act.

Sec. 2. This act shall take effect immediately.

CHAPTER 159.

AN ACT to facilitate the erection of a new building by the New York Produce Exchange in the city of New York by authorizing the closing of Marketfield street, and the sale of a lot of land and building on Stone street in said city, the property of the mayor, aldermen and commonalty of the city of New York.

Passed April 28, 1880, by a two-thirds vote.

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

Section 1. The commissioners of the sinking fund of the city of New York are hereby authorized to sell at private sale, and at what they shall deem a just value, the land and buildings thereon, now owned by the mayor, aldermen and commonalty of the city of New York, on the northerly side of Stone street, between Whitehall and Broad streets, and used as a public school, known as primary school number fifteen.

Sec. 2. The money received in payment for the said land and buildings shall be paid by the said commissioners into the treasury of said city and shall be appropriated by the board of estimate and apportionment of the said city to the board of education of the said city for the purpose of purchasing and erecting another school building in the First ward of the city of New York.

Sec. 3. The board of street opening and improvement of the city of New York may close all that portion of Marketfield street on both sides of which the New York Produce Exchange shall acquire title to the land, to be used by said exchange for the erection of a new building, and the state of New York hereby releases and grants to the New York Produce Exchange any right or title it may have in the portion of Marketfield street, so closed and occupied and the said commissioners of the sinking fund may sell at private sale, at what they shall deem its just value, and convey to the said New York Produce Exchange any right, title or interest which the mayor, aldermen and commonalty of the city of New York may have to the portion of Marketfield street so closed, and may allow as consideration, or as part of the consideration therefor, the just value of any land adjoining said new building which may be dedicated as a public street, from Beaver street to Marketfield street by said New York Produce Exchange and opened as such by the said board of street opening and improvement.

Sec. 4. This act shall take effect immediately.

CHAPTER 160.

AN ACT to amend chapter twenty-nine of the laws of eighteen hundred and sixty-four, entitled "An act to limit the term of office of notaries public."

Passed May 3, 1880; 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 twenty-nine of the laws of eighteen hundred and sixty-four, entitled "An act to limit the term of office of notaries public," is hereby amended so as to read as follows:

§ 3. The governor of this state is hereby authorized to appoint an additional number of notaries public to those now provided by law in each county in this state, including the city of New York, equal to the number of banks located therein on the application of each bank.

Sec. 2. This act shall take effect immediately.

CHAPTER 161.

AN ACT conferring upon the board of canal appraisers the power to allow amendments to claims.

Passed May 4, 1880; three-fifths being present.

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

Section 1. Power is hereby given to the board of canal appraisers in furtherance of justice, without terms, to allow amendments to claims now or hereafter filed in their office, at the same time and in the same manner as amendments are allowed to pleadings in the supreme court, but no additional claim for damages shall be allowed under this act: provided, however, that no claim barred by the provisions of section two of chapter three hundred and twenty-one of the laws of eighteen hundred and seventy shall be revived under or by virtue of this act.

Sec. 2. This act shall take effect immediately.

CHAPTER 163.

AN ACT to provide for the construction, care, and maintenance of the bridges over the Bronx river, between the city and county of New York and the county of Westchester.

Passed May 3, 1880; three-fifths being present.

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

Section 1. The public bridges over the Bronx river, between the city and county of New York and the county of Westchester, which are now built, or which may hereafter be built, shall be built and maintained and kept in repair by the said city and county of New York and the county of Westchester, and the expense of building or repairing any of said bridges shall be a joint charge on the city and county of New York and the county of Westchester.

Sec. 2. The expense of the maintenance and repair of said bridges which is now borne by the town of Westchester shall hereafter be sustained by the county of Westchester; and the board of supervisors of said county shall, at their annual or other meetings, make all necessary provision for so much of such expense as is hereby chargeable upon said county, and shall cause the same to be levied, assessed, and collected in the same manner as other county charges and expenses.

Sec. 3. This act shall take effect immediately.

CHAPTER 164.

AN ACT to amend chapter four hundred and forty-six of the laws of eighteen hundred and seventy-four, entitled "An act to revise and consolidate the statutes of the state relating to the care and custody of the insane, the management of the asylums for their treatment and safe-keeping, and the duties of the state commissioner in lunacy."

Passed May 4, 1880; three-fifths being present.

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

Section 1. Section fourteen of title first, article first of the laws of eighteen hundred and seventy-four, entitled "An act to revise and consolidate the statutes of the state relating to the care and custody of the insane, the management of the asylums for their treatment and safe-keeping, and the duties of the state commissioner in lunacy," is hereby amended so as to read as follows:

§ 14. When a person in indigent circumstances—not a pauper—becomes insane, application may be made in his behalf to any county judge, special county judge, judge of a superior court or common pleas of the county where he resides, and said judge shall fully investigate the facts of the case, both as to the question of his indigence as well as to that of his insanity. And if the judge certifies that satisfactory proof of his insanity has been adduced, and that his estate is insufficient to support him and his family (or, if he has no family, himself) while under the visitation of insanity, then it shall be the duty of any judge before whom application for that purpose is made to cause reasonable notice thereof, and of the time and place of hearing the same, to be given to one of the superintendents of the poor of the county chargeable with the expense of supporting such person in a state asylum, if admitted, and he shall then proceed to ascertain when such person became insane. On granting such certificate the judge may, in his discretion, require the friends of the patient to give security to the superintendent of the poor of the county to remove the patient from the asylum as soon as he shall recover. But in every case where a patient is admitted into an asylum, as heretofore provided, shall have remained there two years and has not recovered, the managers of the asylum may, in their discretion, cause such person to be returned to the county whence he came, and charge the expense of such removal to the county. The judge granting said order of indigence shall file all papers belonging to such proceedings, together with his decision, with the clerk of the county, and report the facts to the supervisors, whose duty it shall be, at their next annual meeting, to raise the money requisite to meet the expenses of support of such indigent lunatic.

Sec. 2. Section fifteen of the above-mentioned act is hereby amended so as to read as follows:

§ 15. When an insane person in indigent circumstances—not a pauper—shall have been sent to any state asylum by his friends, who have paid his bills therein for six months, if the superintendent shall certify that he is a fit patient and likely to be benefited by remaining in the institution, the supervisors of the county of his residence are authorized and required, upon an application, under oath, in his behalf, to raise a sum of money sufficient to defray the expenses of his remaining there another year, and to pay the same to the treasurer of the asylum. And they shall repeat the same for two years more upon like application and the production of a new certificate of like import from the superintendent of such asylum.

Sec. 3. This act shall take effect immediately.

CHAPTER 169.

AN ACT to amend chapter eight hundred and seventy-three of the laws of eighteen hundred and sixty-six, entitled "An act to amend and reduce to one act the several acts relating to buildings, and the keeping and storage of combustible materials in the city of New York."

Passed May 5, 1880; three-fifths being present.

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

Section 1. Section fifty-six of chapter eight hundred and seventy-three of the laws of eighteen hundred and sixty-six, entitled "An act to amend and reduce to one act the several acts relating to buildings, and the keeping and storage of combustible materials in the city of New York," is hereby amended so as to read as follows:

§ 56. No quantity of cotton, hay, straw, flax, hemp, husks, rushes, oakum, rags, sea-weed, jute or other vegetable fiber when pressed or baled, greater than ten tons in the whole, shall be stored or kept in any building within the city of New York, unless kept in a building fire-proof throughout, or in the manner prescribed under section fifty-two of this act, or in a building approved by the New York board of fire underwriters or the commissioners of the fire department, and of which approval a certificate shall have been issued by either of said boards, and shall not have been revoked; and none of the articles enumerated in this section, when loose or not baled, shall be kept as aforesaid, in quantity exceeding one thousand pounds in the whole; nor shall any greater quantity than one thousand pounds in the whole of said articles be kept in any dwelling-house in said city, whether loose or baled. No person shall have, put, or keep any hay or straw uncovered in any stack or pile, or in any other way exposed, within one hundred yards of any building in said city, or shall have, put or keep within said city any hay, straw, hemp, flax, shavings, or rushes in any building not built of stone, or brick or iron, and covered with tile or slate or other fire-proof materials which is, or shall be within ten feet of any dwelling-house or chimney whatsoever. All carpenters or others, making or using shavings, shall respectively, at the close of each day, cause the same to be securely stowed in some safe place, remote from danger by means of fire, under the penalty of five dollars for each omission to do so. No person shall kindle any fire, nor furnish the materials, nor in any way authorize or allow any fire to be made in any street, road, alley, lane, or upon any pier, wharf, or bulkhead in said city, except under such regulations as shall be established by the Metropolitan Fire Department, under a penalty of ten dollars for each and every offense. If any chimney, stove-pipe, or flue within the said city shall take fire, the occupant of the premises to which such chimney, stove, or flue appertains shall forfeit the sum of five dollars.

Sec. 2. This act shall take effect immediately.

CHAPTER 170.

AN ACT to provide for the compilation and revision of the laws of the state of New York affecting banks, banking and trust companies.

Passed May 5, 1880; three-fifths being present.

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

Section 1. Within twenty days after the passage of this act, the governor, by and with the advice and consent of the senate, is authorized to appoint three persons as commissioners to compile and revise all statutes of the state of New York affecting banks, banking and trust companies which shall be in force at the time such commissioners shall make their report, and in the execution of their duties, said commissioners shall have free access to any of the public records and papers of the state, and be permitted to examine the same without fee or reward.

Sec. 2. When the said commissioners shall have completed the compilation and revision of the statutes as aforesaid, they shall cause a printed copy of the same to be submitted to the legislature for the year eighteen hundred and eighty-one, and at the same time, they shall suggest to the legislature such omissions, contradictions and other imperfections as may appear in the original text with their recommendations for amendment, either by repeal or by supplementary or explanatory legislation, with their reasons for such recommendations.

Sec. 3. Each of said commissioners shall serve without pay.

Sec. 4. The reasonable expenses of said commissioners for clerical services and other incidental disbursements, providing the same does not exceed the sum of five thousand dollars, shall be paid to them from time to time upon their requisition therefor upon the comptroller of the state, to be paid into the treasury by the banks, banking and trust companies in the same manner as other expenses of the banking corporations are now paid.

Sec. 5. In case the said commissioners, or either of them, shall refuse to act in the premises or shall die, resign or remove from the state before the completion of the duties assigned to them, it shall be the duty of the governor to appoint others or another in their or his stead, who shall have the powers aforesaid.

Sec. 6. This act shall take effect immediately.

CHAPTER 175.

AN ACT conferring additional powers upon boards of supervisors for the laying out highways through unoccupied and unimproved tracts of land.

Passed May 5, 1880; three-fifths being present.

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

Section 1. The board of supervisors of any county in this state containing more than three hundred thousand acres of unoccupied and unimproved forest lands, in addition to the powers now possessed by said board, is hereby authorized to establish separate highway districts in such county, for the purpose of laying out and constructing highways through such unimproved and unoccupied tracts of land in such county; such highway district to be established upon the application of the owners of more than one-half of the non-resident lands to be included therein. Any highway district established under the provisions of this act shall consist of contiguous tracts or parcels of land and may include within its limits parts of one or more towns, and the same may be changed, altered or abolished at any time by said board of supervisors. The said board of supervisors shall have power to appoint a commissioner or commissioners to lay out and construct highways in any such district and to prescribe their powers and duties and may also direct the manner in which highway taxes shall be assessed, levied and collected upon the lands embraced in any such district, and likewise the manner of expenditure thereof. The said board of supervisors may also authorize commissioners appointed under this act to borrow money on such terms as said board shall direct, but not exceeding the estimated amount of ten years' highway taxes upon the lands embraced within the district in which such loan is authorized, and may, for the purpose of repaying any such loan, set apart and appropriate the highway taxes upon lands in any such district for a period not exceeding ten years from the time of making such loan.

Sec. 2. This act shall take effect immediately.

CHAPTER 176.

AN ACT concerning tramps.

Passed May 5, 1880; three-fifths being present.*

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

Section 1. Every tramp, upon conviction as such, shall be punished by imprisonment at hard labor in the nearest penitentiary for not more than six months, the expense during such imprisonment not to exceed one dollar a week per capita, to be paid by the state.

Sec. 2. All persons who rove about from place to place begging, and all vagrants living without labor or visible means of support, who stroll over the country without lawful occasion, shall be held to be tramps within the meaning of this act.

Sec. 3. Any act of vagrancy by any person not a resident of this state shall be evidence that the person committing the same is a tramp within the meaning of this act.

Sec. 4. Any tramp who shall enter any building against the will of the owner or occupant thereof, under such circumstances as shall not amount to burglary or willfully or maliciously injure the person or property of another, which injury under existing laws does not amount to a felony or shall be found carrying any fire-arms or other dangerous weapon, or burglars' tools, or shall threaten to do any injury to any person or to real or personal property of another, when such offense is not now punishable by imprisonment in the state prison, shall be deemed guilty of felony, and, on conviction, shall be punished by imprisonment in the state prison, at hard labor, for not more than three years.

Sec. 5. Any person being a resident of the town where the offense is committed may, upon view of any offense described in this act, apprehend the offender and take him before a justice of the peace or other competent authority.

Sec. 6. This act shall not apply to any person under the age of sixteen years, nor to any blind person, nor to any person roving within the limits of the county in which he resides.

Sec. 7. Any person convicted under this act shall be entitled to the same commutations of sentence as now provided by law for any prisoners committed to the state prison or penitentiary.

Sec. 8. Upon the passage of this act the secretary of state shall cause to be printed copies of this act to be sent to the several town clerks, who shall cause the same to be posted in at least twelve conspicuous places; six of which shall be in the public highway.

Sec. 9. This act shall take effect immediately.

* Not returned by the governor within ten days after it was presented to him, and became a law without his signature May five, eighteen hundred and eighty.

CHAPTER 179.

AN ACT to authorize the comptroller to admit the unpaid taxes of the year eighteen hundred and seventy-nine, assessed upon lands in the several counties of the state which were bid in by the state at the tax sale of eighteen hundred and seventy-seven, and to which the state acquired title from said tax sale.

Passed May 6, 1880, by a two-thirds vote.

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

Section 1. The comptroller is hereby authorized and required to admit the unpaid taxes of the year eighteen hundred and seventy-nine, assessed upon lands in the several counties of this state to which the state acquired title from the tax sale of eighteen hundred and seventy-seven, in the same manner as if said lands had not become the property of the state; and the taxes so admitted shall be a lien upon said lands. And whenever any such lands shall be sold by the state all taxes which may remain unpaid thereon on the books of the comptroller's office shall be paid by such purchaser before any patent shall be issued therefor.

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

Sec. 3. This act shall take effect immediately.

CHAPTER 181.

AN ACT to authorize the reception and treatment in Bellevue Hospital of persons who do not reside in the city of New York.

Passed May 6, 1880; three-fifths being present.

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

Section 1. The commissioners of the department of public charities and correction in the city of New York are hereby authorized, in their discretion, to permit the reception and treatment in Bellevue Hospital of persons who do not reside in the city of New York, provided that every person so received and treated shall be required to pay such sum for board and attendance as may be fixed by said commissioners. All sums so paid shall be reported by the said commissioners to the comptroller, and paid over to the chamberlain of said city once in every three months, and shall be added to, and form a part of the annual appropriation made by the board of estimate and apportionment for supplies for said department, and may be expended in the same manner as the moneys appropriated for that purpose by said board of estimate and apportionment.

Sec. 2. This act shall take effect immediately.

CHAPTER 182.

AN ACT to authorize corporations formed for the erection of buildings to mortgage their property and franchises.

Passed May 6, 1880; three-fifths being present.

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

Section 1. Any company formed under the act entitled "An act to authorize the formation of corporations for the erection of buildings," passed April fifth, eighteen hundred and fifty-three, of

of the acts amending or extending said act, may secure the payment of any debt heretofore contracted or which may be contracted by it in the purchase of property for the business for which it is incorporated, by mortgaging, including right to issue mortgage bonds on all or any part of the real estate, goods and chattels of such corporation, and also the franchises, privileges, rights and liberties, provided that the written assent of a majority of the stockholders, owning at least two-thirds of the capital stock of such corporation, shall first be filed in the office of the clerk of the county where the corporation has its principal place of business, and also in the office of the clerk of the county where such real estate, goods and chattels are situated.

Sec. 2. This act shall take effect immediately.

CHAPTER 186.

AN ACT to repress and punish disorderly conduct on public conveyances.

Passed May 6, 1880; three-fifths being present.

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

Section 1. Any person who shall by any offensive or disorderly act, or language, annoy or interfere with the passengers of any public stage, railroad car, ferry boat, or other public conveyance, or who shall disturb or offend the occupants of such stage, car, boat or conveyance, by any disorderly act, language or display, although such act, conduct or display may not amount to an assault or battery, shall be deemed guilty of a misdemeanor, and any police justice or justice of the peace of the city or county in which any of such acts shall be committed, shall have jurisdiction thereof.

Sec. 2. This act shall take effect immediately.

CHAPTER 187.

AN ACT to amend chapter six hundred and eleven of the laws of eighteen hundred and seventy-five, entitled "An act to provide for the organization and regulation of certain business corporations."

Passed May 6, 1880.

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

Section 1. Section thirty-two of chapter six hundred and eleven of the laws of eighteen hundred and seventy-five, entitled "An act to provide for the organization and regulation of certain business corporations," is hereby amended so as to read as follows:

§ 32. Any existing corporation heretofore organized under the general laws of this state, except such corporations, as are particularly excepted by the first section of this act from organizing thereunder, may come under and avail itself of the privileges and provisions of this act by complying with the following provisions: The directors of such corporation shall publish a notice, signed by at least a majority of them, in a newspaper published in the county in which the principal business office thereof is situated, for at least three successive weeks, and to deposit a written or printed copy thereof in the post-office, postage prepaid, addressed to each stockholder, at his last known place of residence, at least three weeks previous to the day fixed upon for holding such meeting, specifying the object of the meeting, and the time and place when and where such meeting shall be held. At the time and place specified in the notice, the stockholders shall organize by choosing one of the directors 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 votes representing a majority of all the stock of the company shall be given in favor of availing itself of the provisions of this act, the said officers shall make a certificate of the proceedings, showing a compliance therewith, duly acknowledged, and stating:

1. The name of the corporation.
2. The object for which it is formed, including the nature and locality of its business.
3. The amount and description of the capital stock.
4. The number of shares of which such capital stock consists.
5. The location of the principal business office.
6. The duration of the corporation, which, however, shall not exceed fifty years.
7. The names of the directors for the ensuing year; which certificate, with a copy of the by-laws of such corporation, shall be filed in the office of the secretary of state and of the clerk of the county in which the principal business office of such corporation is situated. From the time of such filing such corporation shall be deemed to be a corporation organized under this act, and, if originally organized or incorporated under any general law of this state, shall have and exercise all such rights and franchises as it has theretofore had and exercised, under the laws pursuant to which it was originally incorporated. But such change or proceedings shall not in any way affect, change or diminish the existing liabilities of the corporation so availing itself of the provisions of this act.

Sec. 2. The provisions of this act shall apply to and include any corporation which might, under the terms of this act, come under and avail itself of the said act hereby amended, and which shall have heretofore taken proceedings and filed papers as required by said last mentioned act, for the purpose of coming under the same and availing itself of the provisions thereof.

Sec. 3. This act shall take effect immediately.

CHAPTER 191.

AN ACT to provide for the establishment and maintenance of a public market place for farmers and market gardeners, in the city of New York, for the acquisition of lands for this purpose, and for the regulation and management of the same.

Passed May 7, 1880; three-fifths being present.

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

Section 1. The lands situated in the ninth ward of the city of New York, and bounded on the north by Bloomfield street, on the south by Gansevoort street, on the east by West street and Tenth avenue, and on the west by Thirteenth avenue, and the block of ground in said city bounded by Gansevoort, Little West Twelfth, Washington and West streets, and Tenth avenue, are hereby declared to be a public market place for farmers' wagons, whereon farmers and market gardeners bringing their farm and garden produce to the city of New York in wagons may dispose of the same. The mayor, the comptroller, and the three aldermen of said city, elected in the aldermanic district consisting of the eighth, ninth, fifteenth and sixteenth wards thereof, are hereby authorized to purchase in the name of the mayor, aldermen and commonalty of the city of New York, such portions of the lands above described as are not the property of the city of New York, at such prices as may be mutually agreed upon by the owners of such lands and said five officers; provided that in no case shall any such lands be purchased, nor any price be agreed upon for the same, without the concurrence of the comptroller. The said mayor, comptroller and aldermen, for and in behalf of the mayor, aldermen, and commonalty of the city of New York, are also authorized, in their discretion, to acquire title to the said lands, or any portion thereof, for public use, as and for a public market place, and for that purpose, to verify and present a petition to the supreme court, at any general or special term thereof, held in the first judicial district, for the appointment of three commissioners of estimate and assessment, which petition shall aver that such lands are necessary for the said public market place, and that the mayor, aldermen and commonalty of the city of New York have not been able to acquire title thereto and the reason of such inability. The petition shall also state the names and places of residence, so far as the same can, by reasonable diligence, be ascertained, of the persons who own or hold or claim to own, or hold estates or interests in the said lands, and if any such persons are infants, their ages as near as may be shall be stated, and if any such persons are idiots or persons of unsound mind, or are unknown the fact shall be stated, together with such allegation of liens or incumbrances as may be proper. A copy of such petition, with notice of the time and place the same will be presented to the supreme court, shall be served on all persons whose interests are to be affected by the proceedings at least ten days prior to the presentation of the same to the said court.

Sec. 2. Such proceedings shall be prosecuted on said petition, and such assessments shall be made by the said commissioners of estimate and assessment under the rule of assessment as prescribed in this act, and by the same proceedings, so far as may be consistent with this act, as are provided for in and by chapter eighty-six of the laws of eighteen hundred and thirteen, entitled "An act to reduce several laws relating particularly to the city of New York into one act," in relation to the opening and laying out streets, avenues, squares, or public places and the several acts amendatory thereof and supplementary thereto, and such assessments shall be controlled and their collection enforced in the same manner provided for in the said acts, and such assessments when confirmed, shall be a lien on the lands assessed until the same shall be paid, except that the commissioners of estimate and assessment, appointed by the supreme court, shall assess, for the taking of the said lands, all such parties and persons, lands and tenements, as they may deem to be benefited by the establishment and maintenance of said public market place, to the extent which said commissioners deem such parties, persons, lands, and tenements benefited thereby; provided, however, that the whole amount so assessed shall not exceed the sum of fifty thousand dollars.

Sec. 3. It shall be the duty of the counsel to the corporation of the city of New York to take such proceedings, to acquire title as aforesaid and to perform all legal services required in carrying out the provisions of this act, upon the request of said mayor, comptroller, and aldermen, without any additional compensation beyond the salary now provided by law. The said mayor, comptroller, and aldermen shall meet and organize within twenty days after the passage of this act, and they, or a majority of them, shall have power to perform any act required to be performed by them under the provisions of this act, but neither of them shall receive any compensation for his services hereunder. After the said lands have been acquired, the commissioner of public works of said city shall prepare the same for occupancy, and shall have power to purchase and erect the necessary appurtenances and structures for the purposes aforesaid under such restrictions as have been, or shall be established by law, for the control of the expenditures of the departments of the said city. The docks, piers, and bulkheads on the Hudson river, from Gansevoort street to Little West Twelfth street, in said city, shall be set apart by the department of docks, or such department as shall have control thereof, and kept for the use of boats, barges, and other vessels engaged in the business of transporting farm and garden produce, at such rates of wharfage as have been, or shall be, lawfully established.

Sec. 4. For the purpose of defraying the expense to be incurred in executing the provisions of this act, the said comptroller is hereby authorized and directed to issue and sell, in such amounts and at such times as shall be required, revenue bonds of said city, to an amount not exceeding the sum of two hundred thousand dollars. For the purpose of providing for the payment of said revenue bonds, the board of estimate and apportionment of said city shall appropriate a sum of not exceeding one hundred and fifty thousand dollars, which amount shall be included in the final estimate of said board for the year one thousand eight hundred and eighty-one, and shall be raised according to law, and collected by tax upon the estates, real and personal, subject to taxation within the city of New York. The amount assessed, as hereinabove provided, shall be collected and paid into the city treasury, and applied toward the payment of said revenue bonds. If any deficiency shall arise from any cause, and a sufficient amount shall not be realized from such assessment to pay fifty thousand dollars of said revenue bonds, with the interest thereon, such deficiency shall be provided for by the said board of estimate and apportionment, by including the same in the annual appropriation first made, after the amount of such deficiency, if any, shall be ascertained.

Sec. 5. The said mayor, comptroller, and aldermen shall have power to call upon any department of the city government, or any officer whose salary is paid out of the city treasury, to furnish any drawings, plans, or surveys that may be required, as well as for clerical or other assistance, and the same shall be furnished without expense.

Sec. 6. The lands hereby set apart as a public market place shall be kept for the exclusive use of farmers and market gardeners, and the finance department of said city shall have the exclusive charge and control of said public market place, and the wagons engaged in the business of selling farm and garden produce in said city, and shall have power to make suitable regulations concerning fees, the hours during which the business of selling said produce shall be conducted, and of the general management of the same.

Sec. 7. All acts and parts of acts inconsistent with the provisions of this act are hereby repealed.

Sec. 8. This act shall take effect immediately.

CHAPTER 192.

AN ACT to incorporate "The German Masonic Temple Association of the city of New York."

Passed May 7, 1880.

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

Section 1. The following persons, masters and members of the respective lodges of free and accepted masons hereinafter named, working under the jurisdiction of the grand lodge of the state of New York, namely: Francis Broemer, master of the Trinity Lodge number twelve, and George Reinher, Henry Gauzenmueller and Adolphus Muller Neuhoff, members of said lodge; George Meyer, master of the German Union Lodge number fifty-four, and Charles Reinworth, Philip Kompff and Henry Sann, members of said lodge; Rudolph Kuester, master of the Pythagoras Lodge number eighty-six, and Peter Hansen, Henry Johnson and Nicholas Borchers, members of said lodge; Frederick Forber, master of the German Pilgrim Lodge number one hundred and seventy-nine, and Albert Janicke, Charles Boss and Charles Brauer, members of said lodge; Henry Gilbert, master of the Germania Lodge number one hundred and eighty-two, and Adam Hubschmidt, William Dittmar and William Mueller, members of said lodge; Henry Rehwinkel, Master of the Harmony Lodge number one hundred and ninety-nine, and David Elsaesser, John Wohn and Bernard Eybel, members of said lodge; Jacob Eidt, master of the Zschokke Lodge number two hundred and two, and John Keim, Michael Keiser and Francis de Galignon, members of said lodge; Edward Wassmann, master of the Navigator Lodge number two hundred and thirty-two, and Henry Truberg, John Mahl and Christian Ruff, members of said lodge; Peter Schneider, master of the Fessler Lodge number five hundred and seventy-six, and John M. Wenneis, Ferdinand Ehrhardt and Frank Herbst, members of said lodge; William F. I. Prella, master of the Teutonia Lodge number six hundred and seventeen, and William Liesenbein, William Heyenga and Augustus William V. Todenwarth, members of said lodge; Jacob Metz, master of the Goethe Lodge number six hundred and twenty-nine, and Frederick Mohr, Charles Motz and Peter Rauch, members of said lodge; Abram Lasker, master of the Beethoven Lodge number six hundred and sixty-one, and Gustavus Levy, Elias J. Zacharias and Sigismund Herschmann, members of said lodge; the said persons acting solely in behalf of and representing the respective lodges of which they are named masters and members, and their successors, are hereby constituted a body corporate by the name of "The German Masonic Temple Association of the city of New York."

Sec. 2. The corporation so created is hereby authorized and empowered to take and hold by purchase, gift, bequest or devise, real and personal property to the amount of two hundred thousand dollars for the objects and purposes of its incorporation, subject, however, to the limitations of the act relating to wills passed April thirteenth, eighteen hundred and sixty.

Sec. 3. The object of said corporation is to purchase, take, and hold suitable grounds and buildings, or to erect on such grounds a suitable building or buildings, and furnish the same for the use and accommodation of the masonic fraternity in said city of New York, and out of the net profits derived from the rents and income thereof, or from other sources, to build, establish, and maintain an asylum, or asylums, for the support or relief of worthy indigent masons, their widows and orphans.

Sec. 4. The said corporation shall have power, from time to time, to borrow such sums of money as may be required for the purchase of lands or buildings for said corporate purposes, or for the purpose of constructing and erecting a suitable building or buildings as aforesaid, or for the purpose of discharging any indebtedness incurred by said corporation in completing such purchase, or for the purpose of rebuilding, reconstructing, altering, repairing, furnishing, or remodeling any building or buildings owned by said corporation, and for such purposes, from time to time, to execute, acknowledge, and deliver a bond or bonds of said corporation, and from time to time to mortgage such lands or other property belonging to said corporation, or any part or parts thereof, to secure the payment of such bonds or any of them.

Sec. 5. The said corporation is hereby authorized and empowered to lease as tenements, or for any other lawful purpose, such portion or portions of its grounds, building or buildings as are not needed or used for masonic purposes, and to collect the rents from time to time accruing thereon, and to apply the funds derived therefrom to the purposes hereinbefore mentioned.

Sec. 6. The business of said corporation shall be managed and controlled by a board of directors. Each one of the subordinate lodges named and numbered in the first section of this act, for such length of time as it shall be working under the jurisdiction of the above named grand lodge, shall be represented in said board by four directors, unless it withdraws from said corporation, as herein-after provided. Any one of said lodges may withdraw from the association incorporated as aforesaid, and thereupon the right of such lodge to be represented in said board of directors, and all the right, title, and interest of such lodge in and to the corporate property, and in and to the management and control of the business of said corporation shall wholly cease. The right to be represented in said board, and all the rights, powers, and privileges of said corporation, shall vest exclusively in the lodges remaining members of said association. All the lodges entitled to representation said board of directors shall hold their regular communications in a building in the city of New York, to be designated by said board, and to be called "The German Masonic Temple," and the failure of any one of said lodges to comply with this requirement shall be deemed equivalent to the withdrawal of such lodge from said association, and the rights and privileges of such lodge under this act shall thereupon cease, as aforesaid.

Sec. 7. The persons named in the first section of this act shall be and they are hereby constituted the first directors of said corporation, and shall hold their office until their successors are elected, as hereinafter provided. The master for the time being of each lodge entitled to representation in said board shall be one of said directors, ex-officio, for such length of time as he may hold the office of such master. The other three delegates of each lodge to said board shall, at the first meeting of the board, divide themselves by lot into three classes. The first class shall hold office until the thirty-first day of December next, the second class until one year, and the third one until two years thereafter. At the regular annual meeting for the election of officers next preceding each of said dates, each lodge shall elect from its members, in conformity with its constitution and by-laws, one delegate to said board of directors, as successor of the respective director whose term of office is then about to expire as aforesaid, and the successor so elected shall hold office for three years from and

after the expiration of the official term of his predecessor. Any subsequent vacancy about to arise by the expiration of the term of any of the three directors so elected shall be filled by the respective lodge in like manner and for a like period of time. In case of any vacancy arising in said board by death, resignation, or otherwise, prior to the expiration of the official term aforesaid, it shall be lawful for the respective lodge left wholly or partially unrepresented in said board of directors by such vacancy, to fill the same for the unexpired term by an election held at any meeting of the lodge especially called for such purpose. But no one shall be elected or be permitted to remain a director of said corporation except he is a member in good standing of the masonic fraternity and of the respective lodge represented by him.

Sec. 8. The said board of directors shall organize by electing from their number a president, vice-president, secretary and treasurer, who shall hold office for such periods of time as may be provided by the rules of said board; each of said officers shall have all the rights and powers, and perform all the duties usually possessed by and incumbent upon such officers; and may, from time to time, elect or appoint such committees, and such subordinate officers or agents as may be deemed necessary, or proper for the purpose of said corporation, and the transaction of the business of the board. The board of directors may make such by-laws, rules and regulations as they may deem necessary, proper or expedient, not inconsistent with this charter, nor contrary to the constitution and laws of this state, or of the grand lodge to which they are subordinate, and may, from time to time, amend, alter or repeal the same, as they may deem proper for the management of the affairs of said corporation.

Sec. 9. The said board of directors shall have no power to purchase, sell, convey or dispose of any real property belonging to said corporation, or any interest therein, except for a term not exceeding five years, unless they shall be previously authorized so to do by a majority of the lodges entitled to representation in said board, by resolution passed at a regular or stated communication of said lodges. The said directors shall, at all times, obey and abide by the directions, orders and resolutions of said lodges, or a majority of them duly passed at any regular or stated communication thereof, according to the constitution and laws of this state or of the grand lodge aforesaid. Nor shall the said directors have power to transact or perform any business herein authorized, except in session as a board. Fifteen members of said board shall constitute a quorum for the transaction of business.

Sec. 10. Said corporation shall not forfeit its charter nor be dissolved by reason of any omission or neglect by any of said lodges entitled to representation in its board of directors to elect a director or directors at its regular annual meeting for the election of officers as aforesaid; but it shall be lawful for any of said lodges, in case of such neglect or omission, to elect such director or directors at any meeting of such lodge thereafter to be called for such purpose. And until a vacancy arising from the expiration of the official term of a director is filled as aforesaid, the incumbent director shall continue to hold such office and perform the duties thereof.

Sec. 11. The said board of directors, or their elected officers above mentioned, shall, on or before the first day of February in each and every year after the passage of this act, report to each of the lodges entitled to representation in said board the names of the directors of said corporation, the amount and value of the property owned and possessed by said corporation, the income, interest and receipts therefrom, the amount and nature of all debts owing by said corporation, and, if secured, in what manner and on what property, together with all other matters and things relating to said corporation; and shall also on or before said day file such report, subscribed and sworn to by them, with the clerk of the city and county of New York.

Sec. 12. The said corporation shall possess the powers and be subject to the restrictions and liabilities prescribed in title three, chapter eighteen, part one of the revised statutes.

Sec. 13. This act shall take effect immediately.

CHAPTER 195.

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

Passed May 7, 1880; three-fifths being present.

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

Section 1. At any time before the first day of September, eighteen hundred and eighty, any person liable therefor may pay, to the officer authorized to receive the same, the amount of any assessment for any local improvement in the city of New York, heretofore confirmed and now unpaid, with interest thereon at the rate of seven per centum per annum from the date of confirmation to the date of payment and at any time on or after said first day of September, and before the first day of December, eighteen hundred and eighty, any such assessment may be paid as aforesaid, with interest, at the rate of nine per centum per annum from the date of confirmation to the date of payment.

Sec. 2. Where any installment or installments of any assessments have been paid under the provisions of chapter one hundred and three of the laws of eighteen hundred and seventy-six, or of chapter one hundred and fifty-nine of the laws of eighteen hundred and seventy-seven, or of chapter two hundred and fifty-five of the laws of eighteen hundred and seventy-eight, the amount of such assessment or assessments remaining unpaid may be paid within the same periods prescribed in the first section of this act and upon the same terms and conditions therein prescribed.

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

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

Sec. 5. This act shall take effect immediately.

CHAPTER 196.

AN ACT relinquishing title and jurisdiction to the United States over certain lands covered with water in the harbor of New York at Governor's, Bedloe's, Ellis' and David's Islands, and Forts Lafayette, Hamilton, Wadsworth and Schuyler.

Passed May 7, 1880, by a two-thirds vote.

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

Section 1. All the right and title of the state of New York to the following described parcels of land covered with water, adjacent to and contiguous to the lands of the United States, in the harbor of New York, at Governor's, Bedloe's, Ellis' and David's Islands, and Forts Lafayette, Hamilton, Wadsworth (or Tompkins), and Schuyler, and jurisdiction over the same are hereby released and ceded to the United States, under article one, section eight, paragraph seventeen of the constitution, for the purpose of erecting and maintaining docks, wharves, boat-houses, sea walls, batteries, and other needful structures and appurtenances. Said lands covered with water are bounded and described as follows:

AT GOVERNOR'S ISLAND.

Beginning at a point fifty feet from the head of the main wooden dock, commonly known as the quartermaster's dock, and on a line with the north face of said dock, running thence south five degrees thirteen minutes west for one hundred and thirty-seven feet; thence south fourteen degrees forty-four minutes west for five hundred and ninety-five feet; thence south twenty-nine degrees twenty-five minutes west for four hundred and ninety feet; thence south fifty-three degrees fifty-eight minutes west for six hundred and twenty-two feet; thence north sixty-eight degrees twenty-seven minutes west for ten hundred and eighty-eight feet; thence north eighteen degrees fifty-five minutes west for fifteen hundred and sixty-five feet; thence north seventeen degrees four minutes east for five hundred and thirty-five feet; thence north seventy-nine degrees fifty-eight minutes east for three hundred and eighteen feet to a point fifty feet from the head of the Castle William's dock and on a line with the west face of said dock; thence north eighty-nine degrees forty-eight minutes east for five hundred and eighty-four feet; thence south seventy-four degrees twenty-three minutes east for seven hundred and eighty-six feet; thence south forty-five degrees forty-four minutes east for seven hundred and fifty-one feet to a point fifty feet from the head of the stone dock, and on a line with the north face of said dock; thence south twenty degrees thirty-three minutes east for two hundred and twenty-two feet to the point of beginning.

AT BEDLOE'S ISLAND.

Beginning at a point fifty feet from the head of the main dock or wharf and on a line with the southwest face of said dock; running thence south forty-one degrees thirteen minutes west for four hundred and twenty-four feet; thence north seventy-two degrees thirteen minutes west for four hundred and twenty-three feet; thence north twenty-four degrees twenty-three minutes west for five hundred and forty-eight feet; thence north twenty degrees nineteen minutes east for six hundred and thirty-nine feet; thence north sixty-two degrees one minute east for two hundred and sixty-two feet; thence south twenty-seven degrees seven minutes east for twelve hundred and fifty-five feet, to a point fifty feet from the head of the main dock and on a line with the northeast face

thereof; thence south thirty-three degrees four minutes west for forty feet to the point of beginning.

AT ELLIS' ISLAND.

Beginning at a point fifty feet from the head of the east dock and on a line with the north face of said dock; running thence south eighteen degrees thirty minutes east for six hundred and five feet; thence south seventy-one degrees thirty minutes west for two hundred and two feet; thence north eighty-one degrees nineteen minutes west for three hundred and thirteen feet; thence north thirty-two degrees four minutes west for one hundred and seventy-eight feet, this line being parallel to the head of the west dock, and distant fifty feet from said dock; thence due north for five hundred and seventy-seven feet; thence south seventy degrees forty-seven minutes east for four hundred and twenty-four feet to the point of beginning.

AT DAVIDS' ISLAND.

Beginning at a point one hundred and fifty feet from the head of the new dock (commonly called the coal dock), and on a line with the northwest face of said dock; running thence north three degrees twenty minutes east for seven hundred and fifty-five feet; thence north seventy-nine degrees five minutes east for six hundred and thirty feet; thence north six degrees twelve minutes east for ten hundred and ninety-six feet; thence north fifty-two degrees twenty-five minutes east for five hundred and fifty-two feet; thence south sixty-nine degrees eighteen minutes east for six hundred and forty-seven feet; thence south thirty-six degrees twenty-eight minutes east for six hundred and four feet; thence south thirty-five minutes east for ten hundred and sixty-six feet; thence south thirteen degrees fifty-four minutes east for eight hundred and thirty-four feet; thence south twenty-three degrees fifty-five minutes west for four hundred and twenty-seven feet; thence south seventy-one degrees forty-nine minutes west for eleven hundred and twenty-one feet; thence north forty-eight degrees eighteen minutes west for fifteen hundred and fifty feet to the point of beginning.

AT FORT LAFAYETTE.

Beginning at a point ninety-two feet west from the prolongation of the west face of the fort, and eighty feet north from the prolongation of the north face of the said fort; running thence south sixty-seven degrees thirty-four minutes east for four hundred and forty-eight feet; thence south twenty-two degrees twenty-six minutes west for four hundred and forty-eight feet; thence north sixty-seven degrees thirty-four minutes west for four hundred and forty-eight feet; thence north twenty-two degrees twenty-six minutes east for four hundred and forty-eight feet to the point of beginning.

AT FORT HAMILTON.

Beginning at point at high-water mark on the western boundary line of the United States land there situate; running thence in continuation of said boundary line south sixty-four degrees forty-five minutes west for three hundred and twenty feet; thence due south for two hundred and thirty-three feet to a point seventy-five feet from head of the dock (or wharf) and on a line with the north face of said dock; thence south forty-nine degrees thirty-seven minutes east for nineteen hundred and fifteen feet to a point on the continuation of the southern boundary line of the said United States land; thence along said continuation north twenty-one degrees ten minutes east for one hundred and sixty-five feet to a point at high-water mark, on said southern boundary line of said United States land.

AT FORT WADSWORTH (OR TOMPKINS) ON STATEN ISLAND.

Beginning at a point at high-water mark on the northern boundary line of the United States land there situate; running thence in continuation of said boundary line north seventy-three degrees sixteen minutes east for fifty feet; thence south forty-eight degrees twenty-three minutes east for ten hundred and seventy-three feet; thence south nine degrees east for sixteen hundred and fifty-two feet; thence south eighteen degrees fifty-seven minutes east for seven hundred feet; thence south forty degrees west for eight hundred and fifty feet to a point on the continuation of the western boundary line of the said United States land; thence north thirty degrees sixteen minutes west for one hundred feet along said continuation of boundary line to low-water mark; thence north thirty degrees sixteen minutes west for three hundred and fifty feet along said continuation to a point at high-water mark on the western boundary line of the said United States land.

AT FORT SCHUYLER.

Beginning at a point on the boundary line of the land of the United States at high-water mark on the north shore of Throgg's Neck; running thence in continuation of said boundary line north twenty-one degrees ten minutes east for two hundred and fifty-seven feet to low-water mark; thence in continuation of said boundary line north twenty-one degrees ten minutes east for sixty-three feet; thence south one degree twenty-one minutes east for nine hundred and eighty-eight feet; thence south forty-one degrees east for thirteen hundred and fifty feet; thence south seventy-seven degrees twenty-four minutes east for nine hundred and six feet; thence south forty-four degrees twenty minutes east for five hundred and forty-three feet; thence south five degrees seventeen minutes west for six hundred and thirty-four feet; thence south fifty-two degrees fifteen minutes west for six hundred and twenty-two feet; thence north sixty-three degrees nineteen minutes west for six hundred and ninety-eight feet; thence north fifty-four degrees thirteen minutes west for seven hundred and twenty-eight feet; thence north forty-nine degrees thirty-three minutes west for ten hundred and sixty-five feet to a point on the continuation of the boundary line of the said United States land at Throgg's Neck; thence on the line of said continuation north twenty-one degrees ten minutes east for seventy-seven feet to low-water mark; thence on line of said continuation north twenty-one degrees ten minutes east for one hundred and twenty-three feet to a point at high-water mark on the south shore of said Throgg's Neck and on the boundary line of the present United States land there situate; provided that jurisdiction hereby ceded shall continue no longer than the United States shall own said lands at Governor's, Bedloe's, Ellis, and Davids' Islands, and at Forts Lafayette, Hamilton, Wadsworth, and Schuyler, and the adjacent lands covered with water, herein described and hereby released; and provided further, that all civil and such criminal process as may lawfully issue under authority of this state may be served or executed over said released lands.

Sec. 2. The commissioners of the land office are hereby authorized and directed to issue a patent of said released lands to the United States.

Sec. 3. This act shall take effect immediately.

CHAPTER 199.

AN ACT to provide for the registration of certain bonds in the city and county of New York.

Passed May 7, 1880; three-fifths being present.

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

Section 1. All bonds issued by the towns of Morrisania and West Farms, formerly a portion of Westchester county and heretofore annexed to the city and county of New York, for the payment of the principal and interest of which the city and county of New York is liable, may be registered by the owners thereof in the comptroller's office in said city; and shall be transferable at the pleasure of the holder, either in person or by attorney, only upon the books of the corporation at said office; such registry and transfer to be endorsed thereon by the stock clerk. The interest on such bonds when so registered shall, as the same becomes due and payable, be paid in like manner as upon other registered stock and bonds of the city and county of New York; and whenever any such bonds have coupons attached, the comptroller of the city of New York shall, upon registration thereof, have authority to detach all coupons therefrom and shall thereupon endorse the fact of such registration with a reference to this act.

Sec. 2. This act shall take effect immediately.

CHAPTER 202.

AN ACT in relation to the deposit of stocks in the bank department.

Passed May 8, 1880; three-fifths being present.

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

Section 1. Every bank, banking association and individual banker, not having given notice of intention to close the business of banking, is hereby required to keep on deposit in the bank department, in addition to the deposit now required to secure the circulating notes of said bank, stocks of this state, or of the United States bearing interest, to the amount of one thousand dollars, and the same shall be held by the superintendent of the bank department as a pledge of good faith, and guaranty of compliance with the banking laws of this state, on the part of such bank, banking association or individual banker, and the proceeds of such stock or the interest thereof, or so much thereof as may be necessary, may be applied by the superintendent to the payment of any penalty incurred by, or the assessment imposed upon, the banking association or individual banker for whom such deposit is held. The superintendent of the banking department may, in his discretion, maintain an action in his name of office against any bank, banking association or individual banker for

the recovery of any penalty incurred by, or lawful assessment imposed on any bank, banking association or individual banker.

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

Sec. 3. This act shall take effect immediately.

CHAPTER 204.

AN ACT to amend chapter seventy-five of the laws of eighteen hundred and seventy-eight, entitled "An act in relation to the bonded indebtedness of villages, cities, towns and counties."

Passed May 8, 1880; three-fifths being present.

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

Section 1. Section six of chapter seventy-five of the laws of eighteen hundred and seventy-eight, entitled "An act in relation to the bonded indebtedness of villages, cities, towns and counties," is hereby amended so as to read as follows:

§ 6. The city and county of New York, the city of Brooklyn, and the county of Niagara, except the town of Niagara, shall be exempt from the provisions of this act.

Sec. 2. This act shall take effect immediately.

CHAPTER 209.

AN ACT to prevent malicious annoyance.

Passed May 8, 1880; 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 knowingly send or deliver, or shall make, and for the purpose of being delivered or sent, shall part with the possession of, any letter, postal card or writing, with or without a name subscribed thereto, or signed with a fictitious name, or with any letter, mark or other designation, with intent thereby to cause annoyance to any person, or with a view or intent to extort or gain any money or property of any description belonging to another, shall, upon conviction, be adjudged guilty of a misdemeanor and shall be punished by imprisonment in a county jail or penitentiary not exceeding one year, or by a fine not exceeding five hundred dollars, or by both such fine and imprisonment.

Sec. 2. This act shall take effect immediately.

CHAPTER 210.

AN ACT to provide for the dissolution of union free school districts in certain cases.

Passed May 8, 1880; three-fifths being present.

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

Section 1. In any union free school district established under the laws of this state, it shall be the duty of the board of education, upon the application of fifteen resident taxpayers of such district, to call a special meeting in the manner prescribed by law, for the purpose of determining whether application shall be made in the manner hereinafter provided, for the dissolution of such union free school district, and for its reorganization as a common school district or districts.

Sec. 2. Whenever, at any such meeting called and held as aforesaid, it shall be determined by a majority vote of the legal voters present and voting, to be ascertained by taking and recording the ayes and noes, not to dissolve such union free school district, no other meeting for a similar purpose shall be held in said district within three years from the time the first meeting was held, and whenever, at any such meeting called and held as aforesaid, it shall be determined by a two-thirds vote of the legal voters present and voting, to be ascertained by taking and recording the ayes and noes, to dissolve such union free school district, it shall be the duty of the board of education to present to the clerk of the board of supervisors a certified copy of the call, notice and proceedings, and the said clerk shall lay the same before the board of supervisors at their next meeting. If the board of supervisors shall approve of the proceedings of said meeting, the clerk shall certify the same to the board of education. Such approval shall not take effect until the thirtieth day of September next succeeding; but after that date such district shall cease to be a union free school district.

Sec. 3. If any union free school district dissolved under the foregoing provisions shall have been established by the consolidation of two or more districts, it shall be lawful for the board of supervisors to direct that its territory be divided into two or more districts, to correspond, so far as practicable, with the districts theretofore consolidated.

Sec. 4. If there shall be in such dissolved union free school district an academy which shall have been adopted as the academic department of the union free school, under the provisions of title nine, chapter five hundred and fifty-five of the laws of eighteen hundred and sixty-four, it shall, upon the application of a majority of the surviving resident former trustees or stockholders, be transferred by the board of education to said former trustees or stockholders.

Sec. 5. The board of supervisors may make its approval of the proceedings of any such meeting held as aforesaid conditional upon the payment by the district which has been most greatly benefited by the consolidation in the way of buildings and other improvements to the other district or districts into which the said union free school district is divided, of such sum or sums of money as they may deem equitable.

Sec. 6. All moneys remaining in the hands of the treasurer of the union free school district when the order of dissolution shall take effect shall be apportioned equitably among the several districts into which such union free school district is divided, and shall be paid over to the collectors of such districts when they shall have been elected and have qualified according to law.

Sec. 7. The district or districts formed by the dissolution of such union free school district shall hold its or their annual meeting or meetings on the second Tuesday of October next after the dissolution of such union free school district, and shall elect officers as now required by law.

Sec. 8. If the board of supervisors shall not approve the proceedings of any such meetings held as aforesaid, for the purpose of dissolving a union free school district, no other meeting shall be held in such district for a similar purpose within three years from the time the first meeting was held.

Sec. 9. Whenever the proceedings of a meeting held as aforesaid, for the purpose of dissolving a union free school district, shall have been approved by the board of supervisors and shall have been certified by the clerk of said board to the board of education, it shall be the duty of the board of education of the district affected forthwith to notify the superintendent of public instruction, and to furnish him copies of the call, notice, proceedings of the meeting, and proceedings of the board of supervisors taken thereon.

CHAPTER 215.

AN ACT to amend chapter three hundred and seventy-six of the laws of eighteen hundred and seventy-six as amended by chapter four hundred and fifty-six of the laws of eighteen hundred and seventy-nine, entitled "An act to prevent the deposit of mud, earth, soil, ashes, or refuse in the North or Hudson river, and to prevent the filling up the navigable waters of said river, and to preserve the navigation thereof."

Passed May 8, 1880; 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 seventy-six of the laws of eighteen hundred and seventy-six, as amended by chapter four hundred and fifty-six of the laws of eighteen hundred and seventy-nine, entitled "An act to prevent the deposit of mud, earth, soil, ashes or refuse in the North or Hudson river, and to prevent the filling up the navigable waters of said river and to preserve the navigation thereof," is hereby amended so as to read as follows:

§ 4. This act shall not apply to the depositing of substances upon the building of wharves or piers upon, or the filling in of lands under water granted by the people of the state of New York to any person or persons, provided a permanent and substantial bulkhead be first properly and securely built, inclosing the whole area of any such pier or wharf proposed to be so built or constructed; or the waters now dyked off by the river commissioners for improving the channel of the river. Nor shall the act apply to the sweeping, washing, or clearing from the decks of canal boats, freight, passenger, or pleasure boats, or vessels, of such dirt only as collects naturally thereon from the use thereof by human beings using the same for transportation or pleasure, nor the hauling of fire from the furnace grate of any steamboat having state-rooms above the main deck, provided no coal or ashes shall be dumped from the ash-box of said steamboat; except as authorized in the first section

of this act, nor to the setting of shad poles in the shad season, nor to the use of any other devices or contrivances for the purpose of fishing in any season of the year, but no such setting of shad-poles or devices for fishing shall be allowed below the northerly line established by the harbor commissioners of the city of New York; nor shall this act apply to the throwing overboard the refuse and waste matter which ordinarily accumulates in and about canal boats engaged in the transportation of goods and merchandise. But this act shall not be construed to authorize the throwing in said water of food, or any contrivance or device in which food may be kept, carried or preserved.

Sec. 2. This act shall take effect immediately.

CHAPTER 216.

AN ACT to enable the Alanson Methodist Episcopal Church of the city of New York to transfer and convey certain real property.

Passed May 8, 1880.

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

Section 1. The Alanson Methodist Episcopal Church of the city of New York, an incorporated religious society, is hereby authorized and empowered to transfer and convey by deed or conveyance of the New York City Church Extension and Missionary Society of the Methodist Episcopal Church, its successors and assigns forever, the following described real property of the said first named corporation, situate in the city of New York, namely: All that certain tract of land fronting on the easterly side of Norfolk street, distant fifty-two feet southwardly from Broome street, measuring seventy-three feet in front and rear by one hundred feet in depth on each side, more or less, with the church edifice erected thereon; being the same property conveyed to said first named corporation by Alanson T. Briggs and wife by deed bearing date the third day of February in the year one thousand eight hundred and sixty-two, and recorded in the office of the register of the city and county of New York, in liber eight hundred and forty-eight of conveyances, page five hundred and fifty-four; also, all that certain lot of land fronting on the northerly side of Henry street, distant one hundred and sixty-nine feet five and one-half inches eastwardly from Rutgers street, measuring twenty-one feet eight and one-half inches in front and rear by seventy-five feet in depth, on each side more or less, with the parsonage erected thereon; being the same property which was conveyed to said first named corporation by Robert Whitehead and wife, by deed dated the twentieth day of April, in the year one thousand eight hundred and seventy-five, and recorded in the office of said register in liber thirteen hundred and sixteen of conveyances, page four hundred and eighty.

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

Sec. 3. This act shall take effect immediately.

CHAPTER 223.

AN ACT for the better protection of the traveling public.

Passed May 8, 1880; three-fifths being present.

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

Section 1. The governor is hereby authorized in his discretion to appoint all or any conductors and brakemen of any trains of any steam railroads in this state, conveying passengers, for the purposes of this act, policemen having all the powers of this act with which policemen of villages and cities are clothed, and each and every such conductor and brakeman shall take and file the usual oath of office, in the office of the clerk of the county in which he resides, or in the office of the clerk of the county in this state in which either terminus of such road may be.

Sec. 2. All such conductors and brakemen acting as policemen under this act, upon any such railroad, shall have full power, and it shall be their duty to arrest and hold in custody, and deliver to any magistrate, having jurisdiction in such cases, at either terminus of such road in this state, or at any intermediate station, any or all persons whom they may find engaged in, or endeavoring to entice others to engage in any game of cards or any other game of chance whatever, in which money or any representative of money, or any other valuable thing is to be lost or won, and to enter complaint to such magistrate for any violation of the law governing in such cases.

Sec. 3. Any conductor or brakeman, refusing or neglecting to perform the duty imposed upon him by this act shall be liable to a fine not exceeding two hundred and fifty dollars, to be sued for by and in the name of any superintendent of the poor of any county where such refusal or neglect may have occurred in any court of competent jurisdiction at any place on the line of said railroad, or to imprisonment not less than six months, or to both, in the discretion of the court.

Sec. 4. Any fine so imposed, when collected, shall be placed in the treasury of the county where recovered, for the use of the poor of said county.

Sec. 5. It shall be the duty of every superintendent or manager of every steam railroad in this state, immediately after the passage of this act, to post a copy of this law in some conspicuous place in each and every car used for the conveyance of passengers, under a penalty of not to exceed five dollars for each and every such car in which such notice shall not be posted.

Sec. 6. This act shall take effect immediately.

CHAPTER 225.

AN ACT to authorize the exchange of preferred for common stock of corporations.

Passed May 8, 1880.

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

Section 1. Every corporation organized under the laws of this state which has heretofore issued, or may hereafter issue, both preferred and common stock, forming part of the capital stock of such corporation, is hereby authorized, whenever the directors of such corporation shall by vote of two-thirds of their number declare it for the interest of the corporation so to do, and the holder of any preferred stock may request in writing the exchange of the same for the common stock, to exchange the preferred stock of such holder for common stock, and to issue certificates of common stock therefor share for share, or upon such other valuation as may have been agreed upon in the scheme for organization of such company or the issue of such preferred stock; provided, however, that the total amount of the capital stock of such company shall not be increased thereby.

Sec. 2. This act shall take effect immediately.

CHAPTER 228.

AN ACT to amend chapter three hundred and sixty-five of the laws of eighteen hundred and seventy-one, entitled "An act to incorporate the New York Cotton Exchange."

Passed May 8, 1880.

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

Section 1. Chapter three hundred and sixty-five of the laws of eighteen hundred and seventy-one, entitled "An act to incorporate the New York Cotton Exchange," is hereby amended by adding thereto the following:

§ 9. It shall be lawful for the said New York Cotton Exchange, upon the death of any member, to levy and assess upon every membership in the said exchange, except the membership or memberships of such deceased member, a fixed and uniform sum not exceeding twelve dollars and fifty cents, which shall be collected in the same manner, and under the same penalties for non-payment, as the by-laws of said exchange shall at the time provide in the case of annual dues.

§ 10. The said New York Cotton Exchange shall, within one year after its receipt of satisfactory proof of the death of any member, pay the amount so assessed and collected, less the actual expense incurred in the collection thereof, to the widow, children or next of kin of such deceased member in the following order: If such deceased member shall have left a widow and no children, then the whole of said sum shall be paid to his widow. If he shall have left a widow and a child or children, then one-half of said sum shall be paid to his widow, and one-half to such child or children, share and share alike. If he shall have left a child or children and no widow, then the whole of said sum shall be paid to said child or children, share and share alike. If he shall have left neither widow nor children, then the whole of said sum shall be paid to the next of kin of such deceased member in the order and proportion that is provided by law for the distribution of personal property in cases of intestacy. The word children as used in this section shall be construed to include the issue of deceased children, and the issue of any deceased child shall receive the share that the parent would be entitled to receive if living. If any person entitled under this section to any share in said

sum shall be an infant, such share shall be paid to the general or testamentary guardian of such infant.

§ 11. Nothing herein contained shall be so construed as to vest in any member of said exchange any estate in possession or expectancy which can be disposed of by will or pledged or mortgaged for the payment of any debt; and the amount collected and paid over as hereinbefore provided shall be so paid to the person or persons entitled thereto absolutely, and shall not be liable for any debts, charges or demands against such deceased member or his estate.

§ 12. Nothing herein contained shall be so construed as to create any liability on the part of the New York Cotton Exchange, except that of paying over to the person or persons entitled thereto the amount which shall in each case be actually collected, less the expenses of collection, and the said New York Cotton Exchange shall not be chargeable with or liable for interest upon any amount so collected; and the decision or decree of the surrogate or judge of probate, or other officer having jurisdiction of the estates of intestates in the county in which said deceased member shall have been domiciled at the time of or immediately prior to his decease, shall be sufficient and conclusive evidence of the right of any claimant or claimants, and payment to any person or persons who by such evidence shall appear to be entitled thereto shall forever release and absolve the said New York Cotton Exchange from all further claim or liability whatsoever, and shall be a sufficient bar and defense to any action or proceeding at law or in equity which may thereafter be commenced against said exchange by any person or persons claiming to be entitled to receive the sum so paid, or any part thereof.

§ 13. The provisions hereinbefore contained shall not extend to any person who shall have ceased to be a member of said exchange, either by expulsion or by a voluntary or forced sale of his membership, but shall extend to members under suspension, and the membership or memberships owned by the estate of any deceased member shall be subject to the same assessments as if said member were living.

Sec. 2. The New York Cotton Exchange is hereby authorized and empowered to adopt suitable rules and by-laws to carry into effect the foregoing provisions, and, from time to time, to amend the same as may be necessary; and the adoption of such rules and by-laws shall be deemed to be an acceptance by said New York Cotton Exchange of this amendment to the act incorporating said exchange.

Sec. 3. This act shall take effect immediately.

CHAPTER 231.

AN ACT to amend title four, chapter six, part second of the revised statutes, relating to the powers and duties of executors and administrators in relation to the sale and disposition of the real estate of their testator or intestate.

Passed May 8, 1880.

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

Section 1. Section thirty of title four, chapter six, part second of the revised statutes, is hereby amended so that the same shall read as follows:

§ 30. If it shall appear to the surrogate that such sale was legally made and fairly conducted, and that the sum bid was not disproportionate to the value of the property sold, or if disproportionate, that a greater sum, as above specified, cannot be obtained, he shall make an order confirming such sale, and directing conveyances to be executed. If it shall also appear to the surrogate that the amount thereof will be sufficient to satisfy in full the costs and expenses of said sale, and all debts of the deceased proven before the surrogate and entered in his book as valid and subsisting, together with all rights of dower thereon, if any, and that a creditor or creditors of said deceased, or either of them, whose claim has been proven and allowed by the surrogate, has become the purchaser of said real estate, or any part thereof, the surrogate, in the order of confirmation of such sale, shall, at the election of the purchaser, state the amount of such claim or claims of such creditor or creditors so allowed by him; and such purchaser shall be required to pay the surplus, if any, of the amount bid, after deducting the amount of such claim or claims only. In case the amount of such sales shall be insufficient to satisfy the costs and expenses of such sale, and the whole amount of the claims against the estate as proven and allowed on or before final distribution, then and in such case such purchasing creditor shall be allowed and credited on the amount bid by him, an amount equal to the amount he would be entitled to receive on distribution, and the balance of such bid shall be paid by such purchaser on such final distribution. In case any purchasing creditor shall elect to have the amount, to which he shall be entitled to receive from the estate, credited on his bid as aforesaid, he shall not be entitled to have a deed delivered to him until such final distribution.

Sec. 2. This act shall take effect immediately.

CHAPTER 233.

AN ACT to amend chapter four hundred and thirty-six of the laws of eighteen hundred and seventy-seven, entitled "An act in relation to county treasurers."

Passed May 8, 1880; three-fifths being present.

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

Section 1. Chapter four hundred and thirty-six of the laws of eighteen hundred and seventy-seven, entitled "An act in relation to county treasurers," is hereby amended by adding an additional section, as follows:

§ 10. Nothing in this act shall be construed as preventing the treasurers of the several counties of this state, in which the treasurer is a salaried officer, from retaining for the benefit of their said counties, respectively, the same compensation for receiving and paying the money belonging to the state every year, as that now allowed by law where such treasurer is not a salaried officer, and the comptroller is hereby authorized to allow to the said treasurers, for the benefit of their respective counties, on state taxes hereafter received and paid over by them, where not already allowed, the compensation now allowed by law, where such treasurer is not a salaried officer.

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

§ 11. Nothing herein contained shall apply to the counties of Monroe and Seneca.

CHAPTER 234.

AN ACT to amend chapter four hundred and fifty-eight of the laws of eighteen hundred and seventy-five, entitled "An act to amend chapter eight hundred and seven of the laws of eighteen hundred and seventy-three, entitled 'An act concerning notaries public in the counties of Kings, Queens, Richmond, Westchester and Rockland, and in the city and county of New York, and authorizing them to exercise the functions of their office therein.'"

Passed May 8, 1880; three-fifths being present.

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

Section 1. Section one of chapter four hundred and fifty-eight of the laws of eighteen hundred and seventy-five, entitled "An act to amend chapter eight hundred and seven of the laws of eighteen hundred and seventy-three, entitled 'An act concerning notaries public in the counties of Kings, Queens, Richmond, Westchester and Rockland, and in the city and county of New York, and authorizing them to exercise the functions of their office therein,' is hereby amended so as to read as follows:

§ 1. Any notary public appointed for the county of Kings, Queens, Richmond, Westchester, Putnam, Suffolk and Rockland, or for the city and county of New York, upon filing a certified copy of his appointment, with his autograph signature, in the clerk's office of any other of said counties, is hereby authorized to exercise all the functions of his office in such other of said counties, and also in the county in which he resides for each of such counties, with the same effect as he now possesses by law in the county for which he is appointed. And the county clerk of any of said counties in whose office any notary public, appointed as aforesaid, shall have filed a certified copy of his appointment, with his autograph signature, is hereby authorized and required, whenever so requested, to subjoin to any certificate of proof or acknowledgment, signed by such notary public, a certificate under his hand and official seal, specifying that said notary public has filed a certified copy of his appointment, with his autograph signature, in his office, and was, at the time of taking such proof or acknowledgment, duly authorized to take the same, and that said clerk is well acquainted with the handwriting of said notary public, and verily believes that the signature to the said certificate of proof or acknowledgment is genuine. And any conveyance so proved or acknowledged, and having such county clerk's signature subjoined thereto, shall be entitled to be read in evidence or to be recorded in any of the counties of this state.

Sec. 2. This act shall take effect immediately.

CHAPTER 241.

AN ACT to amend chapter two hundred and ninety of the laws of eighteen hundred and seventy-nine, entitled "An act to amend chapter one hundred and forty-nine of the laws of eighteen hundred and seventy-four, entitled 'An act to amend an act, passed April twenty-seventh, eighteen hundred and seventy-two, entitled 'An act to amend chapter six hundred and fifty-seven of the laws of eighteen hundred and seventy-one, entitled 'An act to amend an act, passed February seventeenth, eighteen hundred and forty-eight, entitled 'An act to authorize the formation of corporations for manufacturing, mining, mechanical or chemical purposes,'" passed April twentieth, eighteen hundred and seventy-one, and to legalize the formation and acts of certain corporations formed according to the provisions of chapter three hundred and seventy-four of the laws of eighteen hundred and seventy-seven.

Passed May 8, 1880.

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

Section 1. Section one of chapter two hundred and ninety of the laws of eighteen hundred and seventy-nine, entitled "An act to amend chapter one hundred and forty-nine of the laws of eighteen hundred and seventy-four, entitled 'An act to amend an act, passed April twenty-seventh, eighteen hundred and seventy-two, entitled 'An act to amend chapter six hundred and fifty-seven of the laws of eighteen hundred and seventy-one, entitled 'An act to amend an act, passed February seventeenth, eighteen hundred and forty-eight, entitled 'An act to authorize the formation of corporations for manufacturing, mining, mechanical or chemical purposes,'" passed April twentieth, eighteen hundred and seventy-one," 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 and publishing books, pamphlets and 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 the said company are to be carried on.

Sec. 2. The organization of any corporation 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 certificate shall be filed, formed since the passage of chapter three hundred and seventy-four of the laws of eighteen hundred and seventy-seven, and all the acts of the trustees of any such corporation organized in compliance with the provisions of such last-mentioned chapter, are hereby made as legal in all respects as if the said last-named chapter had remained in full force, and every such corporation so organized is hereby declared to have existence and to have the same powers and privileges in all respects as if the said act, being chapter three hundred and seventy-four of the laws of eighteen hundred and seventy-seven, had been in full force in all respects at the time of the formation of any such corporation.

Sec. 3. This act shall take effect immediately.

CHAPTER 246.

AN ACT supplementary to chapter three hundred and sixty-eight of the laws of eighteen hundred and sixty-five, entitled "An act for the incorporation of societies or clubs for certain social and recreative purposes."

Passed May 11, 1880.

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

Section 1. Any society, association, or incorporation now incorporated, or that may hereafter be incorporated under and by virtue of chapter three hundred and sixty-eight of the laws of eighteen hundred and sixty-five, entitled "An act for the incorporation of societies or clubs for certain social and recreative purposes," and the acts amendatory thereof, may, from time to time, extend its objects and business beyond those set forth in its original certificate, so as to include other objects and business authorized by said acts, on making, signing, and acknowledging, under the hands of its trustees, or a majority of them, an additional certificate stating the further objects and business of such society, and filing the same in the office of the secretary of state and also in the office of the clerk of the county in which the office of such society shall be situated; provided that no such society or incorporation shall engage, directly or indirectly, in any objects or business not specified or included in the said acts.

Sec. 2. This act shall take effect immediately.

CHAPTER 248.

AN ACT to authorize a tax of thirty-four 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 11, 1880; 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, one thousand eight hundred and eighty, a state tax of thirty-four one-hundredths of a mill on each dollar of the 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 under 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 eight hundred and twenty-nine thousand six hundred and sixty-three dollars and fifty-four cents, to supply the deficiency which existed in said sinking fund on the thirtieth of September last. For the payment to said sinking fund, the further sum of sixty-six thousand three hundred and seventy-three dollars and eight cents, being the interest on the aforesaid deficiency to the time when the same will be realized from the tax.

CHAPTER 254.

AN ACT to exempt certain corporations from the provisions of sections five, six and eight, title four, chapter eighteen, part one of the revised statutes, entitled, "special provisions relating to certain corporations."

Passed May 11, 1880.*

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

Section 1. Every corporation organized under chapter 40 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," or under any act amendatory thereof or supplementary thereto, is hereby exempted from the provisions of sections five, six and eight, title four, chapter eighteen, part one of the revised statutes, entitled "special provisions relating to certain corporations."

Sec. 2. This act shall take effect immediately.

* Not returned by the governor within ten days after it was presented to him, and became a law without his signature, on the 11th day of May, 1880.

CHAPTER 259.

AN ACT to secure the registration of the births of children of residents of the city of New York, and the births of children which failed to be recorded through the neglect of the physician or other medical attendant present at such birth, occurring during the temporary absence from such city of the parents of such children, and respecting transcripts of the records.

Passed May 12, 1880; three-fifths being present.

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

Section 1. The births of the children of actual residents of the city of New York which may have occurred during the temporary absence of the parents of such children from the city of New York, and the births of children which failed to be recorded through the neglect of the physician or other medical attendant present at such birth, may be recorded under and pursuant to the provisions of this act in the bureau of vital statistics of the health department of said city, in a special book to be kept for such purpose, upon application in such behalf by the parents or guardians of such children. Transcripts of any record in the said bureau of vital statistics may be given, in the discretion of the board of health, to a parent or the next of kin to any person whose birth, death, or marriage is there recorded, or to any one authorized to apply for the same, but no transcripts of false or fraudulent returns made to the said bureau, nor of the entries thereof, shall be given; and they shall be canceled upon due proof of the facts, to the board of health.

Sec. 2. Such application shall be made to the board of health of the health department of such city, and shall be accompanied by a certificate of the physician or midwife attending professionally at such birth, and personally cognizant thereof, together with the affidavit of at least two citizens certifying to their knowledge of the facts, and that the physician or midwife making such certificate of birth is a reputable person in good standing in the community in which he or she may reside. No change or alteration shall at any time be made in any of the records of the said bureau of records in said city without proof satisfactory to and upon the approval of the said board of health.

Sec. 3. This act shall take effect immediately.

CHAPTER 263.

AN ACT for the protection of corporations organized for generating and distributing steam for heating and other purposes.

Passed May 12, 1880; three-fifths being present.

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

Section 1. Any person who, with intent to injure or defraud any corporation organized under the laws of this state for the purpose of generating, supplying or distributing steam for heating or other purposes, shall willfully injure, alter, obstruct, or prevent the action of any meter or other device provided for the purpose of measuring and registering the quantity of steam consumed, or the quantity of water resulting from condensation of steam consumed, or cause or procure any such meter or other device to be injured or altered, or the action thereof to be obstructed or prevented, shall be deemed guilty of a misdemeanor, and upon conviction shall be punished by a fine not exceeding two hundred and fifty dollars or by imprisonment not exceeding six months, or by both such fine and imprisonment.

Sec. 2. Any person who, with intent to injure or defraud any corporation organized under the laws of this state for the purposes aforesaid, shall connect or cause to be connected, any pipe, tube or other instrument or contrivance with any main, service pipe or other pipe for conducting or supplying steam in such manner as to connect with and be calculated to supply steam for heating, for moving machinery or for any other purpose or use without such steam passing through the meter or other device provided for the measuring and registering the quantity of steam consumed, or the quantity of water resulting from condensation of such steam consumed, shall be deemed guilty of a misdemeanor, and upon conviction shall be punished by fine not exceeding two hundred and fifty dollars or by imprisonment not exceeding six months, or by both such fine and imprisonment.

Sec. 3. Every person who shall willfully or fraudulently injure, or suffer to be injured, any meter, device, pipe or fitting belonging to any corporation organized under the laws of this state for the purposes aforesaid, or prevent such meter or device from duly registering the quantity of steam consumed, or the quantity of water resulting from the condensation of steam consumed; or shall alter the index of any such meter or device, or in any manner or way interfere with or hinder or obstruct its proper action or just registration, or shall fraudulently consume or waste the steam of said corporation, shall for each and every such offense forfeit and pay to such corporation the sum of twenty-five dollars, and shall also be liable to such corporation in a civil action for the damages sustained by reason of such offense.

Sec. 4. Any corporation organized under the laws of this state for the purposes aforesaid may make an agreement with any of its customers by which any officer or agent of such corporation, duly authorized in writing, signed by the president or secretary of said corporation, shall be authorized at all reasonable times to enter any dwelling, store, building, room or places supplied with steam by such corporation and occupied by said customer for the purpose of inspecting and examining the meters, devices, pipes, fittings, and appliances for supplying or regulating the supply of steam, and for ascertaining the quantity of steam consumed, or the quantity of water resulting from the condensation of steam consumed. Every such agreement so made in writing shall further provide that such officer or agent shall exhibit his written authority if requested by the occupant of such dwelling, store, building, room or place. Any person who shall directly or indirectly prevent or hinder such officer or agent from entering such dwelling, store, building, room or place, or from making such inspection or examination, in violation of his agreement with said corporation, shall forfeit and pay to the corporation the sum of twenty-five dollars for each offense.

Sec. 5. If any person or persons, corporation or association supplied with steam by such corporation organized under the laws of this state for the purposes aforesaid, shall neglect or refuse to pay the rent or remuneration for such steam, or for the meter, device, pipes, fittings or appliances, let by such corporation for supplying steam, or for ascertaining the quantity of steam consumed, or the quantity of water resulting from the condensation of the steam consumed, agreed upon or due for the same as required by his, their or its contract with such corporation, the latter may thereupon stop and prevent the steam from entering the premises of such person, persons, corporation or association so neglecting or refusing to pay such rent or remuneration. The said corporation may also in any of the cases enumerated in this act in which a person is liable to pay a forfeiture or is liable to fine or imprisonment, or both such fine and imprisonment, stop and prevent the steam from entering the premises of the person so liable, or if such person be an officer or agent of any corporation or association to stop or prevent the steam from entering the premises of the corporation or association of which the person so liable is an officer or agent. In all cases in which such corporation is authorized to stop and prevent the steam from entering any premises, it may, by its officers, agents or workmen, enter into or on such premises between the hours of eight o'clock in the forenoon and six o'clock in the afternoon, and cut off, disconnect, separate, and carry away any meter, device, pipe, fitting or other property of said corporation; and may cut off, disconnect and separate any meter, device, pipe or fitting, whether the property of the corporation or not, from the mains or pipes of said corporation.

Sec. 6. Any person who shall falsely personate or represent himself to be the officer, agent or workman of any such corporation, and by such false personation or representation shall seek to enter any dwelling, store, building, room or place, shall on conviction thereof, be deemed guilty of felony, and imprisoned at hard labor in the state prison for a term not exceeding five years.

Sec. 7. This act shall take effect immediately.

CHAPTER 267.

AN ACT authorizing individuals, joint-stock associations or corporations engaged in the manufacture of railroad cars to lay down and maintain railroad tracks connecting their manufacturing establishments with existing railroads.

Passed May 12, 1880.

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

Section 1. Any individual, joint-stock association or corporation now or hereafter engaged in the manufacture of railroad cars in this state may lay down and maintain such railroad tracks, not exceeding one mile in length, as shall be necessary to connect such manufacturing establishment with the tracks of any railroad now or hereafter operated in this state; provided they shall obtain the consent of the owners of one-half in value the property bounded on, and the consent also of the local authorities having the control of that portion of a street or highway upon which it is proposed to construct or operate such railroad to be first obtained; or in case the consent of such property owners cannot be obtained, the general term of the supreme court, in the district in which it is proposed to be constructed, may, upon application, appoint three commissioners, who shall determine, after a hearing of all parties interested, whether such railroad ought to be constructed or operated, and their determination, confirmed by the court, may be taken in lieu of the consent of the property owners.

Sec. 2. The provisions of this act shall not apply to the counties of New York and Kings.

Sec. 3. This act shall take effect immediately.

CHAPTER 269.

AN ACT to provide for the review and correction of illegal, erroneous or unequal assessments.

Passed May 12, 1880; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:
Section 1. A writ of certiorari may be allowed by the supreme court on the petition, duly verified, of any person or corporation assessed and claiming to be aggrieved, to review an assessment of real or personal property for the purpose of taxation made in any town, ward, village or city of this state, when the petition shall set forth that the assessment is illegal, specifying the grounds of the alleged illegality, or is erroneous by reason of over valuation, or is unequal in that the assessment has been made at a higher proportionate valuation than other real or personal property on the same roll by the same officers, and that the petitioner is or will be injured by such alleged illegal, erroneous or unequal assessment. When the alleged illegality, error or inequality affects several persons in the same manner who are assessed upon the same roll, they may unite in the same petition, and in that case the writ may be allowed, and the proceedings authorized by this act had in behalf of all such petitioners.

Sec. 2. Such writ shall only be allowed by a justice of the supreme court in the judicial district or at a special term of the court in the judicial district in which the assessment complained of was made, and shall be made returnable at a special term in said district. The writ shall not be granted unless application therefor shall be made within fifteen days after the completion and delivery of the assessment roll, and notice thereof given as provided in this act. A writ of certiorari allowed under this act shall not stay the proceedings of the assessors or other officers to whom it is directed, or to whom the assessment roll may be delivered to be acted upon according to law.

Sec. 3. The court or justice granting the writ shall prescribe in the writ the time within which a return thereto must be made, which shall not be less than ten days, and may extend such time. The assessors or other officers making a return to such writ shall not be required to return the original assessment roll or other original papers acted on by them, but it shall be sufficient to return certified or sworn copies of the roll or other papers, or of such portions thereof as may be called for by such writ. And the return may concisely set forth such other facts as may be pertinent and material to show the value of the property assessed on the roll, and the grounds for the valuation made by the assessing officers, and the return must be verified.

Sec. 4. If it shall appear by the return to such writ that the assessment complained of is illegal, erroneous or unequal for any of the reasons alleged in the petition, the court shall have power to order such assessment, if illegal, to be stricken from the roll, or if erroneous or unequal, to order a reassessment of the property of the petitioner, or the correction of such assessment, in whole or in part, in such manner as shall be in accordance with law, or as shall make it conform to the valuations and assessments applied to other real or personal property in the same roll, and secure equality of assessment. If upon the hearing it shall appear to the court that testimony is necessary for the proper disposition of the matter, the court may take evidence or may appoint a referee to take such evidence as the court may direct, and report the same to the court, and such testimony shall constitute a part of the proceedings upon which the determination of the court shall be made.

Sec. 5. A new assessment, or correction of an assessment made by order of the court, shall have the same force and effect as if it had been so made by the proper assessing officers within the time originally prescribed by law for making such assessment. Disobedience to a writ or order in any proceeding under this act may be punished by the court as for a contempt.

Sec. 6. Costs shall not be allowed against assessors or other officers whose proceedings may be reviewed under this act, unless it shall appear to the court that they acted with gross negligence, in bad faith, or with malice. If the writ shall be quashed, or the prayer of the petitioner denied, costs shall be awarded against the petitioner, but the costs shall not in any case exceed the costs and disbursements taxable in an action upon the trial of an issue of fact in the supreme court.

Sec. 7. Appeal may be taken by either party from an order, judgment or determination under this act as from an order, and shall be heard and determined in like manner. All issues and appeals in any proceedings instituted under this act shall have preference over all other civil actions and proceedings in all courts.

Sec. 8. If final judgment shall not be given in time to enable the assessors or other officers to make a new or corrected assessment for the use of the board of supervisors at their annual session, and it shall appear from said judgment that said assessment was illegal, erroneous or unequal, then there shall be audited and allowed to the petitioner, and included in the next year's tax levy of said town, village or city, and paid to the petitioner the amount, with interest thereon, from the date of payment, in excess of what the tax should have been as determined by such judgment or order of the court.

Sec. 9. All assessment rolls, when finally completed and verified by the assessors, shall, in towns, on or before the first day of September, and in incorporated villages and cities at the time prescribed by their respective charters or laws applicable to them, be delivered to the town, village or city clerk, or other officer, to whom such rolls are or may be required by law to be delivered, and there to remain with such clerk or other officer for a period of fifteen days for public inspection. The assessors or other officers who complete and verify the assessment roll shall, after they have delivered the same to the said town, village or city clerk or other officer, forthwith give public notice by posting the same in at least three of the most public places in said town, village or city, or by publishing the same in one or more newspapers published therein, that such assessment roll has been finally completed, the officer to whom the same has been delivered and the place where the same will be open to public inspection. The fifteen days from which to complete the time within which the application for the writ of certiorari can be made under this act shall be the time when said public notice is first given.

Sec. 10. This act shall not be construed to repeal or abridge any other right or remedy given to review an assessment by any law applicable to any city or incorporated village, or by the charters thereof.

CHAPTER 282.

AN ACT for the preservation of lobsters.

Passed May 13, 1880; three-fifths being present.

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

Section 1. Whoever shall sell, or offer for sale, or have in possession with intent to sell, any lobster less than ten and one-half inches in length, measurement to be taken from one extremity of the body to the other, exclusive of claws or feelers, shall, for every such offense, be subject to a fine of five dollars; and in all prosecutions under this act the possession of any lobster not of the length herein prescribed shall be prima facie evidence to convict.

Sec. 2. All forfeitures accruing under this act shall be paid one-half to the person making the complaint and one half to the city or town where the offense was committed.

Sec. 3. This act shall take effect on the first of June, eighteen hundred and eighty.

CHAPTER 283.

AN ACT to amend chapter one hundred and eighty-one of the laws of eighteen hundred and seventy-two, entitled "An act for the better prevention of the procurement of abortions and other like offenses, and to amend the laws relative thereto," is hereby amended so as to read as follows:

Passed May 13, 1880; 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 eighty-one of the laws of eighteen hundred and seventy-two, entitled "An act for the better prevention of the procurement of abortions and other like offenses, and to amend the laws relative thereto," is hereby amended so as to read as follows:

§ 3. Every person who shall administer to any pregnant woman, or prescribe for any such woman, or advise or procure any such woman to take any medicine, drug, substance or thing whatever, or manufacture, advertise or sell any such medicine, drug, substance or thing whatever, or shall use or employ upon any such woman, or advise or procure any such woman to submit to the use or employment of any instrument or other means whatever, with intent thereby to procure the miscarriage of any such woman, shall upon conviction be punished by imprisonment in a county jail, or in a state prison, not less than one nor more than three years in the discretion of the court.

Sec. 2. This act shall take effect immediately.

CHAPTER 287.

AN ACT to amend chapter three hundred and seventy-one of the laws of eighteen hundred and seventy-five, entitled "An act to conform the charters of all savings banks or institutions for savings to a uniformity of powers, rights and liabilities, and to provide for the organization of savings banks, for their supervision and for the administration of their affairs."

Passed May 14, 1880; three-fifths being present.

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

Section 1. Section twenty-six of chapter three hundred and seventy-one of the laws of eighteen hundred and seventy-five, entitled "An act to conform the charters of all savings banks or institu-

tions for savings to a uniformity of powers, rights and liabilities, and to provide for the organization of savings banks, for their supervision and for the administration of their affairs," is hereby amended so as to read as follows:

§ 26. It shall be lawful for the trustees of any savings bank to invest the moneys deposited therein only as follows, namely:

First. In the stocks or bonds, or interest-bearing notes, or obligations of the United States, or those for which the faith of the United States is pledged to provide for the payment of the interest and principal, including the bonds of the District of Columbia, commonly known as the three-sixty-five bonds.

Second. In the stocks or bonds of this state bearing interest.

Third. In the stocks or bonds of any state in the Union that has not, within ten years previous to making such investment by such corporation, defaulted in the payment of any part of either principal or interest of any debt authorized by any legislature of such state to be contracted.

Fourth. In the stocks or bonds of any city, county, town or village of this state issued pursuant to the authority of any law of this state, or in any interest-bearing obligations issued by the city or county in which such bank shall be situated.

Fifth. In bonds and mortgages on unincumbered real estate situate in this state and worth, at least, twice the amount loaned thereon, but not to exceed sixty per centum of the whole amount of deposits shall be so loaned or invested; but in case the loan is on unimproved and unproductive real estate the amount loaned thereon shall not be more than forty per centum of its actual value; and no investment in any bond and mortgage shall be made by any savings bank, except upon the report of a committee charged with the duty of investigating the same, and who shall certify to the value of the premises mortgaged, or to be mortgaged, according to their best judgment, and such report shall be filed and preserved among the records of the institution.

Sixth. In real estate subject to the provisions of section twenty-nine of this act.

Sec. 2. This act shall take effect immediately.

CHAPTER 298.

AN ACT to protect the rights of citizens of this state owning and holding claims against other states.

Passed May 15, 1880.

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

Section 1. Any citizen of this state being the owner and holder of any valid claim against any of the United States of America, arising upon a written obligation to pay money, made, executed and delivered by such state, which obligation shall be past due and unpaid, may assign the same to the state of New York, and deliver the assignment thereof to the attorney-general of the state. Such assignment shall be in writing, and shall be duly acknowledged before an officer authorized to take the acknowledgment of deeds, and the certificate of such acknowledgment shall be duly indorsed upon such assignment before the delivery thereof. Every such assignment shall contain a guaranty, on the part of the assignor, to be approved by the attorney-general, of the expenses of the collection of such claim, and it shall be the duty of the attorney-general, on receiving such assignment, to require, on behalf of such assignor, such security for said guaranty as he shall deem adequate.

Sec. 2. Upon the execution and delivery of such assignment in the manner provided for in section one of this act, and furnishing the security as in said section provided, and the delivery of such claim to him, the attorney-general shall bring and prosecute such action or proceeding, in the name of the state of New York, as shall be necessary for the recovery of the money due on such claim, and the said attorney-general shall prosecute such action or proceeding to final judgment, and shall take such proceedings after judgment as may be necessary to effectuate the same.

Sec. 3. The attorney-general shall forthwith deliver to the treasurer of the state, for the use of such assignor, all moneys collected upon such claim, first deducting therefrom all expenses incurred by him in the collection thereof, and said assignor, or his legal representatives, shall be paid said money by said treasurer upon producing the check or draft therefor of the attorney-general to his or their order and proof of his or their identity.

Sec. 4. This act shall take effect immediately.

CHAPTER 300.

AN ACT to amend chapter two hundred and forty-nine of the laws of eighteen hundred and seventy-nine, entitled "An act in relation to the acknowledgment by married women of deeds and other written instruments."

Passed May 15, 1880.

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

Section 1. Section one of chapter two hundred and forty-nine of the laws of eighteen hundred and seventy-nine, entitled "An act in relation to the acknowledgment by married women of deeds and other instruments," is hereby amended so as to read as follows:

§ 1. The acknowledgment by married women or the proof of the execution by married women of deeds or other written instruments may be made, taken, and certified in the same manner as if they were sole, and all acts and parts of acts which require from them any other or different acknowledgments, proofs, or certificates thereof are hereby repealed.

Sec. 2. This act shall take effect immediately.

CHAPTER 301.

AN ACT to amend the Code of Civil Procedure.

Passed May 15, 1880; 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 thousand seven hundred and eighty-six of the code of civil procedure is hereby amended so as to read as follows:

§ 1786. An action specified in the last section may be maintained by the attorney-general in the name and in behalf of the people, and whenever a creditor or stockholder of any corporation submits to the attorney-general a written statement of facts, verified by oath, showing grounds for an action under the provisions of the last section, and the attorney-general omits, for sixty days after this submission, to commence an action specified in the last section, then, and not otherwise, such creditor or stockholder may apply to the proper court for leave to commence such an action, and on obtaining leave may maintain the same accordingly.

Sec. 2. Section two thousand and eleven of the code of civil procedure is hereby amended so as to read as follows:

§ 2011. A writ shall not be issued, by virtue of either of the last three sections, to bring up a prisoner sentenced to death. Nor shall it be issued to bring up a prisoner confined under any other sentence for a felony, except where the application is made, in behalf of the people, to bring him up as a witness on the trial of an indictment, and then only by and in the discretion of a justice of the supreme court or a judge of the superior city court, upon such notice to the district attorney of the county wherein the prisoner was convicted, and upon such terms and conditions, and under such regulations as the judge prescribes.

Sec. 3. This act shall take effect on the second day of September next.

CHAPTER 308.

AN ACT to amend chapter sixteen of part one of the Revised Statutes, in relation to highways and bridges.

Passed May 15, 1880; three-fifths being present.

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

Section 1. Section thirteen of article one, title one, chapter sixteen of part one of the Revised Statutes, is hereby amended so as to read as follows:

§ 13. If any overseer shall be employed more days in executing the several duties enjoined on him by this chapter than he is assessed to work on the highway, he shall be paid for the excess at the rate of twelve and a half cents per hour for each day, and be allowed to retain the same out of the moneys which may come into his hands for fines under this chapter, but he shall not be permitted to commute for the days he is assessed.

Sec. 2. Section thirty-five of said chapter is hereby amended so as to read as follows:

§ 35. Every person liable to work on the highways shall work the whole number of days for which he shall have been assessed, but every such person other than an overseer may elect to commute for the same, or for some part thereof, at the rate of twelve and a half cents per hour for each day, in which case such commutation money shall be paid to the overseer of highways of the district in which the person commuting shall reside, to be applied and expended by such overseer in the improvement of the roads and bridges in the same district.

Sec. 3. Section thirty-eight of said chapter is hereby amended so as to read as follows:

§ 38. Every person assessed to work on the highways and warned to work may appear in person, or by an able-bodied man as a substitute, and the person or substitute so appearing shall

actually work eight hours in each day, unless such person be assessed one dollar and twenty-five cents or more, when such person or his substitute shall be allowed to actually work ten hours in each day, under the penalty of twelve and a half cents for every hour such person or substitute shall be in default, to be imposed as a fine on the person assessed.

Sec. 4. Section thirty-nine of said chapter is hereby amended so as to read as follows:

§ 39. If any such person or his substitute shall, after appearing, remain idle or not work faithfully, or hinder others from working, such offender shall, for every offense, forfeit at the rate of twelve and a half cents an hour for each day.

Sec. 5. Section forty of said chapter is hereby amended so as to read as follows:

§ 40. Every person so assessed and duly notified who shall not commute, and who shall refuse or neglect to appear as above provided, shall forfeit, for every day's refusal or neglect, at the rate of twelve and a half cents an hour for each day. If he was required to furnish a team, carriage, man or implements, and shall refuse or neglect to comply, he shall be fined as follows:

1. For wholly omitting to comply with such requisition, three dollars for each day of eight hours, and three dollars and seventy-five cents for each day of ten hours.

2. For omitting to furnish a cart, wagon or plough, one dollar for each day of eight hours, and one dollar and twenty-five cents for each day of ten hours.

3. For omitting to furnish a pair of horses or oxen, one dollar for each day of eight hours, and one dollar and twenty-five cents for each day of ten hours.

4. For omitting to furnish a man to manage the team, one dollar for each day of eight hours, and one dollar and twenty-five cents for each day of ten hours.

Sec. 6. Section forty-five of said chapter is hereby amended so as to read as follows:

§ 45. Every penalty collected for a refusal or neglect to appear and work on the highways shall be set off against the assessment upon which it was founded, estimating all moneys collected as a satisfaction at the rate of twelve and a half cents an hour for each day.

Sec. 7. This act shall take effect immediately.

CHAPTER 322.

AN ACT to establish a state board of health.

Passed May 18, 1880; three-fifths being present.

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

Section 1. Within twenty days after the passage of this act, the governor shall appoint, by and with the advice and consent of the senate, three state commissioners of health, two of whom shall be graduates of legally constituted medical colleges and of not less than seven years' practice of their profession. The said commissioners, together with the attorney-general, the superintendent of the state survey and the health officer of the port of New York, who shall be ex-officio members of the state board of health, and three other persons to be designated and appointed by the governor, one of whom shall be a commissioner of health of the board of health of the city of New York, and the others shall be members or commissioners of health of regularly constituted and organized boards of health of cities of the state, shall constitute the board of health of the state of New York. Nothing in chapter three hundred and thirty-five of the laws of eighteen hundred and seventy-three of the state of New York or in the laws amending the same, or in the laws constituting boards of health in the various cities of the state, shall be read or construed to prevent the appointment of the said commissioners of board of health of cities also members of the board of health of the state of New York, and no appointment to an office or acceptance thereof under this law, shall be held to vacate the office previously held in any board of health of any city in this state.

Sec. 2. The said three commissioners so appointed shall take the oath of office prescribed by the constitution for state officers, and receive from the secretary of state certificates of their appointment. They shall hold office for three years, and whenever a vacancy occurs, the place shall be filled as in other cases provided by law, and the other commissioners shall, from time to time, be designated by the governor as occasion may require, or as their places may be vacated in the board by the expiration of the several terms of office.

Sec. 3. The state board of health shall meet at least once in every three months and as much oftener as they shall deem necessary, their first meeting being held in the city of Albany within two weeks after the appointment duly made of the members of the first board and after they shall have qualified as aforesaid, and each annual meeting shall be held within two weeks after the first of May each year after the first, as herein provided. No member of the board except the secretary shall receive any compensation, but the actual traveling and other expenses of the members and officers of said board while engaged in their duties shall be allowed and paid out of the appropriation made for its support. They shall elect annually one member of the board to be president; they shall also elect from among their own members or otherwise, a person of skill and experience in public health duties and sanitary science, to be the secretary and executive officer of said board, who shall have all the powers and privileges of said board except in regard to voting upon matters relating to his own office and duties as secretary, and he shall hold said office for the term of three years, but he may be removed for cause after a full hearing by the board, a majority of the members voting therefor.

Sec. 4. The state board of health may adopt by-laws regulating the transaction of its business, and provide therein for the appointment of committees to whom it shall delegate authority and power for the work committed to them, and it may also adopt and use an official seal. Five members shall constitute a quorum for the transaction of business.

Sec. 5. The secretary shall keep a record of the acts and proceedings of the board, perform and superintend the work prescribed in this act, and such other duties as the board may order, and shall receive an annual salary of three thousand dollars, which shall be paid him in the same manner as the salaries of other state officers are paid, and such necessary expenses shall be allowed him as the comptroller shall audit on the presentation of an itemized account having vouchers annexed, together with the certificate of the board.

Sec. 6. Said board shall take cognizance of the interests of health and life among the people of the state, they shall make inquiries in respect to the causes of disease, and especially of epidemics, and investigate the sources of mortality, and the effects of localities, employments and other conditions upon the public health. It shall be the duty of said board to obtain, collect and preserve such information relating to deaths, diseases and health as may be useful in the discharge of its duties, and contribute to the promotion of the health or the security of life in the state of New York. And it shall be the duty of all health officers and boards of health in the state to communicate to said state board of health copies of all their reports and publications; also such sanitary information as may be useful.

Sec. 7. It shall be the duty of the state board of health to have the general supervision of the state system of registration of births, marriages and deaths, and also the registration of prevalent diseases. Said board shall prepare the necessary methods and forms for obtaining and preserving such records, and to insure the faithful registration of the same in the several counties, and in the central bureau of vital statistics at the capital of the state. The said board of health shall recommend such forms and amendments of law as shall be deemed to be necessary for the thorough organization and efficiency of the registration of vital statistics throughout the state. The secretary of said board of health shall be the superintendent of registration of vital statistics of the state. As supervised by the said board, the clerical duties and safe-keeping of the bureau of vital statistics thus created shall be provided for by the comptroller of the state, who shall also provide and furnish such apartments and stationery as said board shall require in the discharge of its duties. And the state board of health shall also prepare the necessary methods and forms and prescribe the rules regulating the issue and use of transfer permits, with the proper coupons attached thereto, to be issued by local organized boards of health, for the transportation of the dead bodies of persons which are to be carried for burial beyond the limits of the counties where the death occurs; and in all cases the said state board of health shall require coupons to be attached to such permits, to be detached and preserved by every common carrier, or the person in charge of any vessel, said railroad train or vehicle to whom such dead bodies shall be delivered for transportation. Any violation of such rules and regulations shall be a misdemeanor.

Sec. 8. At any time the governor of the state may require the state board of health to examine into nuisances, or questions affecting the security of life and health in any locality, and in such case the said board shall have all necessary powers to make such examinations, and it shall report the results thereof to the governor within the limits of time which he shall prescribe 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 the matters or things found and certified by the state 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. Any violation of such an order shall be held and punished as a misdemeanor, and thereafter the governor may by his order, in writing, certified under his official seal, directed to the officers of the county in which the said nuisance shall be situated, require the district attorney, the sheriff and the other officers of every such county, to take all necessary measures to execute and to have obeyed the order of the governor.

Sec. 9. At any time at the request of the state board of health, or whenever the governor shall as hereinbefore provided have directed an examination and report to be made by the state board of health into any alleged nuisance, any board of health of any city of the state may appoint and select any one of its officers as its representative during such examination of any nuisance, and such representative officer shall have a seat at, and be entitled to take part in, all the deliberations of the state board of health during such investigation, but without the right to vote.

Sec. 10. Said board may, from time to time, engage suitable persons to render sanitary service and to make or supervise practical and scientific investigations and examinations requiring expert skill, and to prepare plans and report relative thereto. And it is hereby made the duty of all officers and agents having the control, charge or custody of any public structure, work, ground or erection, or of any plan, description, outlines, drawings or charts thereof, or relating thereto, made, kept or

* So in original.

controlled under any public authority, to permit and facilitate the examination and inspection, and the making of copies of the same by any officer or person by said board authorized; and the members of said board, or such other officer or person as may at any time be by said board authorized, may, without fee or hindrance, enter, examine and survey all grounds, erections, vehicles, structures, apartments, buildings and places. But no more than five thousand dollars in any one year shall be expended for such special sanitary service.

Sec. 11. It shall be the duty of said board, on or before the first Monday of December in each year, to make a report in writing to the governor of the state, upon the vital statistics and the sanitary condition and prospects of the state; and such report shall set forth the action of said board and of its officers and agents and the names thereof, for the past year, and may contain other useful information, and shall suggest any further legislative action or precautions deemed proper for the better protection of life and health. And the annual report of said board shall also contain a detailed statement of the comptroller of all money paid out by or on account of said board, and a detailed statement of the manner of its expenditure, during the year last past, but its total expenditures shall not exceed the sum of fifteen thousand dollars in any one year.

Sec. 12. The sum of fifteen thousand dollars is hereby appropriated from the general fund for the purposes of this act, and the expenditures properly incurred by authority of said board and verified by affidavit, subject, however, to the limitations hereinbefore imposed, and shall be paid by the treasurer upon the warrant of the comptroller.

Sec. 13. This act shall take effect immediately.

CHAPTER 347.

AN ACT to provide for the reporting of appointments or commitments to the benevolent institutions of the state, excepting the county of Kings.

Passed May 20, 1880; three-fifths being present.

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

Section 1. Each of the asylums, reformatories, homes, retreats, penitentiaries, jails, or other institutions of this state, in which the board, instruction, care or clothing of persons committed thereto is, or shall be, a charge against any county of this state, or town therein, shall be known for the purposes of this act as one of the state benevolent institutions of this state.

Sec. 2. It shall be the duty of every judge, justice, superintendent of the poor, overseer of the poor, supervisor, or other person, who by law is authorized to make commitments or appointments to any of the state benevolent institutions of the state, to make a report in writing to the clerk of the board of supervisors of the county so liable, or of the county in which any town is so liable, for the board, instruction, care, or clothing mentioned in section one of this act; said report shall be made within ten days after making such commitment or appointment, and shall show, when known, the nationality, age, sex, and residence of each person so appointed or committed, and the length of time of such appointment or commitment.

Sec. 3. It shall be the duty of the keeper, superintendent, warden, secretary, director, or other proper officer of each of the state benevolent institutions of the state, within ten days after receiving any person into any of the institutions mentioned in section one of this act, whose board, care, instruction, tuition, or clothing shall be chargeable to any town or county, to make a report in writing to the clerk of the board of supervisors of the county so liable, or of which any town is so liable. Such report shall show when such persons were received into said institution, and when known, the name, age, sex, nationality, residence, length of time of commitment or appointment, the name of the officer making such commitment or appointment, and the sum chargeable per week, month or year for such person.

Sec. 4. In case of the death, removal or discharge of any person committed or appointed to any of the institutions mentioned in this act, it shall be the duty of the officers mentioned in section three of this act to immediately report to the clerk of the board of supervisors of the respective county the date of such death, removal or discharge.

Sec. 5. It shall be the duty of the officers mentioned in section three of this act, annually on or before the fifteenth day of September, to present to the clerk of the board of supervisors of the county liable for the board, instruction, care, or clothing mentioned in this act, or of the county in which any town is so liable, a sworn statement of the account of such institution with such county or town, up to the first day of October next succeeding, and in case of a claim for clothing, an itemized statement of the same, and in case any part of the board, care, tuition, or clothing has been paid by any person or persons, the account shall show what sum has been so paid; and accompanying such account shall be a report showing the name, age, sex, nationality, and residence of each person mentioned in the account, the name of the officer who made the commitment or appointment, the date and length of commitment or appointment, the time to which the account has been paid, and the amount claimed to the first day of October next succeeding, the sum per week or per annum charged, and if no part of such account has been paid by any person or persons, the report shall show such fact, duly verified.

Sec. 6. Any officer mentioned in this act who shall refuse or neglect to make the reports required by this act shall not be entitled to receive any compensation or pay for any services, salary or otherwise, from any town or county to which he is required to make such report.

Sec. 7. The clerk of the board of supervisors who shall receive any report or account in pursuance of the provisions of this act shall carefully file the same and present the same to the respective board of supervisors on the second day of the annual meeting of the board next succeeding the receipt of the same.

Sec. 8. The poor-houses in the several counties of this state are hereby exempted from the provisions of this act.

Sec. 9. Nothing in this act contained shall be held to apply to the county of Kings.

Sec. 10. This act shall take effect immediately.

CHAPTER 348.

AN ACT concerning the grounds, buildings and property of the state provided for normal schools, the custody, protection and preservation of the same, and the powers of the local boards in relation thereto.

Passed May 20, 1880; three-fifths being present.

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

Section 1. The local boards of managers of the respective normal schools in this state shall have the custody, keeping and management of the grounds and buildings provided or used for the purposes of such schools, respectively, and other property of the state pertaining thereto, with power to protect, preserve and improve the same.

Sec. 2. Any wilful trespass in or upon any of the buildings or grounds provided or used for the purposes of any of said normal schools or wilful injury to any of said buildings or grounds, or any trees, fences, fixtures or other property thereon pertaining thereto, shall be a misdemeanor, punishable by fine and imprisonment, or either; and concurrently with the courts of record, justices of the peace, police justices and courts of special sessions, in the towns and cities where said schools are situated, shall have the same jurisdiction of said offences as they have in other cases of misdemeanors within their jurisdiction.

Sec. 3. For the purpose of protecting and preserving such buildings, grounds and other property, and preventing injuries thereto, and preserving order, preventing disturbances, and preserving the peace in such buildings and upon such grounds, the local boards of managers of each of said normal schools shall have power, by resolution or otherwise, to appoint, from time to time, one or more special policemen, and the same to remove at pleasure, who shall be police officers, with the same powers as constables of the town or city where such school is located, whose duty it shall be to preserve order, and prevent disturbances and breaches of the peace in and about the buildings, and on and about the grounds used for said school, or pertaining thereto, and protect and preserve the same from injury, and to arrest any and all persons making any loud or unusual noise, causing any disturbance, committing any breach of the peace, or misdemeanor or any wilful trespass upon such grounds, or in or upon said buildings, or any part thereof, and convey such person or persons so arrested, with a statement of the cause of the arrest, before a proper magistrate to be dealt with according to law.

Sec. 4. This act shall take effect immediately.

CHAPTER 349.

AN ACT relating to leases of railroads and railroad property within this state.

Passed May 21, 1880.

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

Section 1. Whenever any railroad, or railroad route, not exceeding ten miles in length, and its franchises within this state, has been heretofore leased by one railroad company or corporation to any other railroad company or corporation with the assent of a majority in amount of the stockholders of the company owning such leased railroad or railroad route and franchises, it shall be im-

material whether the assent of said stockholders has been obtained at a stockholders' meeting, or has been individually given in writing; and the leases of all such railroads within this state, which have received such assent of a majority in amount of the individual stockholders of the company or corporation owning the leased road, are hereby declared to be as legal and valid as they would have been had such assent been given at a stockholders' meeting regularly called for that purpose. And any railroad company now engaged in operating any railroad so leased may continue to use and operate the same during the term of the lease, upon complying with the terms, covenants and provisions of such lease; and to that end all such leases are hereby ratified and confirmed.

Sec. 2. This act shall take effect immediately.

CHAPTER 353.

AN ACT in relation to runners or solicitors of passengers or patronage for steamers, steamboats, ships, vessels, hotels, railroads or transportation companies in the city of New York.

Passed May 21, 1880; three-fifths being present.

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

Section 1. No person shall hereafter upon any street, public highway, dock or pier, or in any park or square, in the city of New York, or upon any water adjacent thereto, over which said city has jurisdiction, solicit patronage for any hotel or inn, or passengers or patronage for any steamer, steamboat, ship, vessel or railroad, or for any person or corporation selling or offering for sale passage tickets, or contracting or offering to contract for passage in any such steamer, steamboat, ship, vessel or railroad, without a license for that purpose first duly obtained in accordance with the provisions of this act.

Sec. 2. Such license may be issued by the mayor of the city of New York, and shall be for the period of one year from the date thereof, and every person receiving such a license shall pay the sum of twenty dollars therefor to the said mayor, and shall also give to the mayor of said city a bond with two good and sufficient sureties in the penalty of three hundred dollars, conditioned for his good behavior and the faithful observance by him of the provisions of this act. It shall be lawful for said mayor, upon an application made prior to the expiration of said license, to renew and continue the same from year to year, provided the applicant therefor continue in all respects qualified, as hereinbefore provided, to hold such license, and said applicant shall, upon receiving such renewal, pay into the city treasury a further sum of twelve dollars and fifty cents per annum as a renewal fee.

Sec. 3. Licenses and renewals issued under the provisions of this act may be revoked at any time by the said mayor for any cause satisfactory to him, such cause to be stated in writing to the person so removed at the time of the notice of his removal. No person shall receive any license under the provisions of this act who is not a citizen of the United States and a person of good general character; such fact to be proved to the satisfaction of the mayor.

Sec. 4. Every person licensed under the provisions of this act, whenever employed in soliciting passengers or patronage for steamers, steamboats, ships, vessels, or railroads, or patronage for hotels or inns, shall wear conspicuously upon his coat a metal badge containing the number of his license, said badge to be of such form and to bear such further inscription as shall be prescribed by the mayor of the city of New York. No person not duly licensed as aforesaid shall wear any such badge, or any badge purporting to be that of a licensed runner or solicitor, under a penalty of twenty-five dollars for each offense.

Sec. 5. Any person who shall carry on the business or engage in the occupation set forth in the first section of this act, without such license, shall be deemed guilty of a misdemeanor, and shall be punished by imprisonment for not less than three months, nor exceeding one year, and any person who, being duly licensed, shall fail to comply with the provisions of the fourth section of this act shall be liable to a fine of not less than twenty-five dollars for each offence and shall also forfeit his license.

Sec. 6. The mayor of the city of New York shall render to the comptroller of said city quarterly accounts of all moneys received by him under the provisions of this act, and the amounts so received shall be paid over by said mayor into the city treasury.

Sec. 7. This act shall take effect upon the first day of July, one thousand eight hundred and eighty-one.

CHAPTER 354.

AN ACT to amend chapter two hundred and eighty of the laws of eighteen hundred and forty-seven, entitled "An act in relation to the judiciary."

Passed May 21, 1880; three-fifths being present.

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

Section 1. Section twenty-five of chapter two hundred and eighty of the laws of eighteen hundred and forty-seven, entitled "An act in relation to the judiciary," is hereby amended so as to read as follows:

§ 25. Justices of the peace and judges and justices of inferior courts, not of record, and their clerks, may be removed, as provided by the constitution, by the supreme court at any general term thereof, and such general term shall have power to order the proofs upon any proceedings hereunder to be taken before a referee to be appointed by such general term, and to certify the reasonable expenses of such referee, which amount, so certified, and also the reasonable expenses of any reference as heretofore or hereafter taxed by any general term of said court, under proceedings heretofore taken under the act hereby amended, and remaining unpaid, is hereby declared to be a charge against the city, town, or village within which such justice of the peace, judge, or justice of inferior court, not of record, or clerk, exercises the duties of his office. Such general term may also in its discretion require the person or persons instituting proceedings for the removal of either of the officials above named to give security, to be approved by such general term, for the expenses incident to the hearing and determination thereof, in case the charges against such official are not sustained.

Sec. 2. This act shall take effect immediately.

CHAPTER 360.

AN ACT to provide for the proper drainage of lands in the city of New York.

Passed May 22, 1880; 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 the opinion of the board of health of the health department of the city of New York, the protection of the public health requires the drainage of any lands in said city, by means other than sewers, such board of health may adopt a resolution describing the location of such lands, and directing the proper drainage thereof, and the construction of drains therefor, by the commissioner or commissioners of the department of said city having jurisdiction to construct sewers in that part of said city where such drainage is so required. Such board of health shall thereupon cause a map to be made, whereon shall be shown the location of such proposed drains, and the lands required for the construction thereof. Such resolution shall be entered at length in the records of such board of health and such map shall be filed in such health department. A copy thereof shall be filed in the office of the register of the city and county of New York. Such board of health shall cause another copy of said map, together with a copy of such resolutions, to be delivered to the commissioner or commissioners of the department in said city who shall, by such resolution, be required to construct such drains.

Sec. 2. It shall be the duty of such commissioner or commissioners, upon the receipt of such map and resolution, through the counsel to the corporation of said city, to take immediate and proper proceedings for the acquirement of a right of way over, under or through the lands shown upon said map to be necessary for such drains, and it shall be the duty of such counsel to the corporation immediately to take such proceedings and conduct them to a speedy determination.

Sec. 3. The right of way over, under or through the lands so required for such drains shall be taken and acquired in the manner required by law for acquiring title to lands in said city to be used as public streets. Provided, however, that the time or times provided in such law for the giving or publication of any notice shall, for the purposes of this act, be reduced one-half, and the time for the sitting of the commissioners of estimate and assessment to hear objections to their report is, for the purposes of this act, hereby made two days, in the place of ten days. Any maps, plans or surveys that may be required for the use of the commissioners of estimate and assessment, to be appointed in such proceeding, shall be furnished by the department charged with the construction of the drains, and shall be prepared and made by surveyors in the regular and stated employment of such department; neither the expense of such surveys nor any other expenses, other than the fees of the commissioners of estimate and assessment attending the proceeding, shall be included in the assessment that may be made by such commissioners of estimate and assessment. The counsel to the corporation shall not be entitled to any compensation for services to be rendered by him in such proceeding, other than his stated salary. The commissioners of estimate and assessment shall not

be allowed any compensation for office-rent, clerk, or carriage-hire. They shall each be entitled to receive the following rates as compensation for their services in full. Where the drain to be constructed is five hundred feet or under in length, the sum of twenty-five dollars. Where the drain exceeds five hundred feet in length, twenty-five dollars, and in addition thereto, five cents per foot for each running foot of drain in excess of five hundred feet, but the compensation of each commissioner shall, in no case, exceed one hundred and fifty dollars.

Sec. 4. Upon the confirmation by the court of the report of the commissioners of estimate and assessment in such proceedings, it shall be the duty of the board of estimate and apportionment of the city of New York immediately to authorize and direct the comptroller of said city to issue bonds in behalf of the mayor, aldermen, and commonalty of the city of New York, to the amount necessary to pay the damages awarded to owners of lands for the right of way required for such drains, and to pay for the preparation of plans and surveys provided for as aforesaid, and for the fees of the commissioners of estate and assessment, and from the proceeds of said bonds the said comptroller shall pay the damages so awarded, in the same manner as in the case of street openings, and the fees of the commissioners of estimate and assessment, and shall also pay the expenses incurred for such plans and surveys as above provided.

Sec. 5. Upon the confirmation of the report of the commissioners of estimate and assessment by the court, the commissioner or commissioners of the department in said city having the charge of the construction of such drains as herein proposed shall have the power and they are hereby directed to make and adopt proper and suitable plans for such drains and to construct them. The necessary cost of such drains, together with necessary expenses of levying the assessment therefor, shall be levied, assessed, and collected in the same manner as is authorized by law for the construction of sewers in said city.

Sec. 6. Chapter five hundred and sixty-six of the laws of eighteen hundred and seventy-one and chapter five hundred and forty-nine of the laws of eighteen hundred and seventy-five are hereby repealed; but such repeal shall not affect any action or proceeding now pending or cause of action existing by reason of anything done under the laws so repealed.

Sec. 7. This act shall take effect immediately.

CHAPTER 366.

AN ACT to secure uniform ballots and preserve the purity of elections.

Passed May 24, 1880; three-fifths being present.

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

Section 1. At all elections hereafter held within the limits of this state for the purpose of enabling electors to choose by ballot any officer or officers under the laws of this state, or of the United States, or to pass upon any amendment, law or public act or proposition submitted to the electors to vote by ballot under any law, each and all ballots used at any such election shall be upon plain white printing paper, and without any impression, device, mark or other peculiarity whatsoever upon or about them to distinguish one ballot from another in appearance, except the names of the several candidates, and they shall be printed with plain black ink.

Sec. 2. Every ballot shall have a caption (as provided by law), but such caption shall be printed in one straight line in black ink, with plain type of the size now generally known and designated as "Great Primer Roman Condensed Capitals," and the names of all candidates shall be printed in plain type, with letters of a uniform size.

Sec. 3. It shall be unlawful for any person to print or distribute, or to cast any ballot printed or partly printed contrary to the provisions of this act, or to mark the ballot of any voter, or to deliver to any voter such marked ballot for the purpose of ascertaining how he shall vote at any election.

Sec. 4. Any person or persons who shall knowingly or willfully violate, or attempt to violate any of the provisions of this act shall be guilty of a misdemeanor, and be punished by imprisonment in a county jail or penitentiary for not exceeding one year, or by a fine of not exceeding two hundred and fifty dollars, or by both such fine and imprisonment.

Sec. 5. All acts or parts of acts inconsistent with the provisions of this act are hereby repealed, provided that nothing in this act contained shall be construed to prohibit any elector from voting any ballot entirely written or from voting any printed ballot which in outward appearance complies with all the requirements of this act, upon the face of which he has personally made or caused to be made erasure, correction or insertion of any name by pencil mark or otherwise.

Sec. 6. This act shall take effect immediately.

CHAPTER 367.

AN ACT for the better laying out and improving of that portion of the city of New York between Tenth avenue and Avenue St. Nicholas and One Hundred and Thirty-eighth street continued, and the lands of the Academy of the Sacred Heart and One Hundred and Thirty-fifth street continued.

Passed May 24, 1880; 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 is hereby directed, immediately upon the passage of this act, to lay out and establish a street of a width of not less than sixty feet, running from the Tenth avenue to the Avenue Saint Nicholas, with such windings and turnings, course and direction as to him may seem expedient, in that section of the said city bounded northerly by a continuation to the Avenue Saint Nicholas of the northerly line of One Hundred and Thirty-eighth street, westerly by the Tenth avenue, easterly by the Avenue Saint Nicholas, and southerly by the northerly and north-easterly lines of the lands of the Female Academy of the Sacred Heart and the southerly line of One Hundred and Thirty-fifth street continued and extended until it meets the said north-easterly line of the said lands of the said female academy, and to fix and establish the grade thereof. The said commissioner shall make a map or plan showing said street and the location thereof, and another map or plan showing the grade of said street, and shall file said map in his office, and a copy thereof certified by him in the office of the comptroller of said city. Upon the filing of said maps the lands shown and described as a street thereon shall forthwith be deemed to be and be appropriated for public purposes as a street, of the grade specified on said map, and such grade shall not be thereafter changed except with the written consent of a majority of the owners of land in lineal feet fronting on said street. The commissioner of public works is hereby directed immediately upon the filing of said maps to take proceedings in the name and on behalf of the mayor, aldermen and commonalty of said city to acquire title for the use of the public to the land designated and required for said street, and the proceedings to acquire title to such land shall be had pursuant to such acts as shall then be in force relative to the opening of streets, roads and public squares and places in the said city; which said acts, so far as the same are not inconsistent with the provisions of this act, are hereby made applicable to said street in the same manner and to the same extent as if said street had been originally laid down and designated as and for a public street by the commissioners appointed in and by chapter one hundred and fifteen of the laws of eighteen hundred and seven, entitled "An act relative to improvements touching the laying out of streets and roads in the city of New York, and for other purposes." Upon title to such lands being acquired the commissioner of public works shall forthwith proceed to open such new street or road, and render and make it fit for use and travel by regulating, grading, paving or macadamizing it, or in any other way or by any other process or means which may seem to him best for the convenience of the public, and in his discretion curb, gutter, flag and light the same and the sidewalks thereof, and at the earliest practicable time throw the same open for public use, and no ordinance of the common council or other authority than such as is conferred by this act shall be necessary to authorize him to proceed forthwith with such work, the expense whereof shall be assessed as provided by law for laying assessments for local improvements in the city of New York upon the lands, tenements and hereditaments benefited thereby, and all laws in force for the collection of assessments in said city shall apply to the assessments imposed for such work.

Sec. 2. This act shall take effect immediately.

CHAPTER 369.

AN ACT to amend section two hundred and thirty-six of the Code of Civil Procedure.

Passed May 25, 1880; 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 hundred and thirty-six of the Code of Civil Procedure is hereby amended so as to read as follows:

§ 236. The governor may when, in his opinion, the public interest so requires, designate one or more judges of the superior court of the city of New York, or of the court of common pleas of the city and county of New York, to hold terms of the circuit court, and special terms of the supreme court, in that city. The designation must be in writing, and must specify each term, and the judge designated to hold the same. A case or exceptions, in a cause tried at such term, must

be settled before the judge who held the same; and a judge thus designated may, after the expiration of the period of such designation, decide, finally determine and dispose of any action, proceeding or motion that may have been tried or heard before him; and such judge, during the period of such designation, possesses, within the city of New York, all the powers of a justice of the supreme court, in or out of court, to make orders in any action or special proceeding in the supreme court.

Sec. 2. This act shall take effect immediately.

CHAPTER 370.

AN ACT to prevent trespassing and intrusion upon railroad cars and engines.

Passed May 25, 1880; three-fifths being present.

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

Section 1. No minor or other person, not a passenger, shall climb, jump, step, stand upon, cling to, or in any way attach himself to, any locomotive, engine or car, upon any part of the track of any railroad in this state, unless in so doing such person shall be acting in compliance with law, or by permission, under the lawful rules and regulations of the corporation or proper officer managing such railroad.

Sec. 2. No person in the employment of any said corporation or officer, or intrusted with the care or possession of any such engine, or any freight or baggage car upon any said track, shall invite or solicit any such minor or other person to come, or be, or consent to his remaining upon any last-named car, or upon any engine, unless said minor or last-named person shall have the right by law or permission as aforesaid to go or remain upon such car or engine.

Sec. 3. And any person who shall violate either section of this act shall be guilty of a misdemeanor, and be liable to a fine not less than five nor exceeding twenty-five dollars, which may be imposed by any court or magistrate having jurisdiction of any misdemeanor; and the person so offending shall be further liable to imprisonment until such fine and costs of prosecution shall be paid.

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

Sec. 5. This act shall take effect immediately.

CHAPTER 373.

AN ACT relating to certain buildings erected for county purposes in the city and county of New York.

Passed May 25, 1880; three-fifths being present.

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

Section 1. The powers and duties of the commissioners appointed for the erection of buildings for county purposes in the city and county of New York, known as the county court-house buildings, shall, on the passage of this act, cease and terminate. The department of public works in said city shall have the care of said buildings. All books, contracts, papers, plans and property in the possession of said commissioners, relating to said buildings, shall forthwith be delivered to said department as the property and for the use of the mayor, aldermen and commonalty of said city.

Sec. 2. Whatever work may be necessary to complete the said buildings shall be proceeded with by the head of the said department of public works, when authorized by the board of estimate and apportionment of the city. No such work shall be authorized by said board until a special appropriation is made to provide for the cost of the same, and it shall not be lawful for the head of said department to exceed the amount so appropriated in completing the buildings.

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

Sec. 4. This act shall take effect the first day of June, eighteen hundred and eighty.

CHAPTER 386.

AN ACT to amend title one, chapter seventeen, part one of the Revised Statutes, entitled "of sales by auctioneers."

Passed May 25, 1880; three-fifths being present.

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

Section 1. The third section of title one of chapter seventeen, part one of the Revised Statutes entitled "of sales by auctioneers," is hereby amended so as to read as follows:

§ 3. All articles, except those mentioned in the fourth and fifth sections of this title, which shall be sold on commission by an auctioneer, by a copartner or clerk of an auctioneer, or by a person in any way connected in the auction business or in auction sales with an auctioneer, whether at auction or private sale, shall be liable to the duties before enumerated. But nothing in this section or title contained was intended or shall be taken or construed to intend any sale or sales of any articles, goods, wares or merchandise, consigned, sent or delivered to any person, firm or copartnership where such goods shall have been or may be consigned, sent or delivered to any such person, firm or copartnership, with orders or directions in good faith to be sold at private sale, and not at auction, and where such goods shall not have been or be sold at auction.

Sec. 2. This act shall take effect immediately.

CHAPTER 392.

AN ACT relative to janitors in district courts in the city of New York.

Passed May 26, 1880; three-fifths being present.

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

Section 1. The justice of each district court in the city of New York is hereby authorized and empowered to appoint a janitor for such court, who shall hold office during the pleasure of and be subject to the direction of the justice of the court for which he is so appointed. The board of estimate and apportionment of said city is hereby authorized and directed to make provision for the compensation of said janitors, who shall be paid a yearly salary of nine hundred dollars. Nothing in this act contained shall in any manner annul, restrict or affect the powers heretofore granted the department of public works of said city, or the commissioner thereof, concerning the control or care of public buildings, except that said department or commissioner shall not have power or authority to appoint janitors for buildings or parts of buildings leased by said city in which district courts are held.

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

Sec. 3. This act shall take effect immediately.

CHAPTER 393.

AN ACT for the regulation of international exhibitions held under the supervision and auspices of the government of the United States, within the state of New York, and preventing seizure of articles and goods deposited on exhibition thereat.

Passed May 26, 1880; three-fifths being present.

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

Sec. 1. No process of attachment, execution, sequestration, replevin, distress or any kind of seizure shall be served or levied upon articles, goods, wares, merchandise or property of any description while the same is en route to or from, or while on exhibition or deposited by exhibitors at any international exhibition held under the auspices or supervision of the United States, within any city or county of this state, nor shall such property be subject to attachment, seizure, levy or sale, for any cause whatever, in the hands of the authorities of such exhibition or otherwise.

CHAPTER 395.

AN ACT to prevent interference with owners and captains of steamers engaged in the towing business.

Passed May 26, 1880; three-fifths being present.

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

Section 1. From and after the passage of this act it shall be unlawful for any person or persons employing steam vessels for towing to receive any commission or compensation for any orders given

to the owners, captains, or agents of such steam vessel for such towage. And it shall be unlawful for any person or persons to interfere with or hinder any owner, captain, or agent of any steam vessel engaged in towing, while in the prosecution of their business. But the provisions of this section shall not apply to the towing of canal boats, and nothing herein contained shall repeal or in any manner alter or affect any existing law or regulation in regard to pilotage or quarantine in the port of New York.

Sec. 2. Any violation of the preceding section by any person or persons shall be punishable by a fine of not less than fifty dollars for the first and second offense, and upon any conviction thereafter, for each and every offense, to a penalty of not less than one hundred dollars and imprisonment for three months.

Sec. 3. Any violation of section one, by any captain, owner, or agent of steamers, shall be punishable by a fine not less than fifty dollars for the first and second offense; upon any conviction thereafter, for each and every offense, to a penalty of not less than one hundred dollars and imprisonment for three months.

Sec. 4. Nothing in this act contained shall affect or apply to the waters of Lake Champlain.

Sec. 5. This act shall take effect immediately.

CHAPTER 398.

AN ACT to amend chapter one hundred and six of the laws of eighteen hundred and eighty, entitled "An act to repeal chapter five hundred and fifteen of the laws of eighteen hundred and seventy-nine, entitled 'An act to amend chapter six hundred and twenty-five of the laws of eighteen hundred and seventy-five, entitled 'An act in relation to courts of record in the city and county of New York,' and to re-enact chapter six hundred and twenty-five of the laws of eighteen hundred and seventy-five."

Passed May 26, 1880; 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 one hundred and six of the laws of eighteen hundred and eighty, entitled "An act to repeal chapter five hundred and fifteen of the laws of eighteen hundred and seventy-nine, entitled 'An act to amend chapter six hundred and twenty-five of the laws of eighteen hundred and seventy-five, entitled 'An act in relation to courts of record in the city and county of New York,' is hereby amended so as to read as follows:

§ 1. Chapter five hundred and fifteen of the laws of eighteen hundred and seventy-nine, entitled "An act to amend chapter six hundred and twenty-five of the laws of eighteen hundred and seventy-five, entitled 'An act in relation to courts of record in the city and county of New York,' is hereby repealed, and chapter five hundred and fifteen of the laws of eighteen hundred and seventy-five, entitled "An act in relation to courts of record in the city and county of New York," is hereby re-enacted as follows: "All orders of arrest, warrants of attachment, executions and proceedings to recover personal property in civil actions, except when the sheriff is a necessary party thereto, made or issued out of any court of record in the city and county of New York, whether by statute or otherwise, shall be issued to the sheriff only."

Sec. 2. This act shall take effect immediately.

CHAPTER 399.

AN ACT to further amend chapter nine hundred and eight of the laws of eighteen hundred and sixty-seven, entitled "An act for the regulation of tenement and lodging houses in the cities of New York and Brooklyn," as amended by chapter five hundred and four of the laws of eighteen hundred and seventy-nine.

Passed May 26, 1880; three-fifths being present.

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

Section 1. Section thirteen of chapter nine hundred and eight of the laws of eighteen hundred and sixty-seven, entitled "An act for the regulation of tenement and lodging houses in the cities of New York and Brooklyn," as amended by chapter five hundred and four of the laws of eighteen hundred and seventy-nine, is hereby amended so as to read as follows:

§ 13. It shall not be lawful hereafter to erect for, or convert to, the purposes of a tenement or a lodging house, a building on any lot where there is another building on the same lot, unless there is a clear open space exclusively belonging thereto, and extending upward from the ground, of at least ten feet between said buildings, if they are one story high above the level of the ground; if they are two stories high the distance between them shall not be less than fifteen feet; if they are three stories high the distance between them shall not be less than twenty feet; and if they are more than three stories high the distance between them shall not be less than twenty-five feet. At the rear of every building hereafter erected for or converted to the purposes of a tenement or lodging house on any lot, there shall be a clear open space of not less than ten feet between it and the rear line of the lot; but when thorough ventilation of such open spaces can be otherwise secured, such distances may be lessened or modified in special cases, or the open spaces may be dispensed with on corner lots, by a permit from the board of health. No one continuous building shall be built or converted to the purposes of a tenement or lodging house in the city of New York, upon an ordinary city lot, to occupy more than sixty-five per centum of the said lot, and in the same proportion if the lot be greater or less in size than twenty-five feet by one hundred feet, but this provision shall not apply to corner lots, and may be modified in other special cases by a permit from the board of health.

Sec. 2. Section five of said chapter five hundred and four of the laws of eighteen hundred and seventy-nine, is hereby amended so as to read as follows:

§ 5. The board of police of the city of New York, upon the requisition of the board of health of the city of New York, shall detail to the service of the said board of health, for the purpose of the enforcement of the provisions of this act and of chapter nine hundred and eight of the laws of eighteen hundred and sixty-seven, in the said city, not exceeding thirty suitable officers and men of experience of at least five years' service in the police force, provided that the board of health shall pay monthly to the board of police a sum equal to the pay of all officers and men so detailed. These officers and men shall belong to the sanitary company of police, and shall report to the president of the board of health. The board of health may report back to the board of police, for punishment, any member of said company guilty of any breach of orders or discipline, or of neglecting his duty, and thereupon the board of police may detail another officer or man in his place, and the discipline of the said members of the sanitary company shall be in the jurisdiction of the board of police, but at any time the board of health may object to the efficiency of any member of said sanitary company, and thereupon another officer or man may be detailed in his place. The board of police shall have the power, and it shall be their duty, to fill all vacancies in the police force of the city caused by the detailing of said officers and men, upon the requisition of the board of health, and to make new appointments to said force equal in number to the officers and men now or who may hereafter be detailed to the service of the board of health under and by virtue of the provisions of this act.

Sec. 3. All acts or parts of acts and all laws, regulations, or ordinances inconsistent with this act are hereby repealed.

Sec. 4. This act shall take effect immediately.

CHAPTER 400.

AN ACT making appropriations for the several judicial district libraries.

Passed May 26, 1880.

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

Section 1. There is hereby appropriated, and the treasurer shall pay on the warrant of the comptroller from any moneys in the treasury not otherwise appropriated, the several amounts or such parts thereof as shall be sufficient to accomplish the purposes herein designated, to the persons and for the objects herein indicated, namely: For supplying deficiencies in the various law libraries of the state, for paying arrears of purchases, and for additional purchases thereof, as follows: For the public law library known as "the library of the court of appeals" at the city of Rochester, one thousand five hundred dollars, to be paid on bills therefor certified by the chief judge of said court; for the law library formerly in the possession of the late Judge Allen, two thousand dollars, to be paid on bills therefor certified by the judge having such library in charge, and on checks or drafts of the chief judge of said court; and for the several district law libraries of the state, to be paid on bills therefor certified by the justices of the supreme court, or a majority of them, residing in the respective judicial districts, as follows: for the second judicial district at Brooklyn, the sum of two thousand dollars; for the third judicial district library, at Kingston, fifteen hundred dollars; for the fourth judicial district library, at Saratoga Springs, one thousand dollars; for the fifth judicial district library, at Syracuse, one thousand dollars, and for the one at Utica, one thousand dollars; for the sixth judicial district library, at Binghamton, one thousand nine hundred and four dollars, and for the one at Delhi, one thousand and ninety-six dollars and thirty-two cents; and for the

eighth judicial district library, at Buffalo, one thousand eight hundred and seventy-nine dollars and fifteen cents.

Sec. 2. The said several sums above appropriated shall be paid in full to the parties above named, to be by them disbursed for the purchase only of law books for their said several libraries.

Sec. 3. There is hereby appropriated and shall be paid annually by the state treasurer, upon the warrant of the comptroller, to each of said libraries, through their said trustees or designated representatives, mentioned in section one, and their successors, the sum of six hundred dollars, or so much thereof as shall be necessary, to be by them disbursed for the purchase of current law books and continuation of current law reports in the maintenance of said libraries.

Sec. 4. This act shall take effect immediately.

CHAPTER 415.

AN ACT in relation to street railroads.

Passed May 26, 1880.

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

Section 1. Any street railroad now in operation in this state, which shall, by a two-thirds vote of its directors, decide to extend the route of such road, so as to cross the Hudson river over and by any bridge now or hereafter constructed under the provisions of any law of this state, may so extend their route over and across such bridge upon such terms as may be mutually agreed upon between such railroad and bridge company, and may locate the terminus of their road in the county adjoining the one in which their road is now located and in operation, provided they shall first obtain the consent of such bridge company or its lessees; and shall obtain the consent of the owners of one-half in value of the property bounded on, and the consent also of the local authorities having the control of that portion of a street or highway upon which it is proposed to construct or operate such railroad be first obtained, or in case the consent of such property owners cannot be obtained, the general term of the supreme court, in the district in which it is proposed to be constructed, may, upon application, appoint three commissioners who shall determine, after a hearing of all parties interested, whether such railroad ought to be constructed or operated, and their determination, confirmed by the court, may be taken in lieu of the consent of the property-owners.

Sec. 2. This act shall not affect any street railroad now or hereafter constructed in either the counties of New York or Kings.

Sec. 3. This act shall take effect immediately.

CHAPTER 417.

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 the counties of the state."

Passed May 26, 1880.

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

Section 1. Section four of chapter six hundred and six of the laws of eighteen hundred and seventy-five, entitled "An act to further provide for the construction and operation of a steam railway or railways in the counties of the state," is hereby amended so as to read as follows:

§ 4. Said commissioners shall, within thirty days after such organization, determine upon the necessity of such steam railway or railways, and if they find such railway or railways to be necessary in such county, they shall, within sixty days after such organization, fix and determine the route or routes for such steam railway or railways, and the said commissioners shall have the exclusive power to locate the route or routes of such railway or railways, over, under, through or across the streets, avenues, places or lands in such county, "except Broadway and Fifth avenue, below Fifty-ninth street, and Fourth avenue above Forty-second street, in the city of New York, and except over, under, through or across those portions of Grand, Clason and Franklin avenues, in the city of Brooklyn, lying between the southerly line of Lexington avenue and the northerly line of Atlantic avenue, and over, under, through or across that portion of Clason avenue, in said city, lying between the northerly line of Lexington avenue and the southerly line of Park avenue;" and except such portions of streets and avenues as are already legally authorized for and occupied by an elevated or underground railway, and except such as are contained in public parks or occupied by buildings belonging to such county, or to this state, or to the United States, and except that portion of the city of Buffalo lying between Michigan and Main streets; and to provide for the connection or junction with any other railway or bridge, provided that the consent of the owners of one-half in value of the property bounded on, and the consent also of the local authorities having the control of that portion of a street or highway upon which it is proposed to construct or operate such railway or railways, be first obtained, or in case the consent of such property owners cannot be obtained, that the determination of three commissioners appointed by the general term of the supreme court in the district of the proposed construction, given after a due hearing of all parties interested, and confirmed by the court, that such railway or railways ought to be constructed or operated, be taken in lieu of the consent of such property owners.

Sec. 2. This act shall take effect immediately.

CHAPTER 418.

AN ACT to amend chapter two hundred and seventy-two of the laws of eighteen hundred and seventy-nine, entitled "An act making appropriations for certain expenses of government, and supplying deficiencies in former appropriations."

Passed May 26, 1880, by a two-third vote.

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

Section 1. The paragraph of chapter two hundred and seventy-two of the laws of eighteen hundred and seventy-nine, entitled "An act making appropriations for certain expenses of government and supplying deficiencies in former appropriations," which read as follows: "For the erection of state armories in the cities of New York and Brooklyn, the sum of two hundred thousand dollars, as follows: One hundred thousand dollars thereof for the erection of an armory in the city of New York for the use of the eighth regiment, national guard state New York, a battery of artillery, a troop of cavalry, and for the headquarters of the third brigade, and one hundred thousand dollars thereof for the erection of an armory in the eastern district of the city of Brooklyn, for the use of that portion of the infantry of the eleventh brigade whose head-quarters are in said district, to be expended under the direction of the adjutant-general, the inspector-general, and the chief of ordnance of this state. But no part of this appropriation shall be expended by them, except upon a contract for the completion of the armory in each case, at a cost not to exceed one hundred thousand dollars in each case; nor until an indefeasible title to a suitable site for such armory in each case, free from all incumbrances, shall be vested in the people of this state, without cost to the state, and to be approved by the above-named officials, or a majority of them. Such contract shall be awarded by them to the lowest responsible bidder therefor, after reasonable and public advertisement for such work," is hereby amended so as to read as follows: For the erection of state armories in the cities of New York and Brooklyn, the sum of two hundred thousand dollars, as follows: One hundred thousand dollars thereof for the erection of an armory in the city of New York, for the use of the eighth regiment, national guard state New York, a battery of artillery, a troop of cavalry, and for the head-quarters of the third brigade, and one hundred thousand dollars thereof for the erection of an armory in the eastern district of the city of Brooklyn, for the use of that portion of the infantry of the eleventh brigade whose head-quarters are in said district, to be expended under the direction of the adjutant-general, the inspector-general and the chief of ordnance of this state; but no part of this appropriation shall be expended by them, except upon a contract for the completion of the armory in each case, at a cost not to exceed one hundred thousand dollars in each case, nor until an indefeasible title to a suitable site for such armory, in each case, free from all incumbrances, shall be vested in the people of this state, without cost to the state, and to be approved by the above-named officials, or a majority of them, provided that if the city of New York is the owner of any real estate by indefeasible title suitable as a site for an armory for said eighth regiment, said battery of artillery, said troop of cavalry, and said head-quarters of the third brigade, and acceptable to the above-named officials, the city of New York may lease the same to the state of New York for such purpose for the term of ninety-nine years, at one dollar per year, and the above-named officials may accept the same for said purpose. Such contract shall be awarded by them to the lowest responsible bidder therefor, after reasonable and public advertisement for such work.

Sec. 2. This act shall take effect immediately.

CHAPTER 428.

AN ACT further to regulate the admission to this state of fire or marine insurance companies from other countries than the United States.

Passed May 27, 1880; three-fifths being present.

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

Section 1. Fire or marine insurance companies from other countries than the United States hereafter applying for admission to this state may be admitted to transact business in this state on

presenting to the superintendent of the insurance department legal and satisfactory evidence of the possession by them of a capital, of which there is paid up in cash, and invested in securities of the same general character as those which companies of this state are permitted to hold, not less than five hundred thousand dollars or one hundred thousand pounds sterling, and upon depositing with the superintendent of the insurance department such securities as foreign insurance companies are now required by law to deposit, and in such amount as is required by existing laws; provided that before any such company shall be admitted to transact business in this state, it shall execute under its corporate seal, and the hand of its president by authority of its board of directors, and file with said superintendent, an agreement that it will not apply to remove into the United States court any action brought against it in any court of this state, and that if it shall make any such application, its authority to transact the business of insurance in this state shall cease and determine, and whenever it shall appear to the superintendent of the insurance department that any such company has made such application to remove such an action contrary to such agreement, he shall revoke the certificate of such company to do business in this state, and notify the agents thereof, and the agents of such company after such notice shall discontinue the issuing of any new policy.

Sec. 2. The superintendent shall require any such company doing business, which companies organized under the laws of this state are prohibited from transacting, to file in his office an agreement under the corporate seal of such company that it will not (while authorized to do business in this state) transact in this state such business.

Sec. 3. Any person violating any of the provisions of this act shall be deemed guilty of a misdemeanor. Any company or corporation of this state violating any of the provisions of this act shall be subject to a fine of five hundred dollars for each and every offense, to be sued for and recovered in the name of the people of the state by the attorney-general, and such penalty when recovered shall be paid into the treasury of the state. Any company, partnership, association or corporation of any other state or country violating or allowing any of its agents to violate any of the provisions of this act shall be prohibited from transacting further business in this state, and the certificates of authority issued to the agents of such company, partnership, association or corporation shall be revoked forthwith by the superintendent of the insurance department.

Sec. 4. Suits or actions may be brought against companies from other countries in any district court in the city of New York, or before any justice of the peace or any other court where such suits or actions can be brought against companies organized under the laws of this state.

Sec. 5. This act shall take effect immediately.

CHAPTER 429.

AN ACT to regulate the use of intoxicating liquors in poor-houses, juvenile reformatories, protectories, houses of refuge, jails, penitentiaries and prisons.

Passed May 27, 1880; 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 unlawful to introduce into any poor-house, juvenile reformatory, protector, house of refuge, jail, penitentiary or prison, or to bring upon the premises thereof, any wine, alcoholic, malt or intoxicating liquors, except upon the written requisition of the medical officer of such institution, or for any trustee, manager, officer, agent, employee, or other person connected with any such institution, or the inmates thereof, to use, to offer to others, or to allow to be used within any such institution, or upon the premises thereof, any wine, alcoholic, malt or intoxicating liquors, except by the direction and prescription of the medical officer of such institution, who shall, in every case of such prescription, make a record of the name of the person and the cause for which such prescription is given, in a book kept publicly for such purpose, which record shall be verified by the affidavit of such medical officer, at least once in every six months.

Sec. 2. Any person violating this act, upon conviction thereof, shall be deemed guilty of a misdemeanor.

Sec. 3. This act shall take effect immediately.

CHAPTER 433.

AN ACT in relation to arrears of personal taxes in the city of New York.

Passed May 27, 1880; three-fifths being present.

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

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

CHAPTER 434.

AN ACT to authorize cities and incorporated villages to charge license fees to persons doing business on the canals of this state.

Passed May 27, 1880; 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 hereafter be lawful for the common council of any city and the trustees of any incorporated village in this state to charge and collect a license fee from all persons doing a retail business in the sale of goods of any description, except products of the farm and unmanufactured products of the forest, from canal boats in the canals of this state, or from the lands by the side of said canals, and within the boundary lines thereof, within the limits of such cities or villages. The common council of such cities and the trustees of such villages shall have power to fix the amount to be charged for such licenses at such sum as in their discretion they may deem just. They shall also have power to enforce the collection of such license fees in the same manner as they are now severally authorized by law to enforce the collection of other license fees which they are authorized to impose. They shall also have power to adopt laws or ordinances to prevent any person making any such sale without first obtaining such license, and to punish any violation thereof by a fine not exceeding one hundred dollars, the offender to be imprisoned in the county jail until such fine be paid, not exceeding six months.

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

Sec. 3. Nothing in this act contained shall be held or construed to conflict in any manner with the provisions of title four of chapter seventeen of part one of the Revised Statutes.

Sec. 4. This act shall take effect immediately.

CHAPTER 435.

AN ACT to amend chapter five hundred and twenty-six of the laws of eighteen hundred and seventy-nine, entitled "An act to amend chapter one hundred and sixty-one of the laws of eighteen hundred and seventy-two, entitled 'An act for the protection of taxpayers against the frauds, embezzlements and wrongful acts of public officers and agents.'"

Passed May 27, 1880; 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 twenty-six of the laws of one thousand eight hundred and seventy-nine, entitled "An act to amend chapter one hundred and sixty-one of the laws of eighteen hundred and seventy-two, entitled 'An act for the protection of taxpayers against the frauds, embezzlements and wrongful acts of public officers and agents,'" is hereby amended so as to read as follows:

§ 1. All officers, agents, commissioners and other persons acting for and on behalf of any county, town, or municipal corporation in this state, and each and every one of them may be prosecuted, and an action or actions may be maintained against them to prevent waste or injury to any property, funds or estate of such county, town or municipal corporation by any person or by any number of persons jointly, who shall be singly or together assessed for the amount of one thousand dollars in said town, and liable to pay taxes upon such assessment therein, or who have, either separately or together, paid tax therein upon an assessment of that amount within one year previous to the commencement of any such action or actions. Provided that such person or persons, upon or prior to the commencement of such action, shall give to such county, town or municipal

corporation a bond to be approved by one of the justices of the supreme court, or the county judge of the county, in such penalty as the justice or judge approving the same shall direct, but not less than two hundred and fifty dollars, and executed by two or more sufficient sureties to be approved by said justice or judge, and conditioned to save said county, town or municipal corporation harmless from all costs, charges and expenses by reason of such action. Such bond shall be filed in the office of the county clerk of the county in which the action is brought, and a copy served with the summons in such action. This act shall not be so construed as to take away any right of action from any county, town or municipal corporation, or from any public officer.

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

§ 2. In case the waste or injury complained of consists in any officer or agent of any county, town or municipal corporation, by collusion or otherwise, auditing, allowing or paying, or conniving at the audit, allowance or payment of any fraudulent, illegal, unjust or inequitable claims, demands or expenses against or by such county, town or municipal corporation, or by permitting a judgment or judgments to be recovered against such county, town or municipal corporation, or against himself in his official capacity, either by default or without the interposition and proper presentation of any existing legal or equitable defenses, the court may in its discretion prohibit the payment or collection of any such claims, demands, expenses or judgments, in whole or in part, or may enforce the restitution thereof if paid or collected, by the person or party receiving the same, or may adjudge and declare the colluding official personally responsible therefor, and out of his property the collection or payment thereof so as to indemnify and save harmless the said county, town or municipal corporation from a part or the whole thereof, and in case of a judgment the court may in their discretion vacate, set aside and open said judgment with leave and direction for the defendant therein to interpose and enforce any existing legal or equitable defense therein, under the direction of such person as the court may, in their judgment or order, designate and appoint.

Sec. 3. This act shall take effect immediately.

CHAPTER 439.

AN ACT to amend chapter four hundred and fifteen of the laws of eighteen hundred and seventy-seven, entitled, "An act for the protection of dairymen, and to prevent deceptions in sales of butter."

Passed May 27, 1880; three-fifths being present.

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

Section 1. Section one of chapter four hundred and fifteen of the laws of eighteen hundred and seventy-seven, entitled "An act for the protection of dairymen, and to prevent deception in sales of butter," is hereby amended so as to read as follows:

§ 1. Every person who shall manufacture for sale, or who shall offer or expose for sale, or 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 not the legitimate product of the dairy, and not made exclusively of milk or cream, but into which the oil or fat of animals not produced from milk 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 top and also upon the side of every such tub, firkin, box or package of such article or substance the word "oleomargarine" only where it can be plainly seen, in roman letters which shall be burned on 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; and in case of retail sales of such articles or substance, 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 a printed label bearing the plainly printed word "oleomargarine," 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, 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 substance not so stamped, branded, marked, labeled or sold.

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

§ 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, 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, 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. Section three of said chapter is hereby amended so as to read as follows:

§ 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 twenty-five or more than one hundred dollars or by imprisonment in the county jail for not less than five or more than thirty days, or by both such fine and imprisonment for each and every offense.

Sec. 4. This act shall take effect immediately.

CHAPTER 440.

AN ACT to provide for the protection of mechanics and others.

Passed May 27, 1880; three-fifths being present.

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

Section 1. Any person who shall hereafter perform any labor in or about the sinking, drilling, or completing of any oil well, or any well sunk or drilled for oil, or gas, or other volatile or mineral substances, within the state of New York, or in sinking or drilling any water well, sunk or drilled for the purpose of drilling or operating any such oil well or other well as aforesaid, or who shall erect, build, or furnish any tank or other receptacle for oil, gas, or water, which shall be built, erected, or furnished for any of the purposes aforesaid, or who shall perform any labor, or furnish any materials in or for the building or erecting of such tank or other such receptacle as aforesaid, or who shall furnish any materials for any of the purposes aforesaid, including tubing, casing, sucker-rods, packers, or other appurtenances or appliances, to any such well as aforesaid, with the consent of the owner, being such owner as in this section hereinafter described, shall, on filing with the county clerk of the county in which the property is situated the notice prescribed by the next section of this act, have a lien for the value of such labor and materials upon such tank or other receptacle as aforesaid, and upon such well as aforesaid, and appurtenances, and upon the lot, premises, parcel, or farm of land upon which the same shall be situated, to the extent of the right, title, and interest of the owner of the property, whether owner in fee or of a less estate, or whether lessee for a term of years thereafter, or vendee in possession under a contract existing at the time of the filing of said notice, or any right, title, or interest in real estate against which an execution at law may now be issued under the provisions of the statutes in force in this state relating to liens of judgment and the enforcement thereof.

Sec. 2. Within sixty days after the performance and completion of such labor, or the final furnishing of such materials, the contractor, sub-contractor, laborer, or person furnishing the same, shall file a notice in writing in the office of the clerk of the county where the property is located, specifying the amount of the claim and the person against whom the claim is made, the name of the owner or of the party in interest as aforesaid of the premises, lot, parcel, or farm of land, together with a description of said lot, parcel, or farm of land. The county clerk shall enter the particulars of such notice in a book to be kept in his office to be called the "lien docket," which shall be suitably ruled in columns headed "claimants," "against whom claimed," "owners and parties in interest," "amount claimed," and the date of filing of the notice, hour and minute, what proceedings

have been had, the names of the owners and parties in interest, and the persons against whom the claim is made shall be entered in said book in alphabetical order. A fee of ten cents shall be paid to said clerk on filing such notice, and no lien shall attach to said land, well, tank, or other receptacle or appurtenances or appliances unless said notice shall be filed by said clerk, and when so filed said notice shall thereafter operate as an incumbrance upon said property.

Sec. 3. Whenever the labor performed or materials furnished shall be upon the credit of any contractor who shall have made a contract therefor with the owner of the property, or such party in interest as aforesaid, whether such contract shall be oral or in writing, or express or implied, or for any specified sum or otherwise, or on the credit of any sub-contractor or the assignee of any contractor or sub-contractor, the provisions of this act shall not oblige the owner or party in interest as aforesaid to pay for or on account of any such labor or materials any greater sum or amount than the price stipulated and agreed to be paid therefor by said contract, or the value of such labor and materials except as in the next section provided.

Sec. 4. At the time of the filing of said notice prescribed by the second section of this act, the person filing said notice may serve upon the said owner or party in interest as aforesaid a written notice specifying the amount of the claim, the name of the person against whom the claim is made, and for what labor or materials the claim is made, which said notice shall be served by delivering the same to such owner or party in interest as aforesaid personally, or if there shall be two or more of such owners or parties in interest, to either or any one of them, or by leaving the same at the place of residence of such owner or party in interest, or if there be two or more, of either or any one of them, or in case said owner or party in interest shall have no place of residence within the county where such property as aforesaid shall be situated, then by mailing said notice to said owner or party in interest, securely inclosed in a sealed envelope directed to said owner or party in interest at his post-office address, with the postage prepaid thereon, and from the time of the service of such notice as aforesaid, such owner or party in interest shall be liable to said claimant to the amount then due or owing to the contractor, sub-contractor, or assignee of such contractor or sub-contractor, upon whose credit such labor shall be performed or materials furnished as hereinbefore provided. And in any case, whether the notice above prescribed shall or shall not be served as above provided upon such owner or party in interest as aforesaid, if such owner or party in interest as aforesaid shall pay, or cause to be paid, to any contractor, sub-contractor, or assignee, or any other person, any money or other valuable thing for the purpose of avoiding, or with intent to avoid, any of the provisions of this act, when the amount still due or to grow due to said contractor, sub-contractor, or assignee shall be insufficient to satisfy the demands made in conformity with the provisions of this act, the owner or other party in interest as aforesaid shall be liable for the amount that would have been due or owing to said contractor, sub-contractor, or assignee at the time of the filing of the notice in the second section of this act, in the same manner as if no such payment had been made.

Sec. 5. Any contractor, sub-contractor, mechanic, laborer, or other person performing any work or furnishing any materials as above provided, or the assignee of any such person or persons may, after such labor has been performed or materials furnished, and the filing of the notice provided by the second section of this act, when the amount of the claim exceeds fifty dollars, bring an action in the supreme court in the county in which the property is situated, or in the county court of said county, to enforce such lien, which action shall be commenced, and the proceedings therein conducted, and judgment entered in the same manner and to the same effect as in actions brought in said courts to enforce liens provided by chapter four hundred and two of the laws of eighteen hundred and fifty-four, and the several acts amending the same, and the said courts shall have full power to adjust and enforce all the rights and equities between any or all of the parties to such actions, and enforce or protect the same by any of the remedies usual in said courts.

Sec. 6. When the amount of the lien claimed is two hundred dollars or under, the claimant may commence his action in a justice's court of the town or city in which the premises are located, which action shall be commenced, and the proceedings therein conducted, and the judgment entered and transcript filed in the same manner and with the effect as in actions commenced in justice's courts to enforce liens pursuant to said chapter four hundred and two of the laws of eighteen hundred and fifty-four, and the several acts amending the same.

Sec. 7. Costs and disbursements, in actions to enforce liens provided for by this act, shall be allowed to either party upon the principles and by the same rules as are now allowed by law in actions for relief arising on contract, and shall be included in the judgment recovered therein, and the expenses incurred in serving the notice by which such actions shall be commenced by publication may be allowed in justice's courts, and added to the amount of costs now allowed in said courts. When the action is brought in the supreme court, or in a county court, such direction shall be made in the discretion of the court as to the payment of costs as shall be just and equitable, and the judgment entered shall specify to whom and by whom the costs are to be paid.

Sec. 8. A transcript of every judgment rendered under this act shall be furnished by the clerk of the county where rendered and docketed to the successful party, who may file the same with the county clerk of any other county, and the same shall thereafter be a lien on the real property in the county where the same is filed and docketed, of every person against whom the same is rendered, if for twenty-five dollars or upwards, exclusive of costs, in like manner and to the same extent, and enforceable by execution in the same manner as in other actions for the recovery of money arising on contract.

Sec. 9. Whenever any judgment shall be entered in any such action as aforesaid, execution shall thereupon issue for the enforcement and collection of such judgment in the same manner as executions are issued upon other judgments in actions on contract for the payment of money only, except that when the judgment is in favor of the claimant the execution shall direct the officer to sell the right, title, and interest which the owner or other party in interest had in the premises at the time of filing the notice prescribed by the second section of this act, and if the same shall be insufficient to satisfy said judgment, then to collect such deficiency as shall remain out of the personal property of such owner or party in interest, or if there be two or more, of either of them, or if sufficient personal property cannot be found, then out of the real property of such owner or party in interest, or if there be two or more, of either of them, in the county to which said execution is issued, on the day such judgment was docketed in said county, or on any day thereafter. But no such deficiency shall be collected out of any real property, unless such deficiency shall amount to or exceed the sum of twenty-five dollars.

Sec. 10. Every lien created under the provisions of this act shall continue until the expiration of six months from the time of filing the notice prescribed in the second section of this act, unless sooner discharged by the court or some legal act of the claimant in the proceedings; but if within such period of six months proceedings are commenced to enforce or foreclose such lien, then such lien shall continue until judgment shall be rendered thereon, and for one year thereafter such lien shall also continue during the pendency of an appeal, and for one year after the determination thereof. When a judgment is rendered as aforesaid, it may be docketed in any county of this state, and enforced as if obtained in an action in a court of record.

Sec. 11. Appeals from judgments rendered pursuant to this act may be taken by either party in the same manner, within the same time, and subject to the same rules and course of procedure as in appeals taken in civil actions arising on contract, and with like costs and disbursements, and the judgment thereon shall be enforced as judgments on appeal are now enforced and collected. Such appeal shall be had and taken only in the proceeding or action wherein judgment shall be given or rendered, but such appeal shall not operate as a stay of proceedings or in any manner to affect the foreclosure or action of any other claimant or claimants then pending.

Sec. 12. The liens created by virtue of the provisions of this act shall be paid and settled according to priority of notice filed with the county clerk as directed by the second section of this act.

Sec. 13. All liens created by this act may be discharged as follows: First, by filing with the county clerk a certificate of the claimant, or his successor in interest, acknowledged or proved in the same manner as a conveyance of real estate, stating that the lien has been paid or discharged; second, by depositing with the justice before whom, or the clerk of the court in which proceedings shall be commenced to enforce or foreclose said lien, a sum of money equal to double the amount claimed, which money shall thereupon be held subject to the determination of such proceedings; or third, by an entry of the county clerk, made in the book of liens, that the proceedings on the part of the claimant have been dismissed by the court, or a judgment rendered against the said claimant.

CHAPTER 448.

AN ACT in relation to uncollected taxes in the several towns and wards in this state.

Passed May 27, 1880; three-fifths being present.

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

Section 1. When the tax imposed by a board of supervisors upon any resident tax-payer in the several counties shall be returned by the collector of any town or ward as unpaid, for want of goods and chattels to satisfy the same, the treasurer of the county in which such taxes are so returned shall add interest to the same at the rate of eight per centum per annum, until the same is returned by said treasurer to the comptroller, which sum so added shall be a lien upon the property assessed, in the same manner and to the same extent as the tax levied by the said board of supervisors. This act shall not apply to any county having a special provision of statute on this subject.

Sec. 2. This act shall take effect immediately.

* So in original.

CHAPTER 449.

AN ACT to amend section twenty-seven, article two, title two, chapter one, part four of the Revised Statutes of the state of New York.

Passed May 27, 1880; three-fifths being present.

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

Section 1. Section twenty-seven, article two, title two, chapter one, part four of the Revised Statutes of the state of New York is hereby amended so as to read as follows:

§ 27. Every person who, from premeditated design, or with intent to kill or commit any felony, shall,

1. Cut out or disable the tongue; or,
2. Put out an eye; or,
3. Slit or destroy the lip, or slit or destroy the nose; or,
4. Cut off or disable any limb or member, of another, on purpose, upon conviction thereof, shall be imprisoned in a state prison for such term as the court shall prescribe, not less than seven years.

CHAPTER 455.

AN ACT to amend chapter five hundred and fifty-five of the laws of eighteen hundred and sixty-four, entitled "An act to revise and consolidate the general acts relating to public instruction."

Passed May 27, 1880; three-fifths being present.

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

Section 1. Section seventy-seven of chapter five hundred and fifty-five of the laws of eighteen hundred and sixty-four, entitled "An act to revise and consolidate the general acts relating to public instruction," is hereby amended so as to read as follows:

§ 77. Out of any moneys in the county treasury raised for contingent expenses the treasurer shall pay to the trustees the amount of the taxes so returned as unpaid, and if there are no moneys in the treasury applicable to such purpose, the board of supervisors, at the time of levying said unpaid taxes, as provided in the next section, shall pay to the trustees of the school district the amount thereof by voucher or draft on the county treasurer in the same manner as other county charges are paid.

CHAPTER 460.

AN ACT to extend the authority of the supreme court in proceedings by writ of mandamus, to correct errors in the determination of boards of county canvassers.

Passed May 27, 1880; three-fifths being present.

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

Section 1. Whenever it shall appear by affidavit that errors have occurred in the determination of the board of county canvassers in any county in this state, the supreme court may, by order, require said board to correct such errors, or show cause why such correction should not be made, and in the event of the failure of said board to make such correction, or show cause as aforesaid, the said court may compel said board by writ of mandamus to correct such errors; and if such board of county canvassers shall have made its determination and dissolved, such court may compel it to convene for the purpose of making such corrections. For the purpose of making such corrections as the court shall order, the meeting of the board of county canvassers shall be deemed a continuation of its regular session, and the statement and certificates shall be made and filed as the court shall direct; and so far as the same shall vary from the original certificates and statements, the statements and certificates made under the order of the court shall stand in lieu thereof, and shall in all places be treated with the same effect as if such corrected statement had been a part of the original required by law.

Sec. 2. The practice in such proceedings in mandamus shall be the same as in cases of mandamus against a board of supervisors, and for the purpose of service of papers and other proceedings, the board of county canvassers, as organized and existing at the time of making the original canvass, shall be deemed a continuing board.

CHAPTER 461.

AN ACT to regulate the leasing of Real Estate by the Mayor, Aldermen and Commonality of the City of New York.

Passed May 27, 1880; three-fifths being present.

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

Section 1. All applications to lease any real estate for the purposes of the mayor, aldermen and commonality of the city of New York must hereafter be presented to and passed upon by the commissioners of the sinking fund of said city.

Sec. 2. It shall be the duty of the comptroller of the city after due inquiry to be made by him, to present to the said commissioners a statement in writing of the facts relating to any real estate proposed to be leased, the purposes for which such lease is required by the city, with his opinion and the reasons therefor, as to the fair and reasonable rent of said premises. The said commissioners, upon such report, and upon such further inquiry as they in their discretion may make, may authorize a lease of such premises as shall be specified in their resolution, at the rent therein set forth, for a period not exceeding five years; but such lease shall not be authorized except at a fair and reasonable rent, and unless the commissioners are satisfied, and shall so express that it would be for the interest of the city that a lease of the premises for the purposes specified should be made. Without the consent of the said commissioners the premises leased shall not be used during the period of the lease for purposes other than specified in said resolution. If the city shall, prior to the making of the lease, have entered upon the possession of the property, the lease may be made to commence as of the date when the occupation commenced.

Sec. 3. The comptroller of the city shall enter into, on behalf of the mayor, aldermen, and commonality of the city, any lease authorized by the commissioners of the sinking fund, as in the preceding section specified.

Sec. 4. All laws inconsistent with the provisions of this act are hereby repealed.

Sec. 5. This act shall take effect immediately.

CHAPTER 463.

AN ACT to amend chapter six hundred and four of the laws of eighteen hundred and seventy-five, entitled "An act to prevent the deposit of carrion, offal or dead animals in the North and East rivers, or in the bay of New York, or in Raritan bay within the jurisdiction of the State of New York."

Passed May 27, 1880; three-fifths being present.

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

Section 1. The title of chapter six hundred and four of the laws of eighteen hundred and seventy-five is hereby amended so as to read as follows:

An act to protect the shores and bay of New York, and the seaside resorts near New York city, and to prevent the deposit of carrion, offal, dead animals, bedding, or any putrid, offensive, decaying, or refuse vegetable or animal matter, or any garbage or sweepings taken from the streets of any city, into the North and East rivers, or into the bay of New York, or Raritan bay within the jurisdiction of the state of New York, or in the waters of Jamaica bay, or in the waters of the Atlantic ocean within three miles of Coney Island, or within three miles of Rockaway beach or Far Rockaway, or within less than one mile beyond the outer bar.

Sec. 2. Section one of said chapter six hundred and four of the laws of eighteen hundred and seventy-five is hereby amended so as to read as follows:

§ 1. It shall not be lawful for any person or persons to throw or cast any dead animals, carrion, offal, bedding, or any putrid, offensive refuse, decaying or decayed vegetable or animal matter, or any garbage, or any sweepings taken from the streets of any city, into the waters of the North and East rivers, adjoining the counties of New York, Kings, Westchester or Richmond, or in the bay of New York, or in Raritan bay within the jurisdiction of this state, or in the waters of Jamaica bay, or in the waters of the Atlantic ocean within three miles of Coney Island, or within three miles of Rockaway beach or Far Rockaway, or within less than one mile beyond the outer bar, so that the same shall be deposited in deep water. But nothing in this act shall be so construed as to prevent the landing and utilizing of dead animals and offal and the manufacture of fertilizers on Barren Island.

Sec. 3. Section two of said chapter six hundred and four of the laws of eighteen hundred and seventy-five is hereby amended so as to read as follows:

§ 2. It shall not be lawful for any person or persons to sail, navigate, or move, or to aid, direct, or assist in sailing, navigating, or moving, or to be employed upon, or to accompany any boat or vessel containing any such animal or material as is named in section two of this act, through or upon the waters of that part of New York bay, known as the Narrows, and lying between Forts Wadsworth and Hamilton, or any part of said bay south of said Narrows, with the intent or for the purpose of throwing or casting such animal or material, or any portion thereof, into the ocean or sea, or in any portion of the waters mentioned in said section two of this act, without a permit, in writing, first obtained therefor from the inspector appointed or to be appointed under said chapter six hundred and four of the laws of eighty hundred and seventy-five, who shall have the power of granting such permits from time to time as he shall deem proper, and which shall not be inconsistent with the second section of this act, and having such regard to the course and condition of the then existing winds and tides, as in his judgment shall best tend to prevent the subsequent return or deposit of any of such contents of said boat or vessel within the waters of this state, if cast upon the waters beyond the jurisdiction thereof.

Sec. 4. Section six of said chapter six hundred and four of the laws of eighteen hundred and seventy-five is hereby amended so as to read as follows:

§ 6. It shall not be lawful for any person or persons to sail, navigate or move, or to aid, direct or assist in sailing, navigating or moving, or to be employed upon or to accompany any boat or vessel engaged in the transportation of any dead animals, carrion, offal or any putrid, offensive refuse, decaying or decayed vegetable or animal matter, or any garbage or sweepings taken from the streets of any city, upon the waters aforesaid, unless the same be propelled or moved by steam power; and it shall not be lawful for any steam vessel to tow or carry any of the articles mentioned in this section, unless its name be plainly painted on each side. The more effectually to carry out the object of this act, the sum of fifteen hundred dollars for expenses shall be annually raised by the boards of supervisors of the several counties named in section four of said act, in the same manner and proportion as the salary of the said inspector is raised under said section, and to be apportioned by the comptroller of the state; and the respective treasurers of said counties, or other proper custodians of county moneys, shall receive and pay over the sums so raised to the comptroller of the state, who shall thereupon pay the same to the inspector, aforesaid, in equal quarterly payments. The amount to be raised in the year eighteen hundred and eighty, in addition to the sum required for the ensuing year, shall include also such sum, not exceeding the limit herein prescribed as shall be sufficient to meet the liabilities incurred or to be incurred for such purposes during the current year; that is to say, the additional sum so to be raised shall bear the same proportion to the said annual sum of fifteen hundred dollars, as the time from the passage of this act to the end of the fiscal year shall bear to the whole year. The said shore inspector shall have power to appoint one or more deputies to assist him in his duties, who shall be paid out of said moneys which he shall receive for expenses. The said deputy or deputies shall have the same power as the said shore inspector.

Sec. 5. Section seven of said chapter six hundred and four of the laws of eighteen hundred and seventy-five is hereby amended so as to read as follows:

§ 7. It shall be the duty of said shore inspector, from time to time, to employ such force of men as shall be sufficient to and who shall remove or cause to be removed or buried all carrion, dead dead animals, offal, infected bedding and putrid and offensive matter found on or near the shores of Kings county, from the east end of Coney Island to the city line of Brooklyn, and the shores of Staten Island, Richmond county, so as to prevent the same from becoming injurious or detrimental to the public health. The said inspector shall engage and employ such number of men and such vessel or vessels as in his judgment shall be required for the speedy and effectual accomplishment of the objects of this act, the expense whereof shall be paid by the said county of Kings; and the proper officers are hereby directed to cause such amount of money to be raised annually as may be certified by said inspector to be necessary for the purpose for the ensuing year, not exceeding three thousand dollars for any one year, and the same shall be paid by the county treasurer of said county to the persons entitled thereto, upon the certificate or orders of said inspector. The amount to be raised in the year eighteen hundred and eighty, in addition to the sum required for the ensuing year, as aforesaid, shall include also such sum, not exceeding the limits herein prescribed, as shall be sufficient to meet the liabilities incurred or to be incurred for such purposes during the current year; that is to say, the additional sum so to be raised shall bear the same proportion to the said annual sum of three thousand dollars as the time from the passage of this act to the end of the fiscal year shall bear to the whole year.

Sec. 6. Any person offending against the provisions of this act shall be deemed guilty of a misdemeanor, and the person so violating the same shall, upon conviction, be punished by the infliction of a fine of not less than one hundred, nor more than five hundred dollars, or by imprisonment as is now provided in case of misdemeanors, or both in the discretion of the court, and may be arrested by the authorities of either of the counties of New York, Kings, Queens, Westchester or Richmond; the courts in said counties, respectively, shall have power and jurisdiction to try said offenders whether the offence be committed within their respective counties or not. Out of any moneys received for fines under this act, such sum or sums shall be allowed and paid for the expenses and disbursements attending the arrest as the court or magistrate may deem reasonable and proper.

Sec. 7. This act shall take effect immediately.

CHAPTER 472.

AN ACT in relation to the partition of lands held by husband and wife as joint tenants, tenants in common, or as tenants by entireties.

Passed May 28, 1880.

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

Section 1. Whenever husband and wife shall hold any lands or tenements as tenants in common, joint tenants, or as tenants by entireties, they may make partition or division of the same between themselves, and such partition or division, duly executed under their hands and seals, shall be valid and effectual; and when so expressed in the instrument of partition or division, such instrument shall bar the right of dower of the wife in and to the lands and tenements partitioned or divided to the husband.

Sec. 2. This act shall take effect immediately.

CHAPTER 474.

AN ACT enabling any corporation created by act of congress of the United States to acquire, hold, use and improve real estate for the purposes of an international exhibition.

Passed May 28, 1880.

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

Section 1. It shall be lawful for any corporation created by act of congress of the United States, with power to hold an international exhibition in the state of New York under the supervision and auspices of the national government, by its president, commissioners or their agents, engineers, superintendents or others in their employ, to enter upon all lands or waters within the corporate limits of the city of New York, for the purpose of surveying, exploring, sounding, leveling and laying out the grounds necessary to be used for the holding of the international exhibition provided for by the act of congress aforesaid, and to make such dykes, dams, ditches and drains as may be necessary and of locating the same, and to do and erect all necessary work, structures, buildings and appendages thereon, doing no unnecessary injury to private or other property, and when the grounds, dykes, dams, ditches and drains and the location of other necessary works and structures shall have been determined upon, and a survey of the same duly made and filed by any such corporation, in the office of the clerk of the city and county of New York, it shall then be lawful for any such corporation, by any of its officers, agents, engineers, superintendents, contractors, workmen and other persons, in their employ, to enter upon, take possession of, hold, have, and use, occupy, excavate, fill in and grade such lands so surveyed and located; upon any arrangement or agreement entered into by any such corporation and the owners of the said lands, either by purchase, lease or otherwise.

Sec. 2. That if any such corporation or its officers or agents cannot agree with the owner or owners of such required lands or real estate for the use or purchase thereof, or if, by reason of the legal incapacity or absence of such owner or owners, no such agreement can be made, a particular description of the lands so required for the use of any such corporation shall be given in writing, under the oath or affirmation of some engineer or proper agent of such corporation, and also the name or names of the occupant or occupants if known and their residence, if the same can be ascertained, to any justice of the supreme court, who shall cause such corporation to give notice thereof to the person or persons interested if known, and in this state, and if unknown and out of the state, to make publication thereof, as he shall direct, for a term of not more than twenty nor less than ten days, and to assign a particular time and place for the appointment of commissioners, at which time, upon satisfactory evidence to him of the service or publication of such notice aforesaid, he shall appoint three disinterested persons to act as such commissioners to assess the price or value of said lands or the use thereof, who shall be affirmed or sworn before the said justice faithfully to execute the duties of such appointment, and after like notice to both parties of time and place, shall meet, review the premises and hear the parties and evidence if desired and thereupon make such decision and award together with a description of the said lands and the quantity, by whom owned and how situated and bounded, in writing, under their hands and seals, or the hands and seals of any two of them, to the justice by whom they were appointed, to be by him returned and filed in the office of the said clerk of the city and county of New York, together with all the papers, before him relating thereto to be kept as a

public record, and copies taken, if required by either party : and if either party shall feel aggrieved by the decision and award of the said commissioners, the party so aggrieved may appeal to the supreme court, at a special term thereof, by proceeding in the form of a petition to said court, with five days' notice in writing to the opposite party, of such appeal, which proceeding shall vest in the said supreme court full right and power to hear and adjudge the same, and upon payment or tender of the sum so found by the commissioners, such corporation shall be deemed to be seized and possessed of all such lands and real estate, appraised as aforesaid, such seizure and possession not to prejudice the right of either party to further appeal, if they or either of them feel aggrieved. But no appeal as herein provided or allowed shall prevent such corporation from taking, using and occupying the said land or lands upon the filing of the aforesaid report, the value and damages being first paid, or upon a refusal to receive the same upon a tender thereof, or the owner or owners thereof being under legal disability, the same being first paid into the United States Trust Company ; provided, that nothing in this act shall be so construed as to authorize the said United States international commission to enter upon and use any of the public parks of the city of New York for the purposes of said exhibition, except that by permission of the park commissioners of the said city the said United States international commission may erect a permanent building or buildings in such public park or parks as may be designated and under such restrictions as may be imposed by said park commissioners.

Sec. 3. That the said lands so taken, used, occupied, leased or purchased by any such corporation, shall be exempt from taxation so long as used or occupied by any such corporation for the purposes of said exhibition, not exceeding the term of five years.

Sec. 4. That the said United States international commission be and is hereby authorized and empowered to enter upon, close and use for the purposes of said exhibition, any streets, roads and avenues in the city of New York running through or by, or contiguous to the grounds which may be selected for the purposes of said exhibition. And it is hereby declared that such streets, roads and avenues as may be thus entered upon, are closed from the time of entering upon them until the first day of January, eighteen hundred and eighty-five unless sooner given up by said United States international commission ; and the said United States international commission shall not be liable for any damage by reason of the closing of such streets, roads or avenues, and when such streets, roads or avenues are no longer needed for the purposes of said exhibition, they shall be restored as nearly as possible to the condition in which they were when entered upon.

CHAPTER 480.

AN ACT to amend chapter four hundred and sixty-seven of the laws of eighteen hundred and seventy, entitled "An act in relation to the county courts."

Passed May 28, 1880; three-fifths being present.

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

Section 1. Section one of chapter four hundred and sixty-seven of the laws of eighteen hundred and seventy, entitled "An act in relation to the county courts," is hereby amended so as to read as follows:

§ 1. The county courts, in addition to the powers they now possess, shall have jurisdiction in civil actions where the relief demanded is the recovery of a sum of money not exceeding three thousand dollars, or the recovery of personal property not exceeding in value three thousand dollars, and in which all the defendants are residents of the county in which the action is brought at the time of its commencement, subject to the right of the supreme court upon special motion, for good cause shown, to remove any such action into the supreme court before trial, and also, on such removal being made, to change the venue or place of trial. They shall have such appellate jurisdiction as is now provided by law.

Sec. 2. This act shall take effect immediately.

CHAPTER 486.

AN ACT to secure the payment of mechanics, laborers and workmen who perform work, also persons furnishing materials toward the erection, altering or repairing buildings, wharfs, vaults, or any other structure in the cities of the State of New York.

Passed May 28, 1880; three-fifths being present.

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

Section 1. Any person or persons who shall hereafter, either as contractor, sub-contractor, or in any capacity, under or in pursuance of or in conformity with any contract, agreement or employment by the owner, lessee or person in possession of any land in any of the cities of the state of New York, perform any work, labor or services, or furnish any materials toward the erection, altering or repairing of any house, vault, wharf, fence or any other structure, or in grading, filling in, excavating or laying walks on any lots of land in the cities of the state of New York, shall, upon filing the notice prescribed in the second section of this act, have a lien for the price or value of such work, labor, services and materials upon such house, vault, wharf, fence or other structure and appurtenances, and the lot upon which said grading or excavating is done, or walk laid, to the extent of the right, title and interest of the said owner, lessee or person in possession of said house, vault, wharf, fence or other structure and appurtenances and the land upon which the same stand at the time of the filing of the notice of claim in the second section of this act specified, or the successors in interest of such owner, lessee or person so in possession taken with notice of said lien.

Sec. 2. At any time before or within thirty days after the completion of the erection, altering or repairing of any house, vault, wharf, fence or structure, or grading, filling in, excavating or laying walks on any lot of land in the said cities of the state of New York, the persons so performing such work, labor or services, or furnishing such materials, may file with the clerk of the county where the land or premises are situated a notice in writing stating his or their residences, the amount of the claim, from whom due, and if not due, when it will be due, the person or persons against whom the claim is made, the name of the owner, lessee or person in possession of the building (against whose interest a lien is claimed), but the failure to state the name of the true owner, lessee or person in possession shall not impair the validity of the lien ; also a brief description of the buildings or premises sufficient to identify the lands or premises against which the lien is claimed.

The said notice of lien shall be verified by the person or persons making the claim, or his or their agent or any other person, to the effect that the statements therein contained are true, to the best of his or their knowledge, information and belief. Successive liens may be filed for work, labor, services and materials done and furnished under one contract or employment, but the filing of any such lien or liens shall not entitle the person so filing the same to recover judgment for the amount of such lien or liens unless he shall be entitled to receive payment by the terms of the contract, or agreement or employment, and in case of sub-contractors or persons doing work or furnishing materials to contractors, no judgment shall be rendered for any greater amount than the amount which shall be due from the owner to the contractor at the time of the filing of the lien, or which may become due afterward, or which by the terms of the contract or agreement shall be due at the time of the rendering of such judgment.

Sec. 3. Where an owner of land contracts with a builder for the sale of lots and the erection of buildings thereon, and agrees to advance moneys toward the erection of such buildings, the lien hereinbefore authorized shall have priority to all advances made after the filing of said notices of lien. And the lien shall attach to the right, title and interest of the owner in said building and land to the extent of all advances which shall have become due after the filing of such lien, and shall also attach to and be a lien on the right, title and interest of the person so agreeing to purchase said land at the time of the filing of said notices of lien.

Sec. 4. The county clerk shall enter in a lien docket the name and residence of the claimant, the person against whom claimed, the amount claimed, the date of filing, and a brief description of the premises affected. He shall be entitled to receive a fee of ten cents for each lien filed.

Sec. 5. Liens shall in all cases cease after one year from date of filing, unless an action shall be commenced, and a notice of *lis pendens* filed with the clerk of the county wherein the premises are situated, or an order made continuing the lien for another year ; in the latter case the county clerk shall, upon filing such order, make a new docket of such lien. Successive orders and new dockets may be made in the discretion of the court.

Sec. 6. The lien may be discharged as follows :

1. By filing a certificate of the claimant or his successor in interest, acknowledged or proved in the same manner as the satisfaction of a mortgage, stating that the lien is discharged.

2. By depositing with the county clerk, if before suit is commenced, a sum of money equal to the amount claimed ; and if suit shall have been commenced, a sum equal to the amount claimed, and such sum in addition as shall be ordered by a judge of the court in which the action shall have been commenced, as security for the costs of the action ; such deposit after suit brought to be made on notice or on an order to show cause, directed to the plaintiff in the action, or his attorney.

3. By the expiration of one year after the filing of said lien, without any order being made continuing the same, or notice of *lis pendens* filed as aforesaid.

Sec. 7. The liens provided under this act shall be enforced by civil action commenced in any court of record in said city having equitable jurisdiction, by any person claimant, the original or sub-contractor, or an assignee thereof or contractor, against any property affected thereby, at any time

within one year from the filing of such lien. Such action shall be commenced, carried on, and judgment entered and enforced as provided in an action to foreclose a mortgage in the code of civil procedure, and the plaintiff shall make all other parties who have filed subsequent liens under this act, or have any prior record claims or liens upon said premises and their appurtenances, defendants in such action. And the court shall determine the priority of the liens, the amounts due thereon, and the rights of the respective parties, and render judgment accordingly. The court may also render personal judgment against or in favor of any party to the action. Costs for or against the parties litigant shall be in the discretion of the court.

Sec. 8. When separate actions are brought to foreclose liens against the same property, the court may, on motion, consolidate them.

Sec. 9. Appeals in actions to enforce liens provided for in this act may be taken, in the same manner and within the time, and shall be governed by the same rules and practice as prevail in actions for the foreclosure of mortgages.

Sec. 10. Buildings and property used for public purposes are especially excepted from the operation or effect of this act.

Sec. 11. This act shall not apply to the city of Buffalo.

Sec. 12. This act shall take effect immediately.

CHAPTER 489.

AN ACT to amend chapter four hundred and sixty-one of the laws of eighteen hundred and sixty-nine, entitled "An act to incorporate the Chapin Home for the Aged and Infirm in the City of New York."

Passed May 28, 1880.

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

Section 1. Section four of chapter four hundred and sixty-one of the laws of eighteen hundred and sixty-nine, entitled "An act to incorporate the Chapin Home for the Aged and Infirm in the City of New York," is hereby amended so as to read as follows:

§ 4. The business of said corporation shall be managed by a board of trustees, which board shall be composed of thirty members to be elected by the members of the corporation by ballot. At the first election of trustees held after the passage of this act, ten trustees shall be elected for one year, ten for two years and ten for three years, and all trustees elected thereafter shall be elected for the full term of three years.

Sec. 2. This act shall take effect immediately.

CHAPTER 491.

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

Passed May 28, 1880; 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 at each poll in the several towns and wards of this state, at the general election to be held in this state on the second day of November, one thousand eight hundred and eighty, shall provide a box to receive the ballots of the citizens of this state, in relation to the amendment proposed to the constitution, by concurrent resolutions of the legislature, passed in eighteen hundred and seventy-nine and eighteen hundred and eighty, 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 sections twelve and thirteen, article six of the constitution," or a ballot on which shall be written or printed, or partly written and partly printed, in the form following : "Against the proposed amendment to sections twelve and thirteen, article six of the constitution." The said ballot shall be endorsed "Constitutional amendment." And all of the citizens of this state entitled to vote for member of the assembly in their respective districts shall be entitled to vote on the adoption of the 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 cases of an election for 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 certificate of the result of the canvass as provided by section three hereof, at least twice prior to such election, but no neglect or failure to publish shall impair the validity of such election.

CHAPTER 498.

AN ACT to provide for leasing wharf property necessary for ferry purposes along with the franchise of a ferry within the city of New York.

Passed May 28, 1880.

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

Section 1. The commissioners of the sinking fund of the city of New York shall hereafter possess the power, and they are hereby authorized to lease, in the manner provided by law, along with the franchise of a ferry within said city, such wharf property, including wharves, piers, bulk-heads and structures thereon, and slips, docks, and water fronts adjacent thereto, used or required for the purposes of such ferry, now owned or possessed, or which may be hereafter owned or acquired by said city, or to which the corporation of said city is or may become entitled, or of which it may become possessed.

Sec. 2. All acts and parts of acts inconsistent with the provisions of this act are hereby repealed. Nothing in this act contained shall be held to apply to that portion of the East river which has, by law, been exclusively set apart for the use of canal boats engaged in the transportation of freights in the Hudson river, coming to tide-water from the canals of the state.

Sec. 3. This act shall take effect immediately.

CHAPTER 502.

AN ACT to amend chapter two hundred and seventy-two of the laws of eighteen hundred and thirty-seven, entitled "An act to incorporate the Society for the Relief of Half Orphan and Destitute Children in the City of New York."

Passed May 20, 1880; three-fifths being present.

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

Section 1. Section eleven of chapter two hundred and seventy-two of the laws of eighteen hundred and thirty-seven, entitled "An act to incorporate the Society for the Relief of Half Orphan and Destitute Children, in the City of New York," is hereby amended so as to read as follows:

Sec. §. The corporation hereby created may receive, take, and hold, as well by devise or bequest as otherwise, any real or personal estate for the uses and purposes contemplated by this act, whether the same be devised, bequeathed or conveyed directly to such corporation or to the board of trustees above mentioned, or otherwise, for the use of the society.

Sec. 2. This act shall take effect immediately.

CHAPTER 510.

AN ACT to regulate voting by stock and bondholders of railroad corporations.

Passed May 29, 1880.

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

Section 1. Before entering upon his duties each inspector of election at a meeting of the stockholders of any railroad company of this state for the purpose of electing directors thereof, or for any other purpose, shall take and subscribe, before some officer authorized to administer oaths, an oath or affirmation that he will well and truly do and perform the duties of the office of an inspector at such election, according to the best of his ability, which oath or affirmation shall be immediately filed in the office of the clerk of the county in which such election shall be held, together with a certificate of the result of the vote taken at such meeting or election.

Sec. 2. It shall not be lawful for any person to vote, or to issue a proxy to any other person or persons to vote at any meeting of stockholders or bondholders, or of stockholders and bondholders of any railroad corporation in this state for the election of directors, or for any other purpose, upon any stock or bonds where the certificates for said stock or the said bonds shall not be in the possession or under the control of the person on whose behalf the vote is to be given, and such last-mentioned person shall have ceased to retain the title to the stock represented by such certificates or the said bonds as owner in his own right or in his capacity of executor, administrator, trustee, committee, guardian or otherwise, notwithstanding said stock or bonds may still stand in his name on the books of said corporation. No person having the right to vote upon stock or bonds shall sell his vote or issue a proxy to vote upon such stock or bonds to any person for any sum of money, or any thing of value whatever. Any person offering to vote upon stock or bonds registered or standing in his name shall, if required by any inspector of election, take and subscribe the following oath or affirmation: "I do solemnly swear (or affirm) that in voting at this election I have not, either directly or impliedly, received any promise or any sum of money, or any thing of value whatever, to influence the giving of my vote, or votes, at this election; and that I have not sold or otherwise disposed of my interest in or title to any shares or bonds in respect to which I offer to vote at this election, but that all such shares and bonds still remain in my possession or subject to my control." And any person offering to vote as agent, attorney or proxy for any other person shall, if required by inspector of election, take and subscribe the following oath (or affirmation): "I do solemnly swear (or affirm) that the title to the stock or bonds upon which I now offer to vote is, to the best of my knowledge and belief, truly and in good faith vested in the persons in whose name they now stand, and that the said persons still retain control of the said shares and bonds, and that I have not, either directly or indirectly or impliedly, given any promise or any sum of money, or any thing of value whatever to induce the giving of the authority to vote upon such stock or bonds to me." The inspectors at any such election are authorized to administer the aforesaid oath or affirmation, and said oath and said proxies shall be filed in the office of said corporation. Any person who knowingly or willfully shall swear or affirm falsely in taking the oath or affirmation prescribed by this act shall be guilty of perjury. Any person violating any of the other provisions of this act shall be guilty of a misdemeanor, and, upon conviction thereof, shall be punished by imprisonment not exceeding one year, or by a fine not exceeding five thousand dollars, or by both such fine and imprisonment.

Sec. 3. This act shall take effect immediately.

CHAPTER 513.

AN ACT entitled "An act to regulate the licensing of physicians and surgeons."

Passed May 29, 1880; three-fifths being present.

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

Section 1. A person shall not practice physic or surgery within the state unless he is twenty-one years of age, and either has been heretofore authorized so to do, pursuant to the laws in force at the time of his authorizations or is hereafter authorized so to do, as prescribed by chapter seven hundred and forty-six of the laws of eighteen hundred and seventy-two, or by subsequent sections of this act.

Sec. 2. Every person now lawfully engaged in the practice of physic and surgery within the state shall, on or before the first day of October, eighteen hundred and eighty, and every person hereafter duly authorized to practice physic and surgery shall, before commencing to practice, register in the clerk's office of the county where he is practicing, or intends to commence the practice of physic and surgery, in a book to be kept by said clerk, his name, residence, and place of birth, together with his authority for so practicing physic and surgery as prescribed in this act. The person so registering shall subscribe and verify by oath or affirmation, before a person duly qualified to administer oaths under the laws of the state, an affidavit containing such facts, and whether such authority is by diploma or license, and the date of the same and by whom granted, which, if willfully false, shall subject the affiant to conviction and punishment for perjury. The county clerk to receive a fee of twenty-five cents for registration, to be paid by the person so such registering.

Sec. 3. A person who violates either of the two preceding sections of this act, or who shall practice physic or surgery under cover of a diploma illegally obtained, shall be deemed to be guilty of a misdemeanor, and on conviction shall be punished by a fine of not less than fifty dollars nor more than two hundred dollars for the first offense, and for each subsequent offense by a fine of not less than one hundred dollars nor more than five hundred dollars, or by imprisonment for not less than thirty days nor more than ninety days, or both. The fine when collected shall be paid, the one-half to the person or corporation making the complaint, the other half into the county treasury.

Sec. 4. A person coming to the state from without the state may be licensed to practice physic and surgery, or either, within the state, in the following manner: If he has a diploma conferring upon him the degree of doctor of medicine, issued by an incorporated university, medical college, or medical school without the state, he shall exhibit the same to the faculty of some incorporated medical college or medical school of this state, with satisfactory evidence of his good moral character, and such other evidence, if any, of his qualifications as a physician or surgeon, as said faculty may require. If his diploma and qualifications are approved by them, then they shall indorse said diploma, which shall make it for the purpose of his license to practice medicine and surgery within this state the same as if issued by them. The applicant shall pay to the dean of said faculty the sum of twenty dollars for such examination and indorsement. This indorsed diploma shall authorize him to practice physic and surgery within the state upon his complying with the provisions of section two of this act.

Sec. 5. The degree of doctor of medicine lawfully conferred by any incorporated medical college or university in this state shall be a license to practice physic and surgery within the state after the person to whom it is granted shall have complied with section two of this act.

Sec. 6. Nothing in this act shall apply to commissioned medical officers of the United States army or navy, or of the United States marine hospital service. Nor shall it apply to any person who has practiced medicine and surgery for ten years last past, and who is now pursuing the study of medicine and surgery in any legally incorporated medical college within this state, and who shall graduate from and receive a diploma within two years from the passage of this act.

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

CHAPTER 514.

AN ACT to amend section twenty-four of article one of title one of chapter fifteen of part one of the Revised Statutes, entitled "Of the organization and powers of the board of regents."

Passed May 29, 1880; three-fifths being present.

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

Section 1. Section twenty-four of article one of title one of chapter fifteen of part one of the Revised Statutes, entitled "Of the organization and powers of the board of regents," is hereby amended so as to read as follows:

§ 24. Every such distribution shall be made in proportion to the number of pupils in each seminary who for four months during the preceding year shall have pursued therein classical studies or the higher branches of English education or both. Provided that in making such distribution the board of regents shall be authorized to apportion a certain part of said moneys, not to exceed the one-fourth part thereof, in proportion to the number of pupils in the several academies and academic departments of union schools who during the preceding year have passed the advanced examinations provided for in section six of chapter four hundred and twenty-five of the laws of eighteen hundred and seventy-seven, entitled "An act in regard to the instruction of common school teachers in academies and union schools and to the establishing of examinations by the regents of the university as to attainments in learning."

CHAPTER 517.

AN ACT to reduce and fix the rate of interest on bonds and mortgages held by the commissioners of the United States Deposit Fund in the several counties of the state; and to amend title fourteen of chapter nine of part one of the Revised Statutes, entitled "Of the United States Deposit Fund."

Passed May 29, 1880; by a two-third vote.

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

Section 1. The interest on all mortgages on real estate held by the commissioners for loaning the United States Deposit Fund shall be from the first day of October, eighteen hundred and seventy-nine, six dollars upon one hundred dollars for one year, and after that rate for a greater or less sum, or for a longer or shorter time.

Sec. 2. Section twenty, chapter nine, title fourteen, part one of the revised statutes, entitled "Of the United States Deposit Fund," is hereby amended so as to read as follows:

§ 20. The said commissioners shall, on or before the first Tuesday of November in every year, pay to the treasurer of this state the interest of the money committed to their charge, respectively, by virtue of this act, at the rate of six per centum per annum; subject, however, to the following deduction: The said commissioners may retain, as a compensation for their services, out of said interest in each and every year after the following rates: Upon twenty-five thousand dollars, or a less sum, so committed to their charge, three-quarters of one per cent.; upon the further sum of twenty-five thousand dollars, or less, half of one per cent.; and where the whole sum shall exceed fifty thousand dollars, half of one per cent., except in the city and county of New York; in which city and county the commissioners shall, upon all sums exceeding fifty thousand dollars, only be permitted to retain one quarter of one per centum.

Sec. 3. This act shall take effect immediately.

CHAPTER 521.

AN ACT to amend chapter 335 of the laws of 1873, entitled "An act to reorganize the local government of the City of New York," and to reduce the burden of taxes to be levied in said city.

Passed May 29, 1880; three-fifths being present.

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

Section 1. Section 76 of chapter 335 of the laws of 1873, entitled "An act to reorganize the local governments of the City of New York," is hereby amended so as to read as follows:

§ 76. The fire department shall have for its head a board to consist of three persons to be known as fire commissioners of the city of New York, who, except those first appointed, shall hold their offices for six years, unless sooner removed, as herein provided. There shall be in this department four bureaus. One bureau shall be charged with the duty of preventing and extinguishing fires and of protecting property from water used at fires, the principal officer of which shall be called the "chief of department." Another bureau shall be charged with the execution of all laws relating to the storage, sale, and use of combustible materials, the principal officer of which shall be called "inspector of combustibles."

Another bureau shall be charged with the investigation of the origin and cause of fires, the principal officer of which shall be called, "fire marshal."

The fire marshal shall possess all the powers and perform all the duties now possessed and performed by the fire marshal, and appointed pursuant to chapter 383 of the Laws of 1870, and chapter 584 of the Laws of 1871, and the acts amendatory or supplementary thereof. Such fire marshal and his assistants shall hereafter be appointed by the board of fire commissioners, who shall possess all the powers with reference thereto conferred by said acts upon the board of police. There shall also be in the fire department a bureau to be known as the bureau of inspection of buildings. All acts relating to buildings in the city of New York, and all acts and parts of acts relating to the department of buildings in said city or prescribing, limiting, or defining the powers or duties of said department, or of any officer thereof, now in force and not inconsistent with this act are hereby continued in full force and effect, and the said powers and duties are hereby transferred to the fire department of the city of New York, and devolved upon the officers thereof. The said bureau of inspection of buildings, shall, under and subject to such rules, regulations, and orders as may be established by the board of fire commissioners, have charge of all matters relating to buildings and structures in the city of New York now by law devolved upon or required to be performed by the department of buildings. The affairs of said bureau shall be under the management of a suitable person who shall be known as the "inspector of buildings," who may be authorized by the board of fire commissioners to perform any duty, or to exercise any power or authority, now by law conferred upon the superintendent of buildings. The employees of said bureau, including the chief officer thereof, shall be appointed and removed and their salaries shall be fixed and paid in the same manner as other employees of the fire department are now appointed and removed, and their salaries fixed and paid. But an intention to reduce the force and expense of said bureau, or the clerical force of said department, shall be deemed sufficient grounds for the removal of any officer or employee of said bureau, except the chief officer thereof, and of any clerk in the department. The said fire commissioners are authorized to abolish any existing office, clerkship or employment in the department of buildings as now constituted, and they may consolidate the duties of any two or more bureaus, officers, clerks or employees of said department of buildings as now organized. The annual expense of said bureau for salaries, including the salary of the attorney to the fire department, shall not exceed the sum of \$40,000. All the officers of said bureau of inspection of buildings, except clerks and messengers, shall be either practical architects, house carpenters or masons, and shall have served a regular apprenticeship as such, and shall make an affidavit to that effect, which shall be filed in the office of the fire department before their appointment to office in said bureau, and all said officers, except the chief officer of said bureau, shall, before their appointment to office in said bureau, pass an examination before the board of examiners now by law established for the examination of officers of the department of buildings, and shall furnish a certificate of such examination from said board certifying to their competency to perform the duties of said office, which certificate shall be filed in the office of the fire department. It shall not be lawful for any officer or employee of said bureau to be engaged in conducting or carrying on business as an architect, carpenter, mason or builder, while holding office in said bureau. The commissioners of the fire department, or a majority of them, may appoint a person regularly admitted to the bar, and practicing in the city of New York, to be attorney to the fire department. He shall perform all the duties now required of the attorney to the department of buildings, and shall also perform such other duties connected with the fire department, as attorney, as may be required of him by the board of fire commissioners. His salary shall be paid as the salaries of other officers and employees of said department are paid. He shall be removed for cause, and after an opportunity to be heard.

It shall be the duty of the superintendent of buildings, or other officer in charge of the department of buildings in the city of New York, forthwith to turn over to the board of fire commissioners all books, papers, records, property, leases, monies, accounts, claims and things of every kind and description, belonging to or in the custody of the department of buildings or any officer or employee thereof. Thereupon and within ten days after the passage of this act, the office of superintendent of buildings in said city shall cease and determine, and the department of buildings shall be abolished.

Sec. 2. Section 116 of said act, chapter 335 of the Laws of 1873, is hereby amended so as to read as follows:

§ 116. 1. The annual salaries to be paid to persons herein named and hereafter elected or appointed to the several specified positions in the City of New York, shall from and after such appointment or election, be as follows, and such salaries shall be in full for all services rendered by them to the city or county in any capacity whatever:

To the Mayor, \$10,000.

To the Comptroller, \$10,000.

To the Commissioner of Public Works, \$8,000.

To the Corporation Counsel, \$12,000, and all legal costs collected by him shall be paid into the Treasury of the City.

To the Commissioners of Police, \$5,000 each.

To the President of the Department of Parks, \$5,000.

To the Commissioners of the Department of Parks, other than the President, nothing.

To the Commissioners of the Fire Department, \$5,000 each.

To the Commissioners of the Department of Public Charities and Correction, \$5,000 each.

To the Corporation Attorney, the Public Administrator, and the Attorney for the Collection of Arrears of Personal Taxes in the City of New York, \$4,000 each.

To the Attorney for the Fire Department, \$4,000.

To the President of the Health Department, \$5,000.

To the Commissioner of the Health Department, other than the President, \$4,000.

To the President of the Board of Aldermen, \$3,000.

To the members of the Board of Aldermen, other than the President, \$2,000 each.

To the President of the Department of Taxes and Assessments, \$5,000.

To the Commissioners of the Department of Taxes and Assessments, other than the President, \$4,000.

To the Commissioners of the Department of Docks, \$3,000 each.

To the Commissioners of Accounts, appointed by the Mayor, \$2,000 each.

To the Chamberlain, in full for all his services as Chamberlain of the said city, and as County Treasurer of the County of New York, in lieu of salary and of interest, fees, commissions,

and emoluments, \$25,000, and he shall pay into the City Treasury all such interests, fees, commissions, and emoluments, and from the time such reduction shall take effect, the only bond or undertaking required from the Chamberlain shall be a bond in the sum of \$500,000, with not less than four sufficient sureties, to be approved by the Comptroller, given to the People of the State of New York, conditioned that the said chamberlain will faithfully discharge the duties of his office and all trusts imposed on him by law, in virtue of such office; and in case of any official misconduct or default on the part of such chamberlain, an action upon such bond may be begun and prosecuted to judgment by the attorney general, who shall, after first paying therefrom the expense of the litigation, cause the proceeds of such judgment to be distributed as shall be lawful and equitable among the persons and objects injured or defrauded by such official misconduct or default of the said Chamberlain.

No subordinate in any department shall receive a salary in excess of the highest salary paid to the head of the department, except that the Chief Engineer of Docks and the Superintendent of Police may each receive a salary not exceeding \$6,000.

The salary attached to either of the following positions on the police force shall not exceed the sum here designated as the maximum salary of such position when held by any person hereafter appointed to the said police force:

For an Inspector, \$3,000.

For a Captain, \$1,800.

For a Surgeon, \$1,500.

For a Sergeant, \$1,250.

The salary attached to either of the following positions in the Fire Department shall not exceed the sum here designated as the maximum salary of such position when held by any person hereafter appointed to the uniform force of said Fire Department:

For Chief of Battalion, \$2,000.

For a Foreman, \$1,400.

For an Assistant Foreman, \$1,300.

For an Engineer of Steamer, \$1,200.

For an Assistant Engineer of Steamer, \$1,100.

For members of the uniform force of the Police and Fire Departments, respectively, hereafter appointed, shall, on their appointment, become members of what shall be known as the third grade, at a salary of \$800 per year; after two years of service in such third grade, they shall, if their conduct and efficiency have been satisfactory, be advanced to what shall be known as the Second Grade, at a salary of \$900 per year; after two years service in such grade, they shall, on like conditions, be advanced to what shall be known as the First Grade, at a salary of \$1,000 per year. But no member of such uniform force shall be so advanced, as aforesaid, except after examination by and approval of the said Boards of Fire and Police Commissioners, each in their respective departments, of their records, efficiency, and conduct.

2. The annual salaries to be paid from moneys raised by tax in the city of New York, to each and every person who shall hereafter be elected or appointed to any public office, or who shall hereafter be designated for employment in any public position in said city, which office or position is hereinafter mentioned, shall be as follows; and such salary shall be all that the person holding such office or position shall be entitled to receive from the Treasury of said city, for any and all services rendered to the city or county during the term for which such salary shall be received.

To the Clerk of the Superior Court of the City of New York, \$4,500.

To the Deputy Clerk of said Court, \$2,000; and

To the Assistant Clerks in said Court, \$1,500 each.

To the Clerk of the Court of Common Pleas, in and for the City and County of New York, \$4,500.

To the Deputy Clerk of said Court, \$2,000; and

To the Assistant Clerks \$1,500 each.

To the Clerk of the Marine Court of the City of New York, \$3,000.

To the Deputy Clerks of said Court, \$2,000 each; and

To the Assistant Clerks of said Court, \$1,500 each.

To the Clerks and Assistant Clerks of the District Courts in the City of New York, \$3,000 each.

To the Clerks of the Police Courts in said City, \$3,000 each.

To the attendants and officers of the several Courts in the City and County of New York, \$1,000 each.

To the District Attorney of the City and County of New York, \$12,000.

3. No officer or person who is paid a salary for his services from the City Treasury shall receive to or for his own use any fees, costs, allowances, perquisites of office, commissions, percentages or moneys paid to him in his official capacity; but all fees, costs, allowances, perquisites, commissions percentages and moneys so paid or received by any such officer or person, shall be the property of the city and shall be paid by him into the City Treasury; and every such person or officer, who shall receive any fees, perquisites, commissions, percentages, or other moneys which belong to the city and should be so paid into the Treasury, shall, before he shall be entitled to receive or be paid his salary, make under oath a detailed statement and return to the Comptroller, in such form as he may prescribe, showing the amount of all such moneys received by him since the last preceding statement and returns, and shall produce a receipt showing the payment of such sum into the Treasury. The Comptroller may require any such person or officer to make such statement and return to him, if it be not made as herein provided; and examine any such officer or person under oath touching the amount of any fees, costs, allowances, perquisites, commissions, percentages or moneys paid to or received by him in his official capacity.

4. This section shall not be taken or construed to affect any person now in office during his present term nor the present lawful salary attaching to such office; but from and after the expiration of any present term in any office named in this act, the salaries to be paid to any person thereafter appointed to any such office shall be as designated by this act.

Sec. 3. It shall be the duty of every head of department in the city of New York, in the next departmental estimate of the amount required for the support of such department during the ensuing fiscal year to reduce the aggregate expenses of such department in such manner that the aggregate sum to be paid for salaries and compensation of persons employed by or in such departments and other than the heads of such departments and other day laborers, shall be in such year at least ten per centum less than the aggregate amount paid for salaries and compensation of such persons employed by or in such departments during the present fiscal year; and full power and authority is given to such heads of department to readjust or reduce all salaries payable in the said department to conform to the purpose of this act, any other provisions of law to the contrary notwithstanding. Nothing herein contained shall be construed to apply to the teachers in the schools, to the uniformed force of the Police or Fire Departments or to day laborers; and the several heads of departments, including the Board of Education, shall, in carrying out the provisions of this section, exclude from the aggregate amount of salaries and compensation all sums paid to such excepted classes and persons. Every person shall be considered a day laborer who performs day labor and is paid therefor a sum less than \$2.00 per day. In making the reduction herein required, every head of department may abolish and consolidate offices and bureaus and discharge subordinates in the same department.

Sec. 4. It shall be the duty of the head of all departments of said city and of all boards and officers charged with the duty of expending or incurring obligations payable out of the moneys raised by tax in said city so to regulate such expenditures for any purpose or object, that the sum shall not in any one year exceed the amount appropriated by the Board of Estimate and Apportionment for such purpose or object, and no charge, claim, or liability shall exist or arise against said city for any sum in excess of the amount appropriated for the several purposes as by this statute authorized.

Sec. 5. After the provisional estimate provided by law to be made each year, has been returned by the Board of Aldermen to the Board of Estimate and Apportionment, and before the final estimate is made, as now required by law, the said last mentioned board shall fix such sufficient time or times as may be necessary to allow the taxpayers of said city to be heard in regard thereto, and the said board shall attend at the time or times so appointed for such hearing. And the said Board of Estimate and Apportionment shall file with the said final estimate during the month of December in each year, a schedule of the names of all persons not within a department employed under the city government, the designation of their offices and employments respectively, and the salaries and compensation fixed for each, which said schedule shall be published in the CITY RECORD.

Sec. 6. Except as herein otherwise provided, this act shall take effect immediately. And all acts and parts of acts inconsistent with this act are hereby repealed.

CHAPTER 530.

AN ACT to provide for the bringing of actions for relief in certain cases where agreements, contracts and instruments in writing have been recorded.

Passed May 31, 1880.

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

Section 1. When any agreement, contract or instrument in writing, relating to real estate, other than those required by law to be recorded, shall have been recorded, or shall be hereafter recorded in the office of the clerk or register of any county in this state, any owner of such real estate, or of an undivided part thereof, or of any interest therein, who claims that such agreement, contract or instrument in writing is invalid or void, or that the same cannot be enforced as against him, either in whole or in part, may bring and maintain, in any court of competent jurisdiction, an action for the purpose of having such agreement, contract or instrument in writing declared void or invalid, or for the purpose of being relieved therefrom and to have the same canceled or discharged of record, as to said real estate or his undivided part thereof or interest therein, either wholly or as to such portion

of such agreement, contract or instrument in writing as may be void or invalid, or which cannot be enforced as against him.

Sec. 2. This act shall take effect immediately.

CHAPTER 534.

AN ACT to provide for the taxation of life insurance companies.

Passed May 31, 1880; three-fifths being present.

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

Section 1. Every life insurance company incorporated under the laws of this state shall annually, on or before the first day of February, pay to the treasurer of the state, as a tax on its corporate franchise or business in this state, a sum equal to one per centum upon the gross amount of premiums, interest and other income, exclusive of rents, received by such company during the year ending the preceding thirty-first day of December, from persons residing in this state or investments represented by or based upon property situated in this state.

Sec. 2. Every such insurance company shall, annually, on or before the first day of February, make a return to the treasurer and comptroller of the state, signed and sworn to by its president and secretary, giving the total amount of premiums, interest and other income, exclusive of rents, received by such company during the year ending the preceding thirty-first day of December, from persons residing in this state, or investments represented by or based upon property situated in this state.

Sec. 3. If any officer of any life insurance company, required by the preceding section to make and execute a return, shall refuse or wilfully neglect to make or execute the same, such officer shall be guilty of a misdemeanor, and any such officer, who in such return shall make a wilfully false statement, shall be subject to the pains and penalties of perjury. All taxes unpaid when due by such company under this act may be collected by action brought in the supreme court in the name of the people of the state by the attorney-general at the instance of the comptroller, and in such action the court may issue an injunction restraining the further prosecution of the business of the corporation named therein until such tax due and unpaid, together with interest and the costs of the action, are paid, and until the return required by this act is made.

Sec. 4. The lands and real estate of life insurance companies shall continue to be assessed and taxed where situated for state, city, town, county, village, school, or other local purposes, but the personal property of said companies and shares of stock therein shall hereafter be exempt from assessment or taxation except as in this act prescribed.

Sec. 5. This act shall take effect immediately.

CHAPTER 537.

AN ACT in relation to receivers of insolvent corporations.

Passed May 31, 1880; three-fifths being present.

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

Section 1. All receivers of insolvent corporations who are now required by law to make and file reports of their proceedings shall hereafter, at the time of making and filing such reports, serve a copy thereof upon the attorney-general of this state.

Sec. 2. In case any receiver of an insolvent corporation shall neglect to make and file a report of his proceedings for thirty days after the time he is now required by law to make and file such report, or shall neglect for the same length of time to serve a copy thereof on the attorney-general, as required by the first section of this act, the attorney-general may make a motion in the supreme court for an order to compel the making and filing and serving a copy on him of such report, or for the removal of such receiver from his office.

Sec. 3. If at any time the attorney-general shall have reason to believe that the interests of the stockholders, creditors, policy-holders, depositors or other beneficiaries interested in the proper and speedy distribution of the assets of such insolvent corporation will be subverted thereby, he may make a motion in the supreme court, at a special term thereof in the third judicial district, or in the judicial district in which such insolvent corporation is located, for an order removing such receiver, or to compel him to account, or for such other or additional order or orders as to the court may seem proper to facilitate the closing up of the affairs of such receivership.

Sec. 4. A copy of all notices of motion and of all motion papers, and a copy of any other application to the court, and a copy of all papers on which the same is founded, together with a copy of the order or judgment to be proposed thereon to the court, specifying the amount of any allowance to be applied for, in any action or proceeding in which a receiver of an insolvent corporation has been or shall be appointed, shall in each case be served upon the attorney-general, in the same manner as provided by law for the service of papers on attorneys who have appeared in actions or special proceedings, 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.

Sec. 5. This act shall take effect immediately.

CHAPTER 538.

AN ACT to amend chapter one hundred and seventy-six, of the laws of eighteen hundred and seventy-nine, entitled "An act to amend chapter eighty-two, of the laws of eighteen hundred and fifty-two, entitled 'An act in relation to writs of error in behalf of the people in criminal cases.'"

Passed May 31, 1880; 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 one hundred and seventy-six, of the laws of eighteen hundred and seventy-nine, entitled "An act to amend chapter eighty-two, of the laws of eighteen hundred and fifty-two, entitled 'An act in relation to writs of error in behalf of the people in criminal cases,'" is hereby amended so as to read as follows:

§ 1. Writs of error to review any judgment rendered in favor of any defendant upon any indictment for any criminal offense, except when such defendant shall have been acquitted by a jury, and to review any decision or order quashing any indictment, may be brought in behalf of the people of this state by the district attorney of the county where such judgment, decision, or order shall be rendered or granted, upon the same being allowed by a justice of the supreme court; and the court of appeals shall have full power to review, by writ of error in behalf of the people, any such judgment, decision or order rendered or granted in the supreme court, in favor of any defendant charged with a criminal offense. And in all cases now pending or hereafter brought, a conviction for a criminal offense shall be deemed a final judgment, when sentence shall have been suspended by the court in which the trial is had, or otherwise suspended or stayed, and such conviction shall have been reversed in due course of law by a general term of the supreme court; and the people shall be entitled to review in the court of appeals such order or judgment of reversal of such general term by writ of error, notwithstanding sentence has not been passed.

Sec. 2. This act shall take effect immediately.

CHAPTER 544.

AN ACT providing for the appointment of an additional number of commissioners of deeds in the city of New York.

Passed June 2, 1880.

The People of the State of New York, represented in Senate and Assembly, do enact as follows: Section 1. The Common Council of the City of New York are hereby authorized and empowered to appoint, in addition to the number now prescribed by law, five hundred Commissioners of Deeds in and for said city.

Sec. 2. This act shall take effect immediately.

CHAPTER 546.

AN ACT to provide for the revision, amendment and consolidation of the act entitled "An act to provide for the enrollment of the militia, for the organization of the national guard of the state of New York, and for the public defense, and entitled 'the Military Code,' and of all acts amendatory thereof and supplemental thereto, or relating to the organization and government of the militia of the state.

Passed June 4, 1880; three-fifths being present.

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

Section 1. The governor is hereby authorized and empowered, within three weeks after the passage of this act, to appoint three commissioned officers of the national guard of the state of New

York, one of whom shall be a counselor at law of the supreme court, of at least ten years' standing, as commissioners, who, with the adjutant-general, inspector-general and chief of ordnance, shall revise, amend and consolidate the act entitled "An act to provide for the enrollment of the militia, for the organization of the national guard of the state of New York, and for the public defense, and entitled 'the Military Code,'" and all acts amendatory thereof and supplemental thereto, or relating to the organization and government of the militia of the state.

Sec. 2. The revision, amendments and consolidation so made by said commissioners shall be prepared in form and included in one act, and the same shall be by them reported to the legislature between the first and fifteenth days of January, eighteen hundred and eighty-one.

Sec. 3. The three commissioners, other than the adjutant-general, inspector-general and chief of ordnance, shall each receive, as compensation for his services, the sum of five hundred dollars. The reasonable expense of clerical services and other incidental matters, not to exceed one thousand dollars, shall also be paid to them. The aforesaid several sums shall be paid by the comptroller, on the certificate of the adjutant-general, out of any money in the treasury not otherwise appropriated.

Sec. 4. In case the said three commissioners, other than the adjutant-general, inspector-general and chief of ordnance, or any of them, shall die, resign from said commission, or remove from the state before the completion of the duties assigned to them, it shall be the duty of the governor forthwith to appoint others, or another, in their or his stead, who shall have the like powers as aforesaid, and be entitled to a compensation which shall be proportionally equal to that which is allowed by this act to the said commissioners; but the compensation of the original appointee, and of his successor or successors, shall not exceed in all the sum of five hundred dollars.

Sec. 5. This act shall take effect immediately.

CHAPTER 547.

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

Passed June 4, 1880, by a two-third vote.

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

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

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

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

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

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

§ 67. Sergeant-majors, quartermaster-sergeants, commissary-sergeants, ordnance-sergeants, hospital stewards, drum-majors, band leaders, sergeant standard-bearers and general guides shall be appointed by the commanding officer of the regiment or battalion to which they belong, by warrant under the hand of such commanding officer, and shall hold their offices during his pleasure; provided, however, that before such appointment they shall have been duly enlisted in the national guard of this state, and each person so appointed shall be a member of some company of the regiment or battalion at the time of his appointment, excepting in the case of hospital stewards, drum-majors and band leaders, who may be civilians, but who, during the term of their appointment, shall be subject to the laws governing the national guard.

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

§ 68. Except as otherwise provided in this act, captains, lieutenants and non-commissioned officers of troops, batteries and companies shall be chosen by the written or printed votes of the members of troops, batteries or companies, respectively; provided that quartermaster-sergeants of such troops, batteries and companies shall, subject to the provisions of section ninety-two of this act, be appointed by the commandants of such troops, batteries and companies, respectively. Field officers of regiments or battalions by the written or printed votes of the field officers and the commissioned troop, battery or company officers of their respective regiments or battalions, and brigadier-generals by the written or printed votes of the field officers and the commandants of the separate troops, batteries or companies of infantry of their respective brigades.

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

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

Sec. 6. Section one hundred and six of said act is hereby amended so as to read as follows:

§ 106. The commanding officer of each regiment or battalion may, in his discretion, enlist a band of musicians, not exceeding twenty-five in number, and by warrant, under his hand, may appoint a leader of such band with the rank of sergeant.

Sec. 7. Section one hundred and seven of said act is hereby amended so as to read as follows:

§ 107. Such musicians shall be subject to the orders of such leader, and be under the command of the commanding officer of the regiment or battalion; and the whole or any part of said band may be required by such commanding officer to appear at any meeting of the officers for military purposes, or at any parade of such regiment or battalion.

Sec. 8. Section one hundred and twenty-one of said act is hereby amended so as to read as follows:

§ 121. The expenses of erecting or renting such armories and for providing the necessary camp stools, apparatus and fixtures for heating and lighting, and the fuel and gas or oil for the same, and water closets in such building, and for properly preserving from injury, the arms, equipments, uniforms and records stored therein, by the construction of suitable lockers, closets, gun-racks and cases for uniforms, equipments, arms and records, and for the maintenance thereof in good and safe repair, shall be a portion of the county charges of such county, and shall be levied, collected and paid in the same manner as other county charges are levied, collected and paid. But no moneys shall be appropriated, or expense incurred for furnishing or decorating any building erected or rented under the provisions of this act. And no moneys shall be appropriated or expenses incurred, to be paid out of moneys thus levied and collected, except for the erecting or renting of such armories, unless the necessity of such expenditure shall have been examined into by the auditing boards of the commands, and certified to as necessary by the respective presidents thereof, who shall report to the adjutant-general annually in December, on or before the fifteenth day thereof, a recapitulation of the expenses thus incurred.

Sec. 9. Section one hundred and thirty of said act is hereby amended so as to read as follows:

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

Sec. 10. Section one hundred and thirty-four of said act is hereby amended so as to read as follows:

§ 134. No parade or rendezvous of the national guard shall be ordered on any day during which a general or special election shall be held, nor within five days previous to such election, except in case of riot, invasion or insurrection, or of imminent danger thereof; and if any officer shall order any such parade or rendezvous, he shall forfeit and pay to the people of this state the sum of five hundred dollars, provided that a court-martial or court of inquiry shall not be deemed a rendezvous of the national guard.

Sec. 11. Section one hundred and forty-nine of said act is hereby amended so as to read as follows:

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

Sec. 12. Section one hundred and fifty of said act is hereby amended so as to read as follows:

§ 150. It shall be the duty of each commandant of a regiment or battalion, twenty days prior to the annual muster and inspection, to furnish the inspector-general with three copies of a muster-roll and inspection return of the field and staff officers, and non-commissioned staff officers and enlisted bands of said regiment or battalion, and each general officer shall furnish like rolls of his staff officers within the said time; and the inspector shall, within fifteen days after the day of muster, file one of the muster-rolls in the office of the adjutant-general, and one with the officer who furnished the rolls.

Sec. 13. Section one hundred and sixty-six of said act is hereby amended so as to read as follows:

§ 166. Battery, troop or company commanders, respectively, may appoint from the enlisted men of their commands, for the discharge of the usual clerical duty incident thereto, a suitable person as clerk, to whom there shall be paid annually out of the respective regimental, battalion, battery, troop or company funds provided by section one hundred and seventy-eight of this act, the sum of fifty dollars, to be paid in the same manner as other accounts are paid from such funds.

Sec. 14. Section one hundred and seventy-eight of said act is hereby amended so as to read as follows:

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

Sec. 15. Section one hundred and eighty-three of said act is hereby amended so as to read as follows:

§ 183. The commander-in-chief is empowered to prescribe such rules and regulations as he may deem necessary to secure a proper disposition of, and accountability for, the regimental, battalion and separate troop, battery or company funds. And no part of such funds shall be expended for any purpose whatever, unless under the express sanction and approval of the presidents of the auditing boards respectively, and so certified upon the abstracts of accounts thereof. And on the approval of the commander-in-chief, accounts for clerk hire and other necessary expenses at headquarters of divisions and brigades, when audited by the adjutant-general, shall be paid from the general fund of the state appropriated for military purposes; provided, however, that the amount of such accounts in any one year shall not exceed the sum of one thousand dollars for a division, and five hundred dollars for a brigade.

Sec. 16. Section one hundred and eighty-four of said act is hereby amended so as to read as follows:

§ 184. Courts of inquiry, to consist of one officer of at least equal grade with the officer, or with the senior officer, if there be more than one, in relation to whom the court is constituted, may be ordered by the commander-in-chief, or by the commanding officer of a division, in relation to those officers for whose trial they are authorized to appoint courts-martial for the purpose of investigating the conduct of any officer or officers, either by his or their own solicitation or on a complaint or charge of improper conduct degrading to the character of an officer, or for the purpose of settling rank or for investigating any facts made the subject of military complaint.

Sec. 17. Section one hundred and ninety-six of said act is hereby amended so as to read as follows:

§ 196. For the trial of delinquent non-commissioned officers, musicians and privates the commandant of each regiment or battalion may at any time appoint a regimental or battalion court-martial in his command, to consist of an officer in his command whose grade is not below that of captain; and in the case of a separate regiment, battalion, troop, battery or company attached to a division or brigade the court shall be appointed by the commandant of the division or brigade to which such separate regiment, battalion, troop, battery or company is attached. For offenses on charges and specifications the commandant of each brigade may at any time appoint a court-martial for the trial of non-commissioned officers, musicians and privates belonging to any regiment or battalion in his brigade, or to any separate troop, battery or company attached to the same, to consist of three officers in his brigade not below the grade of captain; in the case of a separate troop, battery or company attached to a division the court shall be appointed by the commandant of the division to which such separate troop, battery or company is attached. No person shall be brought to trial on charges and specifications unless the same shall have been approved by the officer ordering the court, and a copy thereof certified by said officer shall have been served upon the party charged at least five days before the trial of the party so charged, and the court may adjourn to permit of such service.

Sec. 18. Section one hundred and ninety-seven of said act is hereby amended so as to read as follows:

§ 197. The officers appointing said courts shall fix the time and place of convening the same, and the appointment of said courts shall be published in orders at least ten days previous to the convening thereof. When convened, the court may adjourn, from time to time, as shall become necessary for the transaction of business; but the whole session of a court composed of one officer, from the day on which it shall convene until its dissolution, shall not exceed three weeks; and in case any vacancy shall happen in the court, or a new court shall be required, the officer ordering the court, or his successor in command, may fill such vacancy or order a new court.

Sec. 19. Section one hundred and ninety-eight of said act is hereby amended so as to read as follows:

§ 198. The officers constituting such courts shall, before they enter on their duties as such, take the following oath: "I, _____, do swear (or affirm) that I will well and truly try and de-

termine, according to evidence, all matters between the people of the state of New York and any person or persons who shall come before the court to which I have been appointed; and such oath shall be taken by him before a judge of some court of record in this state, a justice of the peace of the county in which he resides, a field officer or the commandant of the division or brigade to which he belongs, and it shall be the duty of such persons to administer the oath without fee or reward.

Sec. 20. Section one hundred and ninety-nine of said act is hereby amended so as to read as follows:

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

Sec. 21. Section two hundred and one of said act is hereby amended so as to read as follows:

§ 201. The court, consisting of one officer, when organized, shall have the trial of all delinquencies and deficiencies that occur in the regiment, battalion, separate troop, battery or company for which it shall have been appointed, and the court, composed of three officers, when organized, shall have the trial of all offenses other than delinquencies and deficiencies, that occur in any regiment or battalion in the brigade for which it shall have been appointed, and, also, of all that occur in the separate troops, batteries or companies attached to the same brigade; and in case the court is ordered by the division commander, then of all offenses other than delinquencies and deficiencies that occur in the separate troops, batteries or companies attached to the division, and the said courts shall have power to impose and direct to be levied all the fines or penalties to which non-commissioned officers, musicians or privates are declared to be subject by the provisions of this act. But in case written charges shall have been preferred against any non-commissioned officer, musician or private in the regiment or battalion, separate troops or batteries or companies, for the trial of offenders, in which the court shall have been ordered, said court shall not have jurisdiction thereof unless the same shall have been approved by the officer ordering the court, and a copy of such charges, certified by said officer, shall have been served upon the party charged, at least five days before the trial of the party so charged, and the court may adjourn to permit of such service.

Sec. 22. Section two hundred and three of said act is hereby amended so as to read as follows:

§ 203. No compensation whatever shall be allowed to the officers constituting said courts for the trial of delinquencies.

1. There shall be allowed and paid out of the military fund of the regiment, battalion, separate troop, battery or company for which the court shall have been ordered, on the certificate of the president, to the president and members of such courts, composed of three officers, a sum equal to one day's pay for field duty for each day they may be actually employed in holding the court or engaged in the business thereof, or in traveling to and from the court, in accordance with the provisions of section one hundred and sixty-five of this act, and their actual traveling expenses; provided that any and all allowances shall not exceed for each the field pay respectively for the period of three weeks, and to the non-commissioned officer or other person who shall have summoned offenders to appear before the court, two dollars for each day he may have been necessarily so employed, and the same sum for each day of his attendance on the court, the same to be paid in like manner with other military accounts; provided, however, that in the case of courts composed of one officer, for the trial of delinquencies and deficiencies, the same shall be paid out of the military fund of the regiment, battalion, separate troop, battery or company for which the court shall have been ordered.

2. Each officer, to whom a warrant for the collection of fines may be directed, shall be entitled to the same fees, and be subject to the same penalties for any neglect, as are allowed and provided for executions issued out of justices' courts.

3. For all other services and commitments under this act, the sheriff, jailer and constables executing the same shall be entitled to the like fees as for similar services in civil cases.

Sec. 23. Section two hundred and four of said act is hereby amended so as to read as follows:

§ 204. All fines and penalties imposed by any court-martial convened in pursuance of the preceding section shall be paid, by the officer collecting the same, into the treasury of the county within which the regiment, battalion, separate troop, battery or company is located, within thirty days after the collection thereof, and shall belong to the military fund of the regiment, battalion, separate troop, battery or company of which the persons paying the fines and penalties are members; and the treasurer of such county shall thereupon report the amount thereof, designating the organization to which it belongs, to the adjutant-general of the state.

Sec. 24. Section two hundred and seven of said act is hereby amended so as to read as follows:

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

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

2. Every non-commissioned officer, musician and private, for non-appearance, when duly warned or summoned at a troop, battery or company parade, a fine of two dollars for each day; and in case of a troop parading mounted, a fine of six dollars for each day; at a regimental or battalion parade, drill or encampment, not less than one nor more than six dollars for each day; and at a place of rendezvous, when called into actual service, in case of war, insurrection, or invasion, or imminent danger thereof, a sum not exceeding twelve months' pay, nor less than one month's pay; and for disobedience of orders, or any conduct to the prejudice of good order and military discipline, whether by language or act, committed in uniform, or committed while going to or returning from, or while present at any lawful assembling of the regiment, battalion, separate company, troop, battery, or band to which such non-commissioned officer, musician, or private belongs, whether he be in uniform or not at the time of the commission of the offence, or for conduct on or off duty which shall tend to create insubordination amongst the members of the national guard, a fine not exceeding fifty dollars; and, also, in the discretion of the court, the offender shall be liable to expulsion from the command to which he belongs.

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

Sec. 25. Section two hundred and fourteen of said act is hereby amended so as to read as follows:

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

Sec. 26. Section two hundred and thirty-five of said act is hereby amended so as to read as follows:

§ 235. The chiefs of each division and brigade staff, and the adjutants of regiments or battalions, and the commandants of separate troops, batteries, or companies, shall, on or before the fifteenth day of January, in each year, return to the commandants of such division and brigade, respectively, the names of all commissioned officers absent from any parade, encampment, drill or meeting for instruction during the preceding year. Within ten days after the receipt of such return, the respective commandants of divisions or brigades, as the case may be, shall order courts-martial for the trial of such officers for such delinquencies, which courts-martial shall consist of three officers, and be ordered, if for the trial of officers above the rank of captain, by the commandant of the division, and for the trial of all other officers, by the commandant of the brigade; provided, however, that the services of a judge advocate shall not be required at any court-martial appointed under the provisions of this section; and also, further provided, that in all cases no member of the court shall be of less grade than the delinquent, and that for the trial of officers of any regiment, or separate troop, battery or company attached to a division, the court shall be ordered by the commandant of the division, and for the trial of officers of any separate troop, battery or company attached to a brigade, the court shall be ordered by the commandant of the brigade. It shall not be necessary to cause the arrest of such absentee, nor to serve any charges, unless, in the discretion

of the officer ordering the court, it may be deemed proper; but the delinquent may be fined, pursuant to the provisions of this act, provided he shall have appeared before the court without objection, or notice of the return and of the time appointed for holding the court-martial shall have been delivered to him, or left at his dwelling-house, store, counting-house, or usual place of business, at least ten days before the assembling of said court. The proceedings and sentences of such court-martial, with the order of the officer ordering the court, approving or disapproving the same, shall be transmitted to the adjutant general without delay.

Sec. 27. Section two hundred and fifty-three of said act is hereby amended so as to read as follows:

§ 253. Every non-commissioned officer, musician and private of the national guard originally enlisted, shall be held to duty therein for the term of five years; and in case of re-enlisting, for the term for which he re-enlists, unless disability after enlistment shall incapacitate him to perform such duty, and he shall be regularly discharged in consequence thereof by the commandant of his regiment, battalion, separate troop, battery or company; provided, however, that every such non-commissioned officer, musician and private shall continue held to duty, and shall retain his rank and be eligible to promotion, after the expiration of his term of enlistment or re-enlistment, so long as he or the commandant of his troop, battery, or company omits to apply for his discharge, as provided in the next succeeding section; and on such application being made, his discharge shall not be granted until the expiration of three months from the date of the application, except when the application is made by the commandant of his troop, battery or company, in which case the discharge may be granted immediately; and also, further provided, that every non-commissioned officer, musician and private who enlisted prior to the first day of May, eighteen hundred and seventy-five, shall serve the whole length of the term for which he enlisted. Every commissioned officer, and every non-commissioned officer, musician and private of the national guard shall be exempt from jury duty during the time he shall perform military service; and every such person who shall have so served five or more years, and been honorably discharged, shall forever after be exempt from jury duty. Except as herein otherwise provided, no non-commissioned officer, musician or private of the national guard shall be discharged from service, except for physical disability or expiration of term of enlistment. Discharges for physical disability shall be granted only upon the certificate of the regimental or battalion surgeon, and in the case of a separate troop, battery or company, of the surgeon of the division or brigade to which such separate troop, battery or company is attached; always provided, however, that the commandant of each division may, for sufficient reasons, and in his discretion, discharge enlisted men in his division, at any time, upon the recommendation of the commandant of the troop, battery or company, with the approval of the commandant of the regiment or battalion and of the brigade to which they belong; and in the case of a separate troop, battery or company attached to a brigade, upon the recommendation of the commandant of such separate troop, battery or company, with the approval of the commandant of the brigade; and in the case of a regiment, separate troop, battery or company attached to a division, upon the recommendation of the commandant of such regiment, separate troop, battery or company; but no enlisted man shall be discharged from service unless he produces the certificate of his immediate commanding officer that he has turned over or satisfactorily accounted for all property issued to him. Commanding officers of divisions, brigades, regiments and battalions and of separate troops, batteries or companies, shall make returns to the adjutant-general on the last days of March, June, September, and December, in each year, of all changes in their commands during the previous three months, giving the names and grades of the persons discharged and the cause thereof, and also of those gained by enlistment.

Sec. 28. Section two hundred and sixty-three of said act is hereby amended so as to read as follows:

§ 263. For violations of the by-laws, rules, and regulations provided in the last preceding section the non-commissioned officer, musician or private offending may be expelled from the troop, battery or company to which he belongs by the vote of a majority of all its members; and upon such action of the troop, battery or company being confirmed in orders by the commandant of the regiment or battalion; and in case of a separate troop, battery or company, by the commandant of the brigade or division to which such separate troop, battery or company is attached, the name of such person shall be stricken from the roll of such troop, battery or company, his certificate of membership shall be surrendered and canceled, and he shall cease to be a member of such troop, battery or company; and his time of service in said troop, battery or company shall not be allowed under the provisions of this act; or whenever a member of any troop, battery, or company shall have moved beyond the bounds of the state, or having been absent without leave and having been returned to court-martial and fined by sentence thereof, and such sentence cannot be enforced for reason of inability to find such member, and such sentence having been promulgated at least three months, the commandant of the troop, battery or company shall report the names of such members and the causes therefor to the commandant of the regiment or battalion; or in case of separate troop, battery or company to the commandant of the brigade or division to which it is attached. Upon the return of such report bearing the approval of the officer to whom it was made, the commandant of the troop, battery or company is authorized to drop such names from his company roll. Members so dropped may be taken up by the commandant of the troop, battery or company, by order of the commandant of the division, brigade, regiment, or battalion to which it is attached, upon evidence that such members have resumed their residence in the state, or have voluntarily returned to duty and paid all fines and penalties due, or have been arrested and the sentence of court-martial enforced, and in such cases their names shall be again entered upon the rolls.

Sec. 29. This act shall take effect immediately.

CHAPTER 550.

An Act relating to certain assessments for local improvements in the city of New York.

Passed June 9, 1880; three-fifths being present.

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

Section 1. Any assessment for any local improvement in the city of New York heretofore confirmed by the board for the revision and correction of assessments in said city, and also any assessment for any local improvement heretofore completed which may be hereafter confirmed by said board, and any assessment for the local improvements known as Morningside avenues, when confirmed by said board, may be vacated, modified, set aside, revised, or confirmed, in conformity with the provisions hereinafter contained, and not otherwise. All officers charged with any duty connected with the imposition or confirmation of assessments for local improvements in the city of New York are hereby directed so to perform such duty that assessments for all local improvements heretofore completed shall be finally passed upon by the board for the revision and correction of assessments, pursuant to the provisions of law relating to assessments in said city, within six months after the passage of this act. Any assessment for the local improvements known as Morningside avenues shall be finally acted upon by such board for the revision and correction of assessments within three months after the completion of the same.

Sec. 2. The commissioners hereinafter designated and named, or a majority of them, shall, for the purpose of this act, have jurisdiction to revise, vacate or modify any of the assessments aforesaid, when the owner or owners of the real estate affected by such assessment, or other party or parties affected thereby, shall have filed with the comptroller of said city a notice specifying the particular assessment complained of, the date of the confirmation of the same, the property of such owner or party affected, and in a brief and concise manner the objections thereto, showing or tending to show that the assessment was unfair or unjust in respect to said real estate. Such notice must be filed with the said comptroller and a duplicate thereof with the counsel to the corporation, as follows:

1. As to all assessments heretofore confirmed on or before the first day of November, eighteen hundred and eighty.

2. As to all assessments hereafter confirmed for local improvements heretofore completed, and as to any assessment for the local improvements known as Morningside avenues, within two months after the dates upon which such assessments may be respectively confirmed.

Sec. 3. It shall be the duty of said commissioners, or a majority of them, to inquire into the facts and circumstances relating to any assessments to which objections may be made, and the notice filed as aforesaid, and to hear the evidence in support of such objections or in opposition thereto, and on every such inquiry and hearing to administer oaths or affirmations to all persons testifying, and after duly considering the evidence, to determine whether substantial injustice was caused by the confirmation of such assessments or otherwise; and any assessments as to which the said commissioners, upon such inquiry, may determine that substantial injustice has been caused by the confirmation of the same or otherwise, may be revised, modified or vacated by the said commissioners, and they may award such relief to the respective parties filing such applications as shall be, under the circumstances and on the evidence presented, just and equitable, and they shall, in determining such relief, consider the fair value of the work done, for the which the assessment is imposed, and the amount of benefits conferred over and above the damages, if any, caused by the improvement. A majority of said commissioners shall constitute a quorum for the hearing of any application, and the relief granted must be concurred in by at least a majority of the commissioners. They or any person who has filed any such application, or the counsel for said city as hereinafter provided, shall have power to summon witnesses and require the production of books and papers, and the attendance of witnesses, and the production of books and papers may be compelled under and pursuant to the provisions of title two of chapter nine of the code of civil procedure.

Sec. 4. It shall be the duty of the present counsel to the corporation properly to protect, maintain and defend the interest of the city in relation to all matters before said commissioners pursuant to the provisions of this act.

Sec. 5. Edward Cooper, the present mayor, John Kelly, the present comptroller, and Allan Campbell, the present commissioner of public works of said city, together with John S. Lawrence, George H. Andrews and Daniel Lord, junior, of said city, are hereby appointed commissioners for the purposes of this act, with power to appoint clerks and stenographers. Notice of all meetings of said commissioners given by publication in the "City Record" and the "Daily Register," in such form as they shall determine, shall be sufficient for all purposes, and such meetings shall be held as frequently as necessary for the dispatch of the duties hereby imposed upon them. All meetings, except for consultation and decision, shall be public. A minute-book shall be kept by them, or under their supervision, in which shall be entered a faithful record of all the proceedings of said commissioners, which shall be at all times open to the public for inspection, and on the final adjournment of the commissioners shall be filed in duplicate in the finance department and in the office of the clerk of the common council. The said commissioners, or a majority of them, shall have full power to determine the order and manner in which cases shall be heard and in which evidence shall be taken; to decide all questions as to the competency, relevancy, and materiality of testimony; to fix and limit the time within which evidence and argument in each case may be submitted; and generally, except as herein specifically provided, to determine and prescribe the mode and manner in which all proceedings taken before them or under this act shall be conducted. All evidence, whether offered on behalf of the property owners or the city, shall be submitted before July first, eighteen hundred and eighty-one, and the decision of the commissioners, or a majority of them, in every case shall be rendered in writing on or before September thirtieth, eighteen hundred and eighty-one, on which last mentioned day the jurisdiction and authority of said commissioners under this act shall cease, except as hereinafter otherwise provided. The time for filing the notices provided by the second and eighth sections of this act for the submission of evidence or for the making of a decision by the commissioners, may be extended beyond the time herein specified by the supreme court in the first judicial district, in such manner and upon such notice as the court may direct. In case of the death, resignation, refusal, or failure to act, of any one or more of the aforesaid commissioners, then and in that case every power conferred and every duty devolved upon said commissioners shall be possessed and exercised by the remainder of said commissioners, or a majority of them, and a certificate signed and filed as herein provided, by such majority, shall be valid and effectual for every purpose of this act.

Sec. 6. The said commissioners shall award such relief as in their judgment is just and equitable in view of the circumstances of each case brought before them by the notice aforesaid, and shall determine what relief, if any, is to be awarded in respect of each lot or parcel of land, and what reduction, if any, is to be allowed upon such lot or parcel, and thereupon they shall file in each case a certificate, signed by a majority of the said commissioners, in the department of finance in said city, specifying the relief awarded by them, and upon such filing the assessment on each lot or parcel shall be revised, modified or vacated as in said certificate specified, and the amounts fixed by such certificate, with interest thereon from the date thereof, and no more, shall thereafter be the extent of the lien upon such lots or parcels in respect of such assessment.

Sec. 7. The reasonable expenses of the proceedings authorized by this act, including compensation for the performance of the duties imposed thereby, shall be a charge upon the city of New York, as the same may be fixed and allowed by the board of estimate and apportionment in said city, and shall be paid by the comptroller of said city, provided that no compensation shall be allowed for services rendered therein by any officer of the city of New York during his term of office. The comptroller may provide the money to pay such expenses by the issue of revenue bonds of said city, and an amount sufficient to cover said expenses and to pay such bonds shall be included in the final estimates of said city for the years eighteen hundred and eighty-one and eighteen hundred and eighty-two.

Sec. 8. The provisions of this act shall not apply to or affect any proceeding or action now pending, or in which the time to appeal has not expired, or in which the order or judgment has not been carried into effect, or any proceeding or action which may be commenced within three months after the passage of this act to vacate or set aside any of the assessments specified in the first section of this act, heretofore confirmed, or any proceeding or action which may be commenced to vacate or set aside any of the assessments specified in the said first section hereafter confirmed, as therein provided, brought within three months after the date of such confirmation, or the relief to which any party thereto is or may be entitled in any such action or proceeding under existing laws, provided that if any such proceeding or action is dismissed, or such relief refused, and it shall appear in the order dismissing or denying such application that such dismissal or denial is on account of some irregularity, technicality, informality, mistake, or other omission or defect of form therein (in which cases it shall be the duty of the court to specify the same in such order), the party thereto shall be entitled to make such further or other applications as he may be advised, within twenty days after the date of an order directing such dismissal or refusal, and none of the provisions of this act shall apply to or affect such further or other application so made for the purposes aforesaid; and further provided, that if on a final decision in any such proceeding or action now pending or which may be commenced or renewed as aforesaid, the decision or judgment therein shall be in favor of the city, the petitioner or plaintiff in such proceeding or action may obtain the benefits of this act by filing the notice provided in the second section hereof, on or before the first day of May, eighteen hundred and eighty-one, and the said commissioners shall thereupon proceed as if said notice had been filed as in the second section provided.

Sec. 9. The lien of any assessment specified in the first section of this act, not vacated, reduced, or set aside in any proceeding or action in the preceding section mentioned, or not vacated, revised, or modified by the said commissioners, pursuant to the provisions of this act, shall not be disturbed, modified, or vacated, except in the manner and to the extent provided in the twelfth section of this act.

Sec. 10. Whenever, prior to the passage of this act, any assessment for any local improvement imposed upon any particular lot or lots has been paid in whole or in part, and the assessment for such local improvement upon any other lot or lots shall be vacated, revised, or modified by the commissioners as herein authorized, it shall be the duty of said commissioners to award and adjudge to the person or persons by whom such payments have been made, their legal representatives or assigns, an amount equal to the amount of reduction to which such parties would have been entitled if they had not made such payment, the amount of which award shall be proportionately equal to the reduction upon other lots so revised or modified as aforesaid; the said commissioners shall file in the finance department certificates in each case showing the amount of such awards, and the persons to whom the same are made, and the amounts thereof respectively shall thereupon become a charge against the mayor, aldermen, and commonalty of the city of New York, in favor of the respective persons to whom the same shall be made as aforesaid, and shall be provided for by the issue of assessment bonds of said city. Nothing in this section contained shall be held to apply when less than one-half of the entire expenses of the improvement assessed upon all the property deemed to be benefited thereby, exclusive of such portion of the expense of the improvement imposed upon said city or its property, remained on the first day of May, eighteen hundred and eighty, a lien or apparent lien upon said property deemed to be benefited.

Sec. 11. The assessments heretofore made for local improvements in said city, including assessments for improvements heretofore contracted for or authorized, shall, when collected, be paid over to the commissioners of the sinking fund of said city and applied by them as now provided by law.

Sec. 12. No existing provision of law shall enable or permit any court to vacate or reduce any assessment in fact or apparent hereafter confirmed, whether void or voidable, on any property for any local improvement in the city of New York hereafter completed, otherwise than to reduce any such assessment to the extent that the same may be shown by parties complaining thereof to have been in fact increased in dollars and cents by reason of fraud or substantial error, and in no event shall that proportion of any such assessment which is equivalent to the fair value of any actual local improvement, with interest from the date of confirmation, be disturbed for any cause.

Nothing in this section shall apply to any assessment which may be imposed for the local improvements known as Morningside avenues.

Sec. 13. All proceedings to vacate or reduce assessments in the city of New York, other than those specified in the first section of this act, must be brought within one year after the confirmation thereof.

Sec. 14. All acts and parts of acts inconsistent with the provisions of this act are hereby repealed.

Sec. 15. None of the provisions of this act shall apply to any reassessment hereafter made or imposed for any local improvement for which an assessment has been or shall be vacated in whole or in part.

Sec. 16. This act shall take effect immediately.

CHAPTER 552.

AN ACT to authorize the issue of certain bonds and stocks of the city of New York exempt from taxation.

Passed June 9, 1880; three-fifths being present.

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

Section 1. The commissioners of "the sinking fund of the city of New York for the redemption of the city debt," when duly authorized by ordinance of the common council, may, by concurrent resolution, direct that the bonds and stocks of said city, hereafter issued pursuant to law, shall be exempt from taxation by said city and by the county of New York, but not from taxation for state purposes; and all bonds and stocks issued pursuant to such authority shall be exempt from taxation accordingly, provided that said bonds and stocks shall not bear interest exceeding the rate of four and one-half per centum per annum.

Sec. 2. The bonds and stocks of the city of New York, issued pursuant to the provisions of this statute, shall express upon their face the fact that they are exempt from taxation by the city and county of New York, but not from state taxation, and shall refer to this act, and to the ordinance of the common council, and the resolution of the commissioners of the sinking fund authorizing their issue.

Sec. 3. This act shall take effect immediately.

CHAPTER 553.

AN ACT to amend title four, chapter six, part one, of the Revised Statutes, entitled "of the manner of conducting elections."

Passed June 9, 1880; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows: Section 1. Subdivision one, of section nine, of article two, title four, chapter six, part one, of the Revised Statutes, entitled "of the manner of conducting elections," is hereby amended so as to read as follows:

1. The names of all persons voted for by any elector at any election, in whose election all of the voters of the state have the right alike to participate, except electors of president and vice-president and chief judge and associate judges of the court of appeals, shall be upon one ballot, which ballot shall be indorsed "State." The names of all persons voted for by any elector at any election for chief judge and associate judge of the court of appeals, justices of the supreme court, county judge, separate officers to perform the duties of surrogate, local officers to perform the duties of county judge and surrogate, and all other judges or justices, except such as are elected in and for a district which comprises less than an entire county (or city whose boundaries are coterminous with those of a county), shall be upon one ballot, which ballot shall be indorsed "Judiciary." The names of the persons voted for by any elector at any election for any local office, in whose election all of the voters of a county have the right alike to participate, except representatives in congress, senators, and members of assembly, shall be upon one ballot, which ballot shall be indorsed "County," but where the boundaries of a city and county shall be coterminous then all city or county officers in whose election all the voters of said city and county have the right alike to participate, except judges or justices as aforesaid, shall be upon one ballot, which ballot shall be indorsed "City and County."

Sec. 2. Section twenty-four of article three of said title is hereby amended so as to read as follows:

§ 24. At each annual and special election the inspectors shall provide and keep a box in which all ballots required to be indorsed "State," as directed in the ninth section of this title, shall be deposited; also, a box in which all ballots which are required by said ninth section to be indorsed "Judiciary" shall be deposited; also, a box in which all ballots which are required by said ninth section to be indorsed "County" or "City and County," shall be deposited; also, in the proper counties, a box in which all ballots which are required by said ninth section to be indorsed "Assembly," shall be deposited; also, a box in which all ballots which are required by said ninth section to be indorsed "Senate" shall be deposited; also, a box in which all ballots which are required by said ninth section to be indorsed "Congress" shall be deposited. At any election at which any officers are to be voted for upon ballots, not otherwise in this section provided for, there shall be provided as many additional boxes as there are additional kinds of ballots required.

Sec. 3. So much of chapter six hundred and seventy-five of the laws of eighteen hundred and seventy-two, entitled "An act in relation to elections in the city and county of New York and to provide for ascertaining, by proper proofs, the citizens who shall be entitled to the right of suffrage thereat," as is inconsistent with the provisions of this act, and all other acts or parts of acts inconsistent with the provisions of this act are hereby repealed.

Sec. 4. This act shall take effect immediately.

CHAPTER 554.

AN ACT to facilitate the collection of judgments against counties, towns, cities and villages.

Passed June 9, 1880; three-fifths being present.

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

Section 1. If a final judgment for a sum of money, or directing the payment of money shall have been, or shall hereafter be recovered against any county, town, city, or incorporated village within this state, and the same remains or shall hereafter remain unpaid, and the execution thereof is not, or shall not be stayed as required by law, or if so stayed, the stay has expired, or shall hereafter expire, it shall be the duty of the board of supervisors, if the judgment is, or shall be, recovered against a county or town, or of the common council of the city, or the board of trustees of the village, if the judgment is, or shall be, recovered against the city or incorporated village, and the said board of supervisors, common council, or board of trustees is hereby empowered to assess, levy, and cause to be collected at the same time and in like manner as other moneys for the necessary expenses of the county, town, city or village, as the case may be, are then next thereafter to be assessed, levied and collected, and in addition to the moneys now authorized by law to be assessed, levied and collected for that purpose, a sum of money sufficient to pay the said judgment with the interest thereupon, and the fees and expenses chargeable by law upon the execution, if any, issued to collect the same. The moneys so assessed and levied as soon as collected and paid to the proper receiving and disbursing officer or officers, or so much thereof as may be necessary, shall, from time to time, be paid by him or them to the judgment creditor, administrator, or assignee, or other person entitled to receive the same by reason of the said judgment, and without any deduction for his or their fees or commissions.

Sec. 2. No restriction or limitation imposed by law as to the sum to be raised in any year in any city or village shall apply to the moneys to be raised for the purposes specified in the last preceding section; but the said moneys shall be raised in addition to any sum so restricted or limited.

Sec. 3. In the city of New York the powers and duties devolved upon the common council of a city by the first section of this act shall be exercised by the board of estimate and apportionment.

Sec. 4. This act shall take effect immediately.

CHAPTER 556.

AN ACT relating to certain local improvements in the city of New York.

Passed June 10, 1880; 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 inquire into the facts and circumstances under which the contracts for the following works of local improvements were made and entered into by said city, namely: for regulating, grading, and setting curb and gutter stones and flagging sidewalks in Eighth avenue, from the centre of Fifty-ninth street to the centre of Seventy-seventh street; from the centre of Eighty-first street to the centre line of One Hundredth street, and from the centre of One Hundredth street to the centre line of One Hundred and Twenty-second street; in One Hundred and Twenty-third street, from Eighth avenue to New avenue; in One Hundred and Fourth street, from Fifth avenue to East river; in One Hundred and Thirty-fifth street, from Eighth avenue to the Harlem river; and in Ninth avenue, from Eighty-sixth street to One Hundred and Tenth street; for forming outlet sewer in Seventeenth street, from Hudson river to and through Eleventh avenue and Twenty-third street to near Tenth avenue; and in Seventeenth street, from Eleventh avenue to and through Tenth avenue to Fourteenth street, with branches; for forming outlet sewer in One Hundred and Eighth street, from Hudson river to Boulevard, to One Hundred and Tenth street, to Tenth avenue, with branches in Boulevard, One Hundred and Fourth and One Hundred and Seventh streets; for paving Thirtieth street, between First avenue and East river; for paving Second avenue, between Eighty-sixth and One Hundred and Twenty-fifth streets; and for paving Madison avenue, between Forty-second and Eighty-sixth streets; and if satisfied that the several contracts relating to the said respective improvements were made and entered into by the parties thereto, with the intent and understanding that the city was to charge and receive interest on the various payments made on account thereof from the date of payment to the date of the completion of the work, and not to the date of the confirmation of the assessment, and that the said several contracts were made and entered into in good faith, and that the rates and prices therein charged were fair and reasonable, he shall, on being so satisfied, ascertain and determine the amount of interest at the rate specified in said respective contracts, on the several payments made by the city on account of the work under each contract as the same progressed from the date of the respective payments to the date of the completion of the work, and the difference between the amount so ascertained and determined and the amount charged and retained by the city against the said contracts, respectively, as interest on the several payments from the date of each payment to the date of the confirmation of the assessment, shall be paid by the city to the respective contractors or their representatives, with interest from the date of the completion of the work, under the respective contracts as aforesaid.

Sec. 2. The said comptroller shall ascertain and determine the date or dates upon which the said contracts for regulating and grading, and setting curb and gutter stones, and flagging* sidewalks in Eighth avenue, but for delays caused, for which the contractors were not responsible, would have been completed, and the date or dates so determined, independent of any certificate, shall be taken to be the time the work under said respective contracts was completed, and to which interest on the payments as aforesaid is to be charged against the contracts.

Sec. 3. In determining the amount of interest to be charged against the respective contracts specified in the first section of this statute, the said comptroller shall have exclusive and final power to inquire into the facts, and ascertain if the work under the said contracts, or either of them, was delayed by the acts of the city, its officers or agents, and if in his opinion there was such delay, then during the continuance of such period of delay, as he shall certify, no interest shall be charged against the contracts.

Sec. 4. To provide for the payments by this statute authorized, the comptroller is authorized to issue revenue bonds of said city in anticipation of the taxes of the city for the year eighteen hundred and eighty-one.

* So in original.

Sec. 5. All assessments hereafter imposed for local improvements in said city shall be made by the board of assessors on the following certificates, to wit :

1. The head of the department charged with the execution of the work in question shall certify to the said board of assessors the total amount of all the expenses which shall have been actually incurred by the mayor, aldermen, and commonalty of the city of New York on account thereof.

2. The comptroller shall certify to the said board of assessors the amount of the interest, at the legal rate, upon the several installments advanced, or payments made on account of such work, from the time of such payment or advance by the city to a day sixty days after the date of such certificate. Thereafter, the said board of assessors shall assess upon the property benefited, in the manner now authorized by law, the aggregate amounts of such certificates, or such proportion thereof as is now authorized by law, and the said board shall not in any way be enjoined, restrained, hindered or delayed in the performance of this duty; provided that nothing herein contained shall be construed to affect the existing powers of the board for the revision and correction of assessments.

Sec. 6. All contracts for local improvements in said city now in course of execution shall be proceeded with and completed pursuant to the terms of said contracts respectively, and the expense of such improvements shall be assessed upon the property benefited, as in the preceding section specified. The time for completing the work under the said contracts respectively, in all cases where the time allowed by the contract for completing the same has not expired, is hereby extended sixty days; and in all cases when the time has expired, the same is hereby extended for sixty days from the date of the passage of this act.

Sec. 7. This act shall take effect immediately.

CHAPTER 557.

AN ACT to amend chapter three hundred and ninety-eight of the laws of eighteen hundred and seventy-one, entitled "An act in relation to the improvement of the First avenue in the city of New York."

Passed June 10, 1880; 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 three hundred and ninety-eight of the laws of eighteen hundred and seventy-one, entitled "An act in relation to the improvement of the First avenue in the city of New York," is hereby amended so as to read as follows :

§ 1. The board of assessors of the city of New York is hereby authorized and directed to assess upon the property intended to be benefited, in the manner provided by law for making assessments for local improvements, such expense as shall be by the comptroller, the counsel to the corporation and the commissioner of public works of the city of New York be certified to have been justly and actually incurred by the mayor, aldermen and commonalty of the city of New York for regulating, grading and setting curb and gutter stones and flagging sidewalks in the First avenue from Ninety-second street to One Hundred and Ninth street in said city.

Sec. 2. This act shall take effect immediately.

CHAPTER 558.

AN ACT to authorize the improvement of the public squares, parks or places in the Fourth avenue, between Sixty-seventh and Ninety-sixth streets, in the city of New York.

Passed June 10, 1880; three-fifths being present.

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

Section 1. The department of public parks of the city of New York are hereby authorized and directed to proceed with the improvement and inclosure of the several public squares, parks or places laid out and established within the lines of Fourth avenue, in the city of New York, between Sixty-seventh and Ninety-sixth streets, in said city. But said squares or places shall be so laid out and established as not to change, alter or interfere with the Fourth avenue improvement, or with the plans and openings established and carried out by the board of engineers of the Fourth avenue improvement.

Sec. 2. To provide the money necessary to do the work authorized by the first section of this act, the comptroller of the city of New York is hereby authorized and directed to create and issue, upon the requisition of said department, in the name and on behalf of the mayor, aldermen and commonalty of the city of New York, a public fund or stock, not exceeding fifty thousand dollars in all, whereof twenty-five thousand dollars shall be payable on the first day of November, eighteen hundred and eighty-one, and the balance of twenty-five thousand dollars on the first day of November, eighteen hundred and eighty-two, with interest at the rate not exceeding six per cent. per annum, and the proceeds of said fund or stock shall be applied to payment for the work, labor and materials required to be done under the authority of this act.

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

Sec. 4. This act shall take effect immediately.

CHAPTER 561.

AN ACT to allow the continued use of a business name or designation in certain cases.

Passed June 15, 1880.

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

Section 1. In case any resident of this state shall die, who, at the time of his death, and for a period of five years or more immediately prior thereto, was conducting and carrying on, in his sole name, any business in this state, or who, at the time of his death, was so conducting and carrying on any business having relation with other states or foreign countries, the right to use the name of said deceased for the purpose of continuing and carrying on such business shall survive, and in all cases where the right hereby given is exercised, such right to the use of such name shall form a part of the personal estate of such deceased, and shall pass or be disposed of and accounted for as such, and the right hereby given may be exercised under the provisions of this act in the case of all such persons who have died within three years last past.

Sec. 2. In case any business shall be continued in the name of any such deceased person as in this act provided, the person or persons continuing such business shall execute and duly acknowledge a certificate setting forth the person or persons dealing or intending to deal under such name, with their respective places of residence, and file the same in the county where it is intended the principal place of business shall be, and shall cause a copy of such certificate to be published in a newspaper printed in the town or city in which shall be such principal place of business, or if none be printed in such town, then in a newspaper printed in the county town, and in the newspaper printed by the printer to this state for four successive weeks.

Sec. 3. The county clerk, where any such certificate is filed as above provided, shall keep a book in which all such certificates shall be recorded at full length with their date of record, and also a register in which shall be recorded in alphabetical order every name which it shall be certified is to be used as herein provided, and in which shall also be recorded in alphabetical order the names of all persons filing certificates as herein provided, with the date of such filing, and copies of such certificates and an affidavit of advertisements, made as hereinbefore provided, shall be full evidence of the same.

Sec. 4. The clerk shall be entitled to a fee of one dollar for recording every such certificate and for entering the name to be used, and the name of the person filing such certificate as herein provided, and to a further fee of fifty cents for making and properly certifying a copy of such certificate.

Sec. 5. In case any action or proceeding shall be brought, founded in whole or in part upon any transaction growing out of a business conducted as hereby provided, and the name of such deceased is stated as a defendant, the process and papers in such action may be served on any person or persons using such name with like effect as though such person or persons had been named as defendant by his or their own respective names, and with the same effect as though all such persons were served with process, and the process and all papers may be amended by substituting the name or names of the person or persons using the name of such deceased, and no action shall fail, abate, or be in any manner hindered by the name of such deceased being so used.

CHAPTER 565.

AN ACT to provide for the improvement of Morningside park in the city of New York, and of the streets and avenues bounding said park.

Passed June 16, 1880; three-fifths being present.

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

Section 1. The commissioner of public works of the city of New York is hereby authorized and directed to complete the regulating, grading, curbing, and guttering, construction of roadways, flag-

ging the sidewalks, the planting of shade trees, construction of sewers, and of the necessary retaining walls to support the roadways and sidewalks of the streets and avenues bounding Morningside park in said city, according to such plans as the said commissioner may deem for the best interests of said city; all such work and the materials necessary therefor to be done and procured by one or more contracts made at public letting in the manner provided by section ninety-one of chapter three hundred and thirty-five of the laws of eighteen hundred and seventy-three, except that the said commissioner is hereby authorized to appoint such engineers or such other person as he shall deem proper to make the necessary surveys, estimates, plans and specifications, and supervise the construction of the work herein mentioned to be done by said commissioner, and the expense thereby incurred shall be included in the assessment for the work.

Sec. 2. It shall be the duty of the said commissioner of public works to transmit to the board of assessors of said city of New York, upon the completion of said works, or any portion thereof, as the said commissioner may deem advisable, his certificate of the amounts heretofore expended upon said works, together with the expenditures hereafter incurred upon the same by him under the provisions of this act, and the proceedings for laying and collecting assessments for work so certified shall be pursuant to the laws now or hereafter in force for laying and collecting assessments for local improvements in said city. Assessments which are authorized for the expense of any work or materials procured or services rendered under this act may be laid separately from time to time upon the receipt of the said board of assessors of such certificate of the said commissioner.

Sec. 3. The said commissioner of public works is hereby authorized and directed to change and adjust the grades of said streets and avenues in such manner as he may deem for the best interests of the public; provided that such altered grades shall, at the intersection of the centre line of any abutting street or avenue, coincide with the present established grade of such abutting street or avenue; and it shall be the duty of the said commissioner to file in the department of public parks, in the department of public works and in the office of the register of the city and county of New York, a map or maps, duly certified by him, showing the grades of said streets and avenues as so changed and adjusted, and upon the filing of said map or maps as herein provided, the grades shown therein shall be deemed established as shown on said map or maps.

Sec. 4. The department of public works in said city shall have control of the care and maintenance of said streets and avenues, and the improvements upon the same, after completion.

Sec. 5. Permission and authority is hereby given to the commissioner of public works to place the slope or batter of such retaining walls within the limits of the said Morningside park, and the said commissioner and the contractors and their employees for doing said work may enter and occupy that part of Morningside park fronting the avenues adjacent thereto, for such time as may be required for the construction of said retaining walls and slope or batter. Such modifications and adjustment of said retaining walls and slope or batter as may be required to conform to plans and specifications of the department of public parks for the approaches or means of ingress or egress to or out of said Morningside park, shall be made or done by the department of public parks, and the work which the commissioner of public works is hereby authorized to do, and the work required to be done in and about said retaining walls, slope or batter, as herein described, to carry out the plans and specifications of the department of public parks, shall, as far as practicable, be prosecuted at the same time.

Sec. 6. The department of public parks in said city is hereby directed to adopt and file within one month after the date of the passage of this act, in the office of the department of public works in said city, a definite plan and design for the improvement of said Morningside park, and of the approaches to said park from the streets and avenues bounding the same, and of any ornamentation which the said department of public parks may deem desirable, in connection with the construction of such retaining or parapet walls, as the department of public works may find it necessary to construct for the improvement of said streets and avenues.

Sec. 7. The said department of public parks is hereby authorized and directed to proceed immediately after the filing of said plans and designs, and in accordance therewith, and with such additional and amended plans and designs as said department of public parks shall thereafter from time to time approve, to complete said Morningside park and the improvements thereon, and in order that the construction of the streets and avenues bounding said park under the direction of the commissioner of public works may not be impeded or delayed, the said department of public parks is further directed to proceed firstly with that portion of the improvement including approaches and ornamentation which is necessary to be done in connection with said streets and avenues, and the retaining walls to be constructed by the department of public works for the improvement of the said streets and avenues, and the moneys appropriated by this act shall be applied primarily to the said work on approaches and ornamentation connected with said retaining walls.

Sec. 8. To provide means for the work by this act authorized and directed to be done by the said department of public parks, the comptroller of the city of New York is hereby authorized and directed to create and issue, from time to time as required, within twenty days after requisition is made on him so to do by resolution of the said department of public parks, or of a majority of the commissioners thereof, in the name and on behalf of the mayor, aldermen and commonalty of the city of New York, a public fund or stock to an amount to be mentioned in said requisition, and not exceeding one hundred and fifty thousand dollars in all, whereof not exceeding seventy-five thousand dollars shall be payable on the first day of November, one thousand eight hundred and eighty-one, with interest at a rate not to exceed six per centum per annum, the balance thereof, with interest at six per centum per annum, shall be payable on the first day of November, eighteen hundred and eighty-two, and the proceeds of the said fund or stock shall be applied by said comptroller to payment for work authorized by this act to be done by said department of public parks.

Sec. 9. The board of estimate and apportionment of the city of New York is hereby directed to include in the final estimates of the amounts required to pay the expenses of conducting the public business of the city and county of New York during the years eighteen hundred and eighty-one and eighty-two, an amount sufficient to pay in each said years one-half of the principal of the fund or stock authorized to be issued by this act, together with the interest thereon.

Sec. 10. Whatever is by this present act authorized or directed to be done by the said department of public works, or by the said department of public parks, shall be done and performed by any successor or successors in office of said departments or by the commissioners thereof.

Sec. 11. This act shall take effect immediately.

CHAPTER 574.

AN ACT supplementary to chapter three hundred and seventy-four of the laws of eighteen hundred and seventy-eight, entitled "An act to amend chapter two hundred of the laws of eighteen hundred and seventy-four, entitled 'An act to authorize the appraisal and sale of leased fine salt lots on the Onondaga Salt Springs Reservation by the commissioners of the land office, and to authorize the sale of certain coarse salt lands, the removal of vats therefrom, and the purchase of other lands in lieu thereof.'"

Passed June 21, 1880; three-fifths being present.

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

Section 1. The superintendent of the Onondaga Salt Springs is hereby authorized and required to contract with the owners for the removal of the coarse salt vats and other erections situated in the town of Geddes from their present location, deemed unsuitable for the manufacture of coarse salt by the commissioners of the land office, pursuant to chapter three hundred and seventy-four, of the laws of eighteen hundred and seventy-eight, to other lands suitable for such purpose to be provided for them by the commissioners of the land office.

Sec. 2. The cost of said removal shall be paid for by the comptroller from funds received from duties upon salt when the superintendent shall certify to them that the work has been properly done, and the salt yard is in suitable condition for the manufacture of salt.

Sec. 3. The cost of the land to be purchased by the commissioners of the land office, to carry out the provisions of this act, shall be paid from the funds received from the sale of other lands or from duties upon salt; and when the land upon which the present erections are now located is sold, and the money received from such sale, the same shall be paid into the fund from which the money to carry out the provisions of this act shall have been drawn.

Sec. 4. This act shall take effect immediately.

CHAPTER 576.

AN ACT to ascertain by proper proofs the citizens who shall be entitled to the right of suffrage in cities of sixteen thousand inhabitants or upwards, and the towns and villages abutting against the boundary of any such cities.

Passed June 22, 1880; 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 election in each of the cities of the state, whose population exceed sixteen thousand, and in each of the towns whose boundary line shall abut against any such city, shall meet annually on the Tuesday three weeks preceding the general election, at nine o'clock in the forenoon, at the place designated for holding the poll of said election, and organize themselves as a board for the purpose of registering the names of the legal voters of such district, and for this purpose they shall appoint one of their number chairman of the board, who shall administer to the other inspectors the oath or affirmation as prescribed by the constitution, and the same oath shall then be administered to the chairman by one of the other inspectors. The said board shall then proceed to make a list of

all persons qualified and entitled to vote at the ensuing election, in the election district of which they are inspectors. Said list when completed shall constitute and be known as the register of electors of said district. The said inspectors, at their first meeting on Tuesday, three weeks preceding the general election, shall have the power, if necessary, to sit two days for the purpose of making said list, provided that at the annual election next prior to said meeting, the number of voters in the district of which they are inspectors exceeded four hundred. No person shall be eligible as such inspector, unless he shall be a qualified voter within such election district, nor unless he can read, write and speak the English language understandingly. No building or part of a building shall be designated or used as a place of registry or polling place in which, or any part of which, spirituous or intoxicating liquor is or has been sold within sixty days preceding the time of using the same. The said inspectors of election and registry shall also form a board of inspectors of election for the purpose of holding an election, by appointing one of their number as chairman; but it shall not be necessary for them to take any other or further oath of office than is herein provided for. The several officers of inspectors of registry and elections herein named are, and shall be in all courts and proceedings deemed and held respectively to be election district officers. It shall be the duty of the said inspectors, respectively, to be in constant attendance during the hours allotted for the discharge of their several duties, and any inspector who shall willfully absent himself from his duties shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by a fine of not less than twenty-five dollars or more than one hundred dollars.

Sec. 2. Said registers shall each contain a list of the persons qualified and entitled to vote in said election district, alphabetically arranged according to their respective surnames, so as to show in one column the names at full length, and in another column, in incorporated villages, the residence by the number of dwelling, if there be a number, and the name of the street or other location of dwelling-place of each person. It shall be the duty of said inspectors to enter in said list the names of all persons residing in their election district where names appear on the poll-list kept in said district at the last preceding general election, and in all villages which come under the provisions of this act, to enter the number of the dwelling and name of street or other location, if the same shall be known to or can be ascertained by such inspectors, and for such purpose said inspectors are authorized to take from the office in which they are filed the poll-list made and filed by the inspectors of such district at the general election held next prior to the making of such register. In case a new election district shall be formed, the said inspectors shall enter in the list the names of such persons entitled to vote in the new election district, whose names appear upon the poll-list of the last general election kept in the district or districts from which said new election district is formed. The said inspectors shall complete, as far as practicable, the said register on the day of their maturing aforesaid, and shall make four copies thereof, and certify the register and each of the copies to be a true list of the voters in their district, as far as the same are known to them; within two days thereafter the said original list, together with the list taken from the office as aforesaid, shall be filed by said inspectors in the office of the town clerk of the town, and in the office of the village clerk in which such election district may be. One copy of said list shall, immediately after its completion, be posted in some conspicuous place in the room in which such meeting shall be held, and be accessible to any elector who may desire to examine the same or make copies thereof.

Sec. 3. The said board of inspectors shall meet on the Friday of the week preceding the day of general election, in their respective election districts, at the place designated for holding the polls of election, for the purpose of revising and correcting said list; and for this purpose they shall meet at nine o'clock in the forenoon, and remain in session until seven o'clock in the afternoon of that day; and they shall there revise, correct, add to, and subtract from, and complete the said lists; and shall on that day add to the said list the names of any person who would, on the said first Tuesday of November, be entitled, under the provisions of the constitution and the laws of this state, to exercise the right of suffrage in their respective election districts. But in making such addition on that day, or on any prior day, they shall not place on the said list the name of any person except in strict compliance with the provisions of section two and section four hereof, and the other provisions of this act.

Sec. 4. The proceedings of said board of inspectors shall be open, and all persons residing and entitled to vote in said district shall be entitled to be heard by said inspectors in relation to corrections or additions to said register. One of the lists so kept by said inspectors as aforesaid shall be used by them on the day for making corrections or additions for the purpose of completing the registry for such district. No addition shall be made to the said register of the name of any person, nor shall the name of any person be placed thereon except of one who shall have appeared in person before the said board; and any person not born in the United States, on applying to have his name placed on the registry, shall prove that he is a citizen of the United States, by producing a certificate of naturalization from a court of competent jurisdiction; or, in case of loss of such certificate, he shall show to the satisfaction of the board of registry that he is a naturalized citizen.

Sec. 5. It shall be the duty of said inspectors, at their meeting for revising and correcting said list, to erase therefrom the name of any person inserted therein who shall be proved to the satisfaction of said inspectors to be a non-resident of said district, or otherwise not entitled to vote in said district at the election then next to be held. Any elector residing in said district, and entitled to vote therein, may appear before said board of inspectors and require his name to be recorded on said alphabetical list, and upon complying with the requirements of this act, the same shall be recorded. Any person so requiring his name to be entered on said list shall make the same statement as to the street or number thereof, and where he resides, required by the provisions of this act of persons offering their votes at the election, and shall be subject to the same pains and penalties for refusing to give such information, or for falsely giving the same, and shall be also subject to challenge, either by the inspectors or either of them, or by any other elector whose name appears upon said alphabetical list, and the same oath may be administered as to persons offering to vote at an election.

Sec. 6. After said list shall have been fully completed, the said inspectors shall cause six copies of the same to be made, each of which shall be certified by them to be a correct list of the voters of their district, one of which shall be filed in the office of the town clerk of towns, and of the clerk of the village and in the office of the county clerk of the county, and one of which copies shall be retained by each of the said inspectors. It shall be the duty of the said inspectors carefully to preserve the said list for their use on election day, and to designate one of their number, or one of the clerks, at the opening of the polls, to check the names of every voter voting in such district, whose name is on the register; and no vote shall be received at any annual election in this state, unless the name of the person offering to vote be on the said registry, made and completed as hereinbefore provided, preceding the election; and any person whose name is on the registry may be challenged, and the same oaths shall be put as are now prescribed by law. This section shall be taken and held by every judicial or other tribunal as mandatory and not as directory. And any vote which shall be received by the said inspector of election in contravention of this section shall be void, and shall be rejected from the count in any legislative or judicial scrutiny into any result of the election.

Sec. 7. The clerks at each poll, in addition to the duties now prescribed by law, shall enter on the poll-lists kept by them, in columns prepared for that purpose, opposite the name of each person voting, the same statement or minute as hereinafter required of inspectors, in making the registry; but such entry is not to be made by them if the registry contains correctly the name and residence of such voter. Every elector, at the time of offering his vote, shall, if required, truly state the street in which he resides; and if the house, lodging or tenement in which he resides is numbered, the number thereof, and the clerks of the polls shall truly enter in the appropriate column of the poll-list opposite the name of the elector, the street in which the elector resides and the number in case the house, lodging or tenement, is numbered; and if the same is not numbered, then the clerks shall enter "not numbered" in the column of the poll-list for entering the number, and in case of refusal to make the statement as aforesaid, the vote of such elector shall not be received. Any person who shall willfully make any false statement in relation thereto shall be deemed guilty of a misdemeanor, and shall, upon conviction, be punished with a fine of fifty dollars, or by imprisonment in the county jail of the county where such voter offers to vote, for a period of ten days, or by both such fine and imprisonment.

Sec. 8. After the canvass of the votes, the said poll-list and said register so kept and checked as aforesaid shall be attached together, and shall, on the following day, be filed in the town clerk's office of the town in which said district shall be, and in case the district is in a village, in the office of the clerk of such village, and, also, in the county clerk's office of the county, to be used by the inspectors in making the list of voters at the next general election.

Sec. 9. The said board may, if necessary, on the day or days of the making and the correction or such list, appoint a clerk to assist them in the discharge of the duties required by this act; and the same oath shall be taken by such clerk as is required by law of clerks of the polls and of elections.

Sec. 10. The registers, shall, at all times, be open to public inspection at the office of the authorities in which they shall be deposited, without charge.

Sec. 11. The members of the board of registration and their clerks shall each receive the same compensation as is now allowed by law for inspectors of elections, for each day actually employed in making and completion of the registry, to be paid to them at the time and in the manner in which they are paid their other fees. The necessary blanks and instructions, and other incidental expenses, incurred in executing the provisions of this act, shall be provided and paid for in the manner now provided for the payment of incidental expenses of election of the like character.

Sec. 12. The said board shall have and exercise the same powers in preserving order at their meetings under this act, as are given to inspectors of election for preserving order on election days.

Sec. 13. Any one of the inspectors may, at any authorized meeting of the board, administer the oath or oaths now required by law to test the qualification of electors, and may also administer on the day of the making and completion of the list, to any elector of the district who may be offered as a witness to prove the qualification of any person claiming the right to be registered, the following oath: "You do swear, or affirm, that you are an elector of this election district; that you will fully and truly answer all such questions as shall be put to you touching the place of residence and other qualifications as an elector of the person now claiming the right to be registered as a voter in this district." And whoever shall willfully swear falsely upon such examination shall be deemed guilty of perjury.

Sec. 14. Any person who shall cause his name to be registered in more than one election district, or who shall cause his name to be registered, knowing that he is not a qualified voter in the town or district where said registry is made, or who shall falsely personate any registered voter, and

any person causing any such act, or aiding or abetting any person in any manner in either of said acts, shall be punished for each and every offense, by imprisonment in the state prison for not less than one year. All false swearing before said board of registration shall be deemed willful and corrupt perjury, and on conviction punished as such. If any member or officer of said board shall willfully violate any of the provisions of this act, or be guilty of any fraud in the execution of the duties of his office, he shall be punished for each and every offense by imprisonment in the state prison for not less than one year.

Sec. 15. The same list required to be made and perfected at general elections shall, in the same manner, be made and perfected by the inspectors or other officers of election at all elections for town and village officers, and all elections for school trustees, or boards of education, in any village wherein under the provisions of law, any of the villages mentioned in this act elect school trustees or boards of education by ballot; and the provisions and requirements of this act, so far as the same may be, are made applicable to such elections, except that the officers required to make such registries shall meet for that purpose on the Friday preceding the town or village charter election, and on the Friday preceding the election for school officers for the purpose of making up, revising, correcting and completing such register.

Sec. 16. The secretary of state shall cause this law to be printed, and a sufficient number of copies thereof sent to the county clerks of the several counties in which there are towns and villages which come under the provisions of this act to supply each of the officers mentioned or named in this act, with a copy, and it shall be the duty of the said county clerks immediately to transmit a copy of the same to each of the election officers mentioned in this act.

Sec. 17. Nothing in this act contained shall be held to apply to any vote cast, or offered to be cast, nor to any vote under or by virtue of the provisions of any law enacted to enable qualified electors of this state, absent therefrom in the military service of the United States, or in the army or navy thereof, to vote.

Sec. 18. The provisions of this act shall apply to the towns of Richmond county.

Sec. 19. This act shall not apply to any town unless at least twenty-five electors thereof shall petition the supervisor of said town for such registry, at least one week before the time for meeting of the inspectors mentioned in the third section of this act, which petition shall be immediately filed by said supervisor in the town clerk's office of said town, which clerk shall at once notify the said inspectors; nor shall this act be construed to repeal or in any manner interfere with any general or special act for a registry of voters in any of the cities, villages or towns of this state.

Sec. 20. No vote shall be received at any general election in this state, unless the name of the person offering to vote be on the said registry made on the Friday preceding the election, except that the person offering to vote in any district not in an incorporated city nor in an incorporated village having over ten thousand inhabitants, shall furnish to the board of inspectors his affidavit giving his reasons for not appearing on the day for correcting and verifying the list, and prove by the oath of a householder of the district in which he offers his vote that he knows such person to be an inhabitant of the district; and any person whose name is on the registry may be challenged, and the same oaths shall be put as are now prescribed by law. At any general election hereafter held in this state, any of the inspectors of such election may take the affidavit herein required by law to be furnished by persons offering to vote whose names are not on the registry of electors; and such inspectors, or one of them, shall, upon request, take and certify such affidavit without fee or reward. All other officers authorized by law to take affidavits shall at all times, upon request, take and certify any affidavit so required to be furnished as aforesaid, without any charge therefor.

Sec. 21. This act shall take effect immediately.

CHAPTER 579.

AN ACT in relation to the opening of streets, avenues, and public parks and places in the city of New York.

Passed June 24, 1880; 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 the duty of the department or board of the city of New York, having the direction or charge of the opening of any street, avenue or public park or place, to furnish to the commissioners of estimate and assessment, that may be appointed in any proceeding to open any street, avenue or public park or place in said city, such surveys and maps as may be required by them in such proceeding. The expense of such surveys and maps shall not be included in any assessment in such proceeding. Such surveys and maps shall be made by surveyors in the regular and stated employment of such department, and it shall be the duty of the board of estimate and apportionment of the city of New York, annually, to make provision for the expense of procuring and preparing the same. The fees of such commissioners of estimate and assessment, exclusive of necessary disbursements hereinafter mentioned, shall not exceed in the aggregate the sum of twenty cents a foot for the lineal extent of the street or avenue or the portion thereof so to be opened or altered; but when the assessment district shall extend beyond the street or avenue lying nearest to and having the same general direction as the street to be opened, the fees of such commissioners of estimate and assessment may be increased in the aggregate to not exceeding twenty cents for every twenty-five hundred square feet of territory embraced in the assessment district lying beyond the said nearest street or avenue; but in any case such additional fees of said commissioners shall not exceed ten cents for each lineal foot of the street or avenue or portion thereof to be opened or altered. No costs, charges or expenses of any description shall be allowed in such proceeding, or charged on any lands affected thereby, except the compensation of the commissioners as above limited, and their necessary disbursements for room rent actually paid, but in no case to exceed one dollar per day; for advertising, printing or posting any notices required by law, and for any other necessary incidental expense, not exceeding one hundred dollars.

Sec. 2. Streets or avenues, or portions thereof, which are continuations of each other in the same general direction, and no others, may be embraced in the same proceeding for the opening thereof, and in case of the opening of any street or avenue, or portions of any street or avenue, where the street or avenue, or portions thereof, sought to be opened shall have been laid down and shown upon any general map or plan made and filed in pursuance of any law of the state of New York, relative to the mapping and planning of streets and avenues in said city, where no buildings for which compensation can lawfully be made shall be taken, the assessment district shall not extend beyond the centre line of the blocks adjacent thereto, nor beyond the ends of the street or avenue, or portions thereof, sought to be opened.

Sec. 3. The owners of land and of all the estate therein embraced within the lines of any street or avenue laid down and shown on any such general map or plan, and comprising all the land within said lines in an entire block in extent, may, without compensation, and at their own expense, convey all their right, title, and interest therein, providing the same shall be free from incumbrance, to the mayor, aldermen, and commonalty of the city of New York, and upon the delivery of such conveyances to the counsel to the corporation of said city, with the money necessary to record such conveyances, and affidavits made by all of such owners to the effect that the persons making them are the owners of the estates in such lands so conveyed by them respectively, and stating their interests, and that such estates in such lands are free of all incumbrances, together with abstracts of title, if desired by such counsel to the corporation, it shall be the duty of such counsel to the corporation to examine such conveyances and papers, and if such titles shall not be rejected for good cause by such counsel, he shall cause the said conveyances to be recorded in the office of the register of the city and county of New York, within sixty days after their delivery to him, and file them with the comptroller of such city, and thereupon the said mayor, aldermen, and commonalty of the city of New York shall become vested with the title to said lands to the same effect and extent as if they had been acquired by a proceeding taken for the opening of that portion of said street or avenue; after the making and acceptance of such conveyances, no proceedings to open the lands so conveyed shall be taken or maintained, nor shall the lands fronting on that portion of the street or avenue so conveyed, and extending to the centre of the block on either side of such portion of said street or avenue so conveyed, be chargeable with any portion of the expenses of opening the residue or any portion of the residue of such street or avenue, except the due and fair proportion of the awards that may be made for buildings as aforesaid.

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

Sec. 5. This act shall take effect immediately.

CHAPTER 582.

AN ACT to provide for excavating and tunneling and bridging for transportation purposes within villages and cities of this state.

Passed June 25, 1880; three-fifths being present.

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

Section 1. Whenever according to the route and plans adopted by any railroad company heretofore or hereafter formed under any special act of the legislature of this state, or under 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 all acts supplementary thereto or amendatory thereof for the building of its railroad, it shall be necessary or proper to build said road, or any part of the same underground, or to tunnel or bridge any river or waters, it shall be lawful for said company to enter upon and acquire title to and use such lands under water and uplands, except on or along any canals owned by the state, as shall be necessary for purposes herein mentioned, and they shall have the power to construct, erect and secure the necessary foundations and other structures which may be required for the operating of such road or connecting the same with another, and for maintaining the same, and purchase or acquire, in the manner now provided by law, such land or rights or easements in land along their said route upon, over or beneath the surface thereof, as may

be necessary for the building of their said road and making such connections; provided, however, that where said road runs underneath the ground at such depth as to enable said company to tunnel the same, such tunnel shall be so built and at all times kept in such condition as to make the surface of the ground above the same and in the neighborhood thereof firm and safe for buildings and other erections thereon, and, in case surface excavations are made, as soon as can be done the surface shall be restored to its former condition, except so far as may be actually required for ventilation of the tunnel beneath the same or access thereto; and provided, further, that whenever such road, or any part of the same, is intended to be built within the limits of any city or incorporated village of this state and to run by means of a tunnel underneath any of the streets, roads or public places thereof, the said company, before building the same underneath any of said streets, roads or public places, shall obtain the consent of the owners of one-half in value of the property bounded on the line, and the consent of the board of trustees of the village by resolution adopted at a regular meeting and entered on the records of said board, and of the proper authorities having control of said streets, roads or public places; or in case such consent of the owners of property bounded on the line cannot be obtained, the general term of the supreme court in the district in which such city or village is situated may, upon application, appoint three commissioners who shall determine, after a hearing of all parties interested, whether such railroad ought to be allowed to be built underneath said streets, roads and public places, or any of them, and in what manner the same may be so built with the least damage to the surface, and to the use of the surface by the public, and the determination by said commissioners, confirmed by the court, may be taken in lieu of the consent of said authorities and property owners. And provided, further, that when any railroad company constructs, under this act, its railroad under any part or within the limits of any city or incorporated village of this state, subject to the provisions and limitations of this act, it shall be lawful for any other railroad company to connect its road therewith at such points or places as such company may elect, and all railroad companies constructing their road or roads under the provisions of this act shall be subject to all the provisions of an act entitled "An act to authorize the formation of railroad companies and to regulate the same," passed April second, eighteen hundred and fifty, and all acts supplementary thereto or amendatory thereof; and further, at such point or points, place or places, where such connections shall be made by connecting roads, the railroad companies owning such roads shall build, at their joint expense, and for their joint use, such passenger and freight depots, and other accommodations for handling passengers and freight as may be required for the convenience of the public.

Sec. 2. Any such railroad company, the greater part of whose road-bed according to it a route and plan is to be below the surface of the ground, and whose road does not exceed three miles in length, may at any time after its said route shall have been adopted, and the map thereof shall have been filed as required by law, merge and consolidate its capital stock, franchises and property with the capital stock, franchises and property of any other railroad company organized under the laws of this or any other state, in the manner now provided by law for the consolidation of railroad companies, whenever the railroads of said companies so to be consolidated may together form a continuous line of railroad, provided such consolidation shall not prevent all connecting railroads from having equal rights of transit for their passengers and freight through the tunnel upon the same equitable terms.

Sec. 3. All railroad companies constructing any tunnel under this act shall be liable to any person or corporation for all damages which may be sustained by reason of the construction of such tunnel. Whenever it shall be necessary, in constructing any railroad authorized by this act through any city or incorporated village, to alter the position or course of any sewers or water or gas pipes, the same shall be done at the expense of such railroad company or companies, under the direction of the department or corporation having charge thereof, so as not to interfere with said work. In all cases the use of the streets and docks and lands beneath which said railroad is constructed, and on the route thereof, and the right of way beneath the same for the purpose of said railroad, shall be considered and is hereby declared to be a public use consistent with and one of the uses for which its streets, avenues and docks are publicly held.

Sec. 4. Nothing in this act shall be construed to authorize the building in any city or village of this state of any railroad to run upon the surface of any street or of any elevated railroad not now provided for by law. Nothing in this act shall be construed to repeal or modify any part of chapter three hundred and eighty of the laws of eighteen hundred and seventy-eight, entitled "An act relating to the public place or square known as Washington park in the city of New York," or to authorize the use or occupation by any company or companies of any public park or square in any city or village of this state for any of the purposes of this act, or to permit the construction of an open cut railroad in or through any street or public place in any such city or village, but every road constructed under the provisions of this act, in or through any such street or public place, shall be wholly underground, and constructed in a tunnel and not otherwise.

Sec. 5. All acts and parts of acts inconsistent with this act are hereby repealed.

Sec. 6. This act shall take effect immediately.

CHAPTER 583.

AN ACT to amend 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."

Passed June 25, 1880; three-fifths being present.

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

Section 1. Paragraph six of section twenty-eight 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," is hereby amended so as to read as follows:

6. To cross, intersect, join, and unite its railroad with any other railroad before constructed, at any point on its route and upon the ground of such other railroad company with the necessary turn-outs, sidings, and switches, and other conveniences in furtherance of the objects of its connection. And every company whose railroad is or shall be hereafter intersected by any new railroad shall unite with the owners of such new railroad in forming such intersections and connections and grant the facilities aforesaid; and if the two corporations cannot agree upon the amount of compensation to be made therefor, or the line or lines, the grade or grades, points, and manner of such crossing and connections, the same shall be ascertained and determined by commissioners, one of whom must be a practical civil engineer, to be appointed by the courts, as is provided in this act in respect to acquiring title to real estate; and said commissioners shall have full power to determine whether the crossing or crossings of any railroad before constructed shall be beneath, at, or above the existing grade of any such railroad, and upon the route designated on the map of the company seeking the crossing, required to be filed by section twenty-two of this act, or otherwise. And all companies whose railroads are or shall hereafter be crossed, intersected, or joined as aforesaid, shall receive from each other and forward to their destination all goods, merchandise, and other property intended for points on their respective roads, with the same despatch and at a rate of freight not exceeding the local tariff rate charged for similar goods, merchandise, and other property received at and forwarded from the same point for individuals and other corporations.

Sec. 2. Nothing in this act contained shall apply to any street surface railroad in the city of New York.

Sec. 3. This act shall take effect immediately.

CHAPTER 584.

AN ACT to amend chapter five hundred and thirty-four of the laws of eighteen hundred and seventy-nine, entitled "An act for the preservation of moose, wild deer, birds, fish and other game."

Passed June 25, 1880; 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 five hundred and thirty-four of the laws of eighteen hundred and seventy-nine, entitled "An act for the preservation of moose, wild deer, birds, fish and other game," is hereby amended so as to read as follows:

§ 8. No person shall kill, expose for sale, or have in possession after the same has been killed, any quail, between the first day of January and the first day of November, except as hereinafter provided; no person shall kill or expose for sale, or have in possession after the same has been killed, any hare or rabbit, between the first day of February and the first day of November, nor at any time kill or hunt any hare or rabbit with ferrets. This shall not prevent the owners or occupants of nurseries or orchards, in any of the counties of this state, from trapping or hunting hares or rabbits, with ferrets or otherwise, within the limits of said nurseries or orchards, or any forest or field adjoining such nurseries or orchards, and the possession of any hare or rabbit may be excused by any person proving the same to have been caught or killed within the limits aforesaid. No person shall kill any quail in the counties of Montgomery, Schenectady, Saratoga or Albany, within two years from the passage of this act. Any person violating either of the provisions of this section shall be deemed guilty of a misdemeanor, and, in addition thereto, shall be liable for any violation of the first provision to a penalty of twenty-five dollars for each quail, hare or rabbit so killed, exposed for sale, or had in possession.

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

§ 12. No person shall at any time, in this state, kill or expose for sale, or have in possession after the same is killed, any eagle, woodpecker, nighthawk, yellow bird, wren, martin, oriole or any song bird, under a penalty of five dollars for each bird so killed, exposed for sale, or had in possession.

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

§ 13. No person shall kill or expose for sale, or have in possession after the same has been killed, any robin, meadow-lark or starling save only during the months of October, November, December, under a penalty of five dollars for each bird so killed, exposed for sale, or had in possession.

CHAPTER 585.

AN ACT for the prevention of accidents to children.

Passed June 25, 1880; three-fifths being present.

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

Section 1. No minor child within this state not being a passenger shall be allowed upon the platform or steps of any railroad car drawn by steam, or of any omnibus, street car, or other vehicle drawn by horses, and the parents or guardians of any child who shall permit such child to ride or play upon the steps or platform of any such railroad car, omnibus, street car, or other vehicle, shall be punished on conviction by a fine not less than five nor more than ten dollars.

Sec. 2. It shall be the duty of all constables and policemen within this state to arrest any child or children violating the provisions of this act, and any such child or children shall likewise, on conviction, be punished by a fine not exceeding five dollars for each offense.

Sec. 3. This act shall take effect immediately.

CHAPTER 587.

AN ACT to provide for payment of the expense of certain proceedings against public officers in the city of New York.

Passed June 26, 1880; three-fifths being present.

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

Section 1. The board of estimate and apportionment of the city of New York is hereby authorized and directed to audit and allow as charges against the city and county of New York the reasonable costs, counsel fees and expenses paid or incurred in or by reason of the legal proceedings had in relation to the appointment of inspectors of election for the general election of the year eighteen hundred and seventy-nine, and also the reasonable costs, counsel fees and expenses paid or incurred or which shall hereafter be paid or incurred by any police commissioner who shall be a successful party in any proceeding to remove a police commissioner from office, or to review or prohibit any such removal or to obtain possession of the office of police commissioner.

Sec. 2. The comptroller of the city of New York is hereby authorized and directed to raise such sums of money as may be necessary to make all payments herein provided for by the issue of revenue bonds in anticipation of the taxes of the year following such audit, and the moneys so raised shall be paid for and upon the claims referred to in this act.

Sec. 3. The board of estimate and apportionment of the city of New York is hereby authorized and directed to cause to be included in the taxes to be levied and raised in the city and county of New York for the year following such audit upon the estate subject to taxation in said city and county, an amount sufficient to pay the revenue bonds herein directed to be issued by the said comptroller in anticipation of the collection of the said taxes, with all interest due or to become due thereon.

Sec. 4. This act shall take effect immediately.

CHAPTER 588.

AN ACT to organize a night medical service in the city of New York, and to provide medical assistance in cases of sudden sickness or accident during the night time.

Passed June 26, 1880; three-fifths being present.

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

Section 1. On and after the passage of this act, and upon receipt of a copy thereof duly signed and certified, it shall be the duty of the captain of each police precinct in the city of New York to register, in a book provided for that purpose, the names and addresses of all physicians in good and regular standing within said precinct who shall make application for such registry and shall thereby pledge themselves to respond to any call for medical attendance, made as hereinafter described. Each name thus registered shall be submitted to the registrar of vital statistics of the board of health in the city of New York, whose duty it shall be to ascertain and report whether said physician is in good and regular standing, and to transmit a certificate to such effect to the captain of said precinct, and only upon receipt of such certificate shall it be lawful for the captain of the said precinct to employ such physician as hereinafter named. The names and addresses of such physicians as have been duly certified by the registrar of vital statistics shall be plainly and legibly written or printed on a bulletin provided for that purpose, which bulletin shall be placed at a convenient point near the captain's desk, and kept open to the inspection of all persons within the precinct desiring to see the same.

Sec. 2. Upon the application of any person residing within the said precinct, whose name and address, together with the name and address of the said person desiring or needing such attendance, and the date of the application be duly registered in a book kept open for that purpose. It shall be the duty of the captain or other officer at the desk, in the absence of any expressed preference by the applicant, to select from the list of physicians thus registered, the name of the physician residing nearest to the residence of the said patient in whose behalf application is made, and to notify him without delay of the existence of such application.

Sec. 3. It shall be the duty of the captain, sergeant or other officer at the desk, in such police precinct as before specified, upon registry of any application as described in the preceding section, immediately to detail an officer whose duty it shall be to call upon such physician without delay, and to conduct him to the residence of the patient, also to verify by personal inspection or inquiry the name and address of such patient as registered by his superior officer. Every officer thus detailed as messenger shall be furnished with a blank certificate, upon which the name and address of the physician responding to the call, the name and address of the patient attended, and the date and hour of the visit shall be written by him after he has conducted the physician to the patient's residence and verified the genuineness of the application. Such certificate shall be signed by him and given to the physician, and shall specify upon its face that the physician therein named is entitled to the sum of three dollars from the public funds, upon presentation thereof to the proper officer, and indorsement thereof in writing with the name of the captain of the precinct. But it shall be the duty of the physician making such visit to present such certificate to the patient or his or her agent or attendant, and to request payment of the said sum specified; and in case of such payment being made, said physician shall surrender such certificate to the person or persons making it, and it shall cease to be a claim upon the public treasury. In default of the immediate payment of the said fee specified in the said certificate, by the patient or his or her attendant, it shall be the duty of the captain of the police precinct in which the visit was made to indorse it with his name; and thus indorsed it shall be the duty of the cashier of the Board of Health to pay at sight the fee aforesaid, and to enter the payment in a book provided for that purpose and take up the certificate. And all certificates thus redeemed shall be valid debts to the amount therein named, against the patients therein named, or their guardians, which the said board may order collected by due process of law, provided that no prosecution shall be instituted in cases where it is satisfactorily shown that the patient is without sufficient means for the payment thereof.

Sec. 4. It shall be the duty of every physician thus called to the medical assistance of any person within the police precinct in which he is registered to transmit to the registrar of the board of health, of the city of New York, within twenty-four hours after the call shall have been answered, a full and accurate statistical exhibit of the case, specifying therein the age and sex and the employment, profession, or business of the patient, the nature of the disease, the hour of the attack, when practicable, the date, and the police precinct and ward in which the case occurred; the same shall be signed with the full name and address of the physician rendering it, but the name and address of the patient shall always be omitted. And it shall be the duty of the board of health, of the city of New York, to provide all physicians thus registered for night medical service with appropriate blanks for the said purpose, upon their application therefor.

Sec. 5. Any policeman who shall be detailed as messenger according to the provisions hereinbefore specified shall, in the absence of preference expressed in the application, call the physician nearest and most convenient to the patient's residence, or, in the absence or refusal from any cause of the latter, the physician next nearest, and so on. And there shall be no delay or waiting for such physician to return; and any member of the force neglecting to comply with this provision shall be subject to trial and fine or dismissal from the service, by the board of police commissioners, in the same manner as for other offenses cognizable by the said body. And any physician thus registering, who shall twice refuse or neglect, without reasonable excuse, to answer a call made according to the provisions of this act, shall be subject to have his name erased from the list, upon proper evidence thereof submitted to an executive officer who shall be appointed by the registrar of vital statistics of the board of health, and shall be under his immediate supervision.

Sec. 6. The captains of the several police precincts, if in their judgment it shall be necessary to the public convenience, may cause the bulletins of physicians herein specified to be posted in the hotels and district telegraph offices within their respective precincts, but any applicant applying at such hotels or telegraph offices, or desiring the services of any messenger other than a member of the police force detailed for the purpose, shall employ such messenger at his own expense, and shall be liable for any expenses incurred in communicating with the police precinct.

Sec. 7. The period during which the aforesaid physicians shall be held to be subject to call shall be between the hours of ten in the evening and seven in the morning, from October first to March thirty-first, inclusive, and between the hours of eleven in the evening and six in the morning, from April first to September thirtieth, inclusive.

Sec. 8. The board of estimate and apportionment of the city of New York are hereby authorized and directed to appropriate an amount necessary for the support of the aforesaid night medical service, when its organization shall have been established by the board of health of said city; but in no case shall the sum so appropriated exceed three thousand dollars for any one year.

Sec. 9. This act shall take effect immediately.

CHAPTER 590.

AN ACT supplementary to chapter eight hundred and thirty-six of the laws of eighteen hundred and seventy-two, entitled "An act to regulate places of public amusement in the city of New York."

Passed June 26, 1880; three-fifths being present.

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

Section 1. Chapter eight hundred and thirty-six of the laws of eighteen hundred and seventy-two, entitled "An act to regulate places of public amusement in the city of New York," is hereby amended by making a new section to be numbered and to read as follows:

§ 11. The provisions and requirements of chapter eight hundred and thirty-six of the laws of eighteen hundred and seventy-two, entitled "An act to regulate places of public amusement in the city of New York," shall not be held to apply to Young Men's Hebrew Association of Harlem, or to the directors or officers of said association as such, with respect to any building, not more than one, which shall in whole or in part be owned or leased by said association, while so owned or leased, so long as the revenue thereof shall continue to be applied to the support of said association, and to the religious, charitable, social, educational, or literary purposes of said association.

Sec. 2. This act shall take effect immediately.

CHAPTER 594.

AN ACT to provide for the revision of the special and local laws affecting public interests in the city of New York.

Passed June 26, 1880; three-fifths being present.

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

Section 1. Within twenty days after the passage of this act the counsel to the corporation of the city of New York shall appoint two persons, who together with himself shall constitute and form a commission to revise all the special and local laws affecting public interests in the city of New York which shall be in force at the time such commissioners shall make their final report, or at such time prior thereto as said commissioners shall find advisable. In making such revision the said commissioners shall not make any change in the meaning of existing laws, but shall seek to simplify and to mould into consistent acts all existing statutes upon matters embraced in such special and local laws. They shall not include in such revision any special acts relating to corporations or societies except such as are entitled to receive money from the city, or those to whose care children or criminals are under existing laws, committed.

Sec. 2. When the said commissioners shall have completed said revision, or any portion thereof, the same shall be printed in the same manner as printing is now done for the mayor, aldermen and commonalty of the city of New York, and shall be distributed by said commissioners to those whose advice is desirable, and thereafter they shall complete their revision and submit the same to the legislature.

Sec. 3. Each of said commissioners, except the counsel to the corporation, shall receive for his services herein the sum of five thousand dollars, to be paid by the comptroller of said city in three equal payments, on the first day of October and the first day of December in the year eighteen hundred and eighty, and on the submission of their report to the legislature; the said commissioners shall be allowed for expenses of clerical services and incidental expenses, a sum not to exceed five thousand dollars, to be paid from time to time upon their requisition therefor upon the comptroller of said city. And to provide for the compensation and expenses herein mentioned, the comptroller shall issue revenue bonds payable from the taxes for the year eighteen hundred and eighty-one, and an amount sufficient to redeem said revenue bonds shall be included by the board of estimate and apportionment in the final estimate for the year eighteen hundred and eighty-one.

Sec. 4. Any vacancy occurring in such commission shall be filled by the said counsel to the corporation.

Sec. 5. This act shall take effect immediately.

CHAPTER 595.

AN ACT to authorize the reading in courts and proceedings of the compilation entitled "The special and local laws affecting public interests in the city of New York, and to declare the effect thereof."

Passed June 26, 1880.

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

Section 1. The volume entitled "The special and local laws affecting public interests in the city of New York," and printed by order of the legislature of eighteen hundred and eighty, may be read in evidence and cited in any court or proceeding. Said volume shall be considered as containing presumptively all special or local laws affecting public interests in force in the city of New York, on the first day of January, eighteen hundred and eighty, but this presumption shall not be considered as extending to special laws relating to any corporation (other than the mayor, aldermen and commonalty), or to any association or society, nor shall the insertion or omission of any law relating to any such corporation be construed as in any manner affecting the corporate existence of any such corporation or its possession of its franchises.

CHAPTER 597.

AN ACT for the relief of the Five Points House of Industry in the city of New York.

Passed June 26, 1880; three-fifths being present.

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

Section 1. The board of estimate and apportionment of the city of New York shall, in the year one thousand eight hundred and eighty, and every year thereafter, include in the tax levy of said city, at the same time and in the same manner as the contingent charges and expenses of the city and county are levied and collected, and pay over to the Five Points House of Industry in the city of New York, the sum of fifty two dollars per year for each and every orphan, half-orphan, and destitute child, not exceeding two hundred children in any one year, received and supported by said institution for each year, the expense of whose support is not paid by private parties, and in the same proportion for the part of a year.

Sec. 2. This act shall take effect immediately.

POLICE DEPARTMENT.

The Board of Police met on the 2d day of August, 1880.

Present—Commissioners French, Nichols, and Mason.

The following was offered:

Resolved, That the pay rolls of the Police Department and force for the month of July, 1880, amounting to \$ as per schedule, be and are hereby ordered to be paid by the Treasurer.

Senator Ecclesine appeared as counsel for Commissioner Smith, to protest against the payment of salary, for month of July, to any other person than him, on the ground that the decision of the court in his case has established that all proceedings relative to his removal were void, and that should the Board part with any money now in their possession for salaries not paid to any other person but belonging to him, he could recover the same by an action against the Commissioners.

Commissioner Mason moved to amend the resolution by striking out from Central Office Pay Roll the names of William F. Smith and John R. Voorhis, and the amount set opposite their names respectively, and that the question of payment of salaries to the persons named be laid over for further action of the Board. Carried, all aye.

The original, as amended, was then carried.

Resolved, That the following pay rolls of the Bureau of Street Cleaning, for the month of July, 1880, be and are hereby ordered to be paid by the Treasurer, viz.:

Deputy Inspector, Superintendent Boats, Stables, Clerks, etc.....	\$1,707 23
Foremen.....	1,681 47
Dump Inspectors.....	858 68
Steam Tug Hands.....	784 66
Watchmen.....	386 00
	<hr/> \$5,418 04

Adjourned.

S. C. HAWLEY, Chief Clerk.

SECOND MEETING.

AUGUST 2, 1880.

Present—Commissioners French, Nichols and Mason.

Leaves of Absence Granted.

Captain John H. McCullagh, Seventeenth Precinct, ten days.
Sergeant Oliver Tims, Twenty-ninth Precinct, five days.
Roundsman Peter Melly, Tenth Precinct, five days, without pay.
Patrolman Thomas Flynn, Fourth Precinct, three days, without pay.
" William J. Beard, Eighth Precinct, sixty days, without pay.
" Edward C. Carey, Ninth Precinct, five days, without pay.
" Thomas J. Crystal, Tenth Precinct, two days, without pay.
" Jacob Lay, Fourteenth Precinct, three days, without pay.
" Kerin Finnerty, Fifteenth Precinct, sixty days, without pay.
" Willis D. Ives, Twenty-fifth Precinct, four days, without pay.
" James G. Howe, Twenty-sixth Precinct, three days, without pay.
" Leonard Wolters, Thirty-second Precinct, one and one-half day, without pay.
" Henry S. Dyer, First Court, ten days, without pay.
" William H. Wilbur, First Precinct, three days, without pay.
" John J. Creed, Tenth Precinct, five days, without pay.
" Ambrose H. Cole, Sixteenth Precinct, four days without pay.
" Bernard Tully, Nineteenth Precinct, two days, without pay.
" Jacob R. Wilkens, Thirty-second Precinct, five days, without pay.
Roundsman Stephen Hubbard, Detective Squad, five days, without pay.

Leaves of Absence Granted under Rule 564—Approved.

July 21. Patrolman Dennis O'Hara, Eighteenth Precinct, half day.
" 21. " Gerard E. Beekman, Steamboat Squad, half day.
" 23. " Augustus Nowak, Fourteenth Precinct, two days.
" 26. " Cornelius Leary, Fifteenth Precinct, one day.
" 28. " Andrew Markey, Twenty-ninth Precinct, one and a half day.
" 29. " Daniel Curran, Twenty-ninth Precinct, one and a half day.
" 29. " Patrick Kearney, Steamboat Squad, half day.
" 29. " John Ferris, Twenty-second Precinct half day.
" 30. " E. J. Kealy, Seventeenth Precinct, half day.

Parades Approved.

William Tell Lodge, D. O. H., July 21. Funeral.
St. Bonaventura Society, July 23. Funeral.
Germania Lodge, O. D. H. S., July 23. Funeral.
Hamilton Lodge, I. O. O. F., July 26. Funeral.
Order of Harugari, July 28. Funeral.
N. Y. City Scheutzen Corps, July 30. Funeral.
Rhemscher Scheutzen Bund Cadets, July 23. Parade.
Schillebund Singing Society, July 24. Parade.
Koltes Post, G. A. R., July 28. Parade.
Boys in Red, White and Blue, July 28. Parade.
Germania Scheutzen Bund No. 39, July 30. Serenade.
German Institute, July 21. Picnic.
Koltes Post, G. A. R., July 26. Picnic.
Schwalen Club, July 26. Picnic.
Aaron Strauss Association, July 26. Picnic.
Deutsche Eichen Lodge, O. S. M., July 26. Picnic.
Pianomakers' Union, July 27. Picnic.
Employees of Wessel, Nickel & Gross, July 27. Picnic.
Employees of Steinway & Sons, July 27. Picnic.
Employees of Monne & Bro., July 27. Picnic.
Camp Mission School, July 28. Picnic.
Lowenthal's German School, July 29. Picnic.
Hackmen's Association, August 2. Picnic.
Bohemian Gymnasium Association, August 2. Picnic.
Lutheran Emanuel Sunday-school, August 2. Picnic.
Reformed Church Sunday-school, August 2. Picnic.
First Baptist Church Sunday-school, August 3. Picnic.
Rheinischer Scheutzen Bund, August 2. Target excursion.
United Confectioners' Guard, August 5. Target excursion.
Report of the Superintendent relative to enforcement of the Excise law on 1st inst., was ordered on file.
Report of the Superintendent pursuant to Rule 435 (arrests by Detective Squad in July, 1880), was ordered on file.
The Chief Clerk submitted a report of the operations and transactions of the Police Department and force for the quarter ending June 30, 1880, which was ordered to be signed by the President and Chief Clerk and forwarded to the Mayor.
Report of the Board of Surgeons in case of Patrolman John T. Disbrow, Twenty-sixth Precinct, was referred to the Committee on Rules and Discipline.

Death Reported.

Patrolman Patrick F. Calhoun, Sanitary Co., at 4 A. M., July 26.

Death of Pensioner Reported.

William Y. Taft.

N. Y. SUPREME COURT.

Twenty-third Street Railroad Co. }
agst. } Copy of injunction order.
The Mayor, Aldermen, etc. }

Ordered on file.

Weekly statements of the Comptroller, showing condition of the several accounts of the Police Department, were referred to the Treasurer.

The following applications were referred to the Committee on Rules and Discipline:

Patrolman Cornelius J. McCarthy, Twenty-first Precinct, for transfer.

" John Leddy, Seventeenth " "

" Albert Reed, Twelfth " "

" Edward C. Lowry, Eighteenth " detail.

Inspector Byrnes, for transfer of Patrolman A. H. Williamson, Twelfth Precinct.

Application of the Treasurer for authority to invest \$15,000 of the Police Pension Fund, was referred to the Committee on Pensions.

Application of Patrolman John J. Doyle, First Precinct, for permission to employ counsel in the trial of charges against him, was granted.

The following applications for full pay while sick were referred to the Board of Surgeons for examination and report:

Patrolman Edward M. Regan, Mounted Squad.

" John D. Minnie, Fourteenth Precinct.

The following applications for promotion were referred to the Superintendent to cite for examination, and report to the Committee on Rules and Discipline:

Patrolman John D. Minnie, Fourteenth Precinct.

" Charles F. Kelly, Fourth Precinct.

Application of Thomas H. Sullivan, on behalf of the children of late Patrolman Patrick F. Calhoun, for pension, was referred to the Committee on Pensions.

Communication from Alexander Nash, relative to bill of sale of Steamer Seneca, was referred to the Treasurer.

Communication from Surgeon P. W. McDonnell, relative to substitute during his absence, was referred to the Chief Surgeon.

Communication from Mrs. J. Donnegan, complaining of lottery policy shops, was referred to the Superintendent.

Communication from the Treasurer's Bookkeeper, relative to date of pension to Margaret Sullivan, was referred to the Committee on Pensions.

Communication from the Board of Aldermen, being resolution approving location of Thirtieth Precinct Station-house, was ordered on file.

Communication from the Board of Apportionment, being resolution transferring \$2,644.99 to Street Cleaning Fund, was referred to the Treasurer.

On report of Captain McElwain, Sixteenth Precinct, it was Resolved, That the pistol permit heretofore granted to Patrick McGowan, be and is hereby revoked.

SUPREME COURT, COUNTY OF KINGS.

agst.
Alex. S. Williams.

Resolved, That in accordance with the provisions of chapter 588 of the Laws of 1880, entitled "An act to create a night medical service," the commanding officer of each police precinct open a registry of such physicians residing within the limits of the precinct in which the registry is made. Such registry to give the names and addresses of the physicians who desire to become eligible for the night medical service in full. The registry to close on the 11th day of August inst., when the lists are to be sent to the Registrar of Vital Statistics for revision.

Resignation Accepted.

James Cockburn, Messenger.
Resolved, That the bill of Joseph H. Godwin, \$425, for rent of Thirty-fifth Precinct Station-house and stable, be referred to the Comptroller for payment.

Appointment as Patrolman.

Bernard F. Donohue, Twenty-ninth Precinct.

Appointment as Messenger.

Charles A. Grant, \$800 per annum.

William Herrlich, Fifteenth Precinct, half day's pay.

William E. Gray, Fifteenth Precinct, half day's pay.
 Samuel Doherty, Fifteenth Precinct, half day's pay.
 Francis J. Moxley, Fifteenth Precinct, half day's pay.
 Richard Wilson, Sixteenth Precinct, half day's pay.
 Patrick Dempsey, Sixteenth Precinct, half day's pay.
 Patrick McGearty, Seventeenth Precinct, half day's pay.
 John Molloy, Eighteenth Precinct, three days' pay.
 James Brennan, Eighteenth Precinct, half day's pay.
 George A. Schenck, Eighteenth Precinct, half day's pay.
 Michael Malloy, Eighteenth Precinct, half day's pay.
 John Hatton, Eighteenth Precinct, half day's pay.
 Adolph G. Haslach, Eighteenth Precinct, half day's pay.
 James E. Monahan, Eighteenth Precinct, half day's pay.
 Joseph Schirmer, Eighteenth Precinct, half day's pay.
 Jacob B. Kern, Eighteenth Precinct, half day's pay.
 William Carroll, Eighteenth Precinct, half day's pay.
 Peter Harding, Eighteenth Precinct, half day's pay.
 Theodore Goodenough, Nineteenth Precinct, one day's pay.
 Joseph H. Woolsey, Twenty-second Precinct, half day's pay.
 John D. McCarthy, Twenty-third Precinct, half day's pay.
 Undersman Michael T. Joyce, Twenty-third Precinct, three days' pay.
 Tolman Anthony J. Enet, Twenty-third Precinct, half day's pay.
 Tolman George R. Tucker, Twenty-seventh Precinct, one day's pay.
 " Michael Flanagan, Twenty-seventh Precinct, half day's pay.
 Undersman Herman P. Ohm, Twenty-eighth Precinct, half day's pay.
 Tolman Harvey Miller, Twenty-ninth Precinct, half day's pay.
 " Philip Smith, Twenty-ninth Precinct, half day's pay.
 " Henry Heinz, Thirty-third Precinct, half day's pay.
 " John Muldoon, Thirty-third Precinct, half day's pay.
 " Francis Attinelli, Thirty-third Precinct, one day's pay.
 " George Nicholson, Thirty-third Precinct, half day's pay.

Reprimands.

Patrolman John Molloy, Eighteenth Precinct.
 " William B. Deeves, Eighteenth Precinct.

Complaints Dismissed.

Precinct.		Precinct.	
Patrolman Patrick H. Canty.....	4	Patrolman William Harris.....	18
“ James Walker.....	7	“ Charles McLeavy.....	20
“ Patrick Cahill.....	7	“ John Buckley.....	20
“ David Bartley.....	8	Doorman George H. Empee.....	23
“ “.....	8	Patrolman Bernard P. Woods.....	23
“ “.....	8	“ John Harvey.....	24
“ Robert K. Hart.....	8	“ L uis M. Terhune.....	26
“ James Quigley.....	8	“ Patrick Weldon.....	27
“ John McCue.....	8	“ Daniel Brooks.....	27
“ Frederick R. Fielding.....	9	“ Francis Secore.....	27
“ Charles E. Benjamin.....	13	“ Henry A. Kennedy.....	29
“ Philp Fellman.....	14	“ James McCool.....	29
“ William J. Knox.....	16	“ Robert Stevenson, Steamboat Squad.	
“ Edward Hagan.....	17		

Street Cleaning.

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Judgments—Fines Imposed.

Patrolman Henry Bloch, First Precinct, half day's pay.
 " Michael W. Wiley, First Precinct, half day's pay.
 " James Flanagan, First Precinct, two days' pay.
 " Joseph Glynn, First Precinct, half day's pay.
 " James Griffin, Fourth Precinct, half day's pay.
 " Chas. W. H. Tenken, Fourth Precinct, half day's pay.
 " Thomas McGee, Fifth Precinct, half day's pay.
 " John J. Farley, Fifth Precinct, half day's pay.
 " Thomas Stapleton, Seventh Precinct, half day's pay.
 " James Regan, Seventh Precinct, half day's pay.
 " Robert K. Hart, Eighth Precinct, half day's pay.
 " Anthony Gilligan, Eighth Precinct, half day's pay.
 " Philip Daab, Eighth Precinct, half day's pay.
 " John Watson, Eighth Precinct, half day's pay.
 " Augustus M. DeNyse, Ninth Precinct, half day's pay.
 " Bernard Kane, Tenth Precinct, half day's pay.
 " Franklin P. Germain, Tenth Precinct, half day's pay.
 " James Mulligan, Eleventh Precinct, half day's pay.
 " John Baker, Eleventh Precinct, half day's pay.
 " B. F. Birmingham, Thirteenth Precinct, half day's pay.
 " Frederick E. Fisher, Fourteenth Precinct, two days' pay.
 " Patrick Culley, Fourteenth Precinct, half day's pay.
 " James Maher, Fourteenth Precinct, one day's pay.
 " John D. Minnie, Fourteenth Precinct, three days' pay.
 " Charles H. Orser, Fifteenth Precinct, half day's pay.
 " Thomas W. Cotton, Fifteenth Precinct, half day's pay.
 " William Herrlich, Fifteenth Precinct, half day's pay.

TOWNSEND COX,
THOMAS S. BRENNAN,
JACOB HESS,
Commissioners of the Department of
Public Charities and Correction.

os. 3 and 4 New County Court-house, 9 A. M. to 4 P. M.
PRTER BOWE, Sheriff; JOEL O. STEVENS, Under Sheriff

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

TO CONTRACTORS.

PROPOSALS FOR ALTERATIONS AND ADDITIONS TO THE RETREAT BUILDING AT THE LUNATIC ASYLUM, BLACKWELL'S ISLAND.

SEALED BIDS OR ESTIMATES FOR THE above-named work will be received at the office of the Department of Public Charities and Correction, in the City of New York, until 9 o'clock A.M., of Friday, the 20th day of August, at which place and time the bids or estimates received will be publicly opened by the head of said Department and read, and the awards of the contracts will be made as soon thereafter as practicable.

The person or persons making any estimate shall furnish the same in a sealed envelope, to the head of said Department, on or before the day and hour above named. The envelope containing the estimate shall be indorsed with the name or names of the person or persons presenting the same, the date of its presentation, and a statement of the work to which it relates.

The Department of Public Charities and Correction reserves the right to decline any and all bids or estimates it deemed to be for the public interest. No bid or estimate will be accepted from, or 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 above work will be required to be completed within eight (8) months after the date of the contract.

For the amount of work to be performed reference must be made to the plans and specifications for the same, on file in the office of the 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 sum of eight thousand dollars (\$8,000).

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 the 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.

Should the person or persons to whom the contract may be awarded neglect or refuse to accept to contract within forty-eight (48) hours 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.

Bidders are cautioned to examine the specifications for particulars of the work, etc., required, before making their estimates.

Bidders will state the price for doing the whole work, 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 as set forth in the respective forms of 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, 1880.

TOWNSEND COX,
THOMAS S. BRENNAN,
JACOB HESS,

Commissioners of the Department of Public Charities and Correction.

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

TO CONTRACTORS.

PROPOSALS FOR DRY GOODS AND GROCERIES.

SEALED BIDS OR ESTIMATES FOR FURNISHING

DRY GOODS.

20,000 yards Brown Muslin.
5,000 " Blue Denims.
2,000 " Awning Stripes.
2,000 " Calico.
250 pounds Linen Thread.

GROCERIES.

24,000 Eggs, fresh, and all to be candled.
5,000 pounds Butter; sample on exhibition Friday, August 13.
50,000 pounds Hard Soap.
200 bushels Beans.
100 barrels Crackers.
2,000 pounds Dried Apples.
50 barrels Oatmeal.
500 barrels good, sound Irish Potatoes, of the new crop, and to weigh 168 lbs. net to the barrel.
100 sacks Salt, to be equal in quality to Worthington. Sacks to be full and clean.

—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 o'clock A.M., of Saturday, the 14th day of August, 1880. The person or persons making any bid or estimate shall furnish the same in a sealed envelope, indorsed "Bid or Estimate for Dry Goods and Groceries," 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 it 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; but the entire quantity will be required to be delivered on or before thirty (30) days after the date of the contract.

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 the 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.

Should the person or persons to whom the contract may be awarded neglect or refuse to accept to contract within forty-eight (48) hours 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 price 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 it 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 3, 1880.

TOWNSEND COX,
THOMAS S. BRENNAN,
JACOB HESS,

Commissioners of the Department of Public Charities and Correction.

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

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 New York Hospital—Unknown man; aged about 50 years; 5 feet 7 inches high; sandy hair; whiskers; blue eyes.
Unknown man from Pier 22, North river—Aged about 40 years; 5 feet 7 inches high. Had on gray jean coat, gray striped pants and vest, white shirt, white knit undershirt, gaiters.

Unknown man from Pier 1, North river—Aged about 20 years; 5 feet 6 inches high. Had on gray plaid frock coat and pants, striped vest, white shirt, gaiters.
Unknown man from Pier 4, North river—Aged about 60 years; 5 feet 5 inches high; gray hair; whiskers and moustache; blue eyes. Had on black alpaca coat, blue flannel pants, dark mixed vest, white shirt, white drawers and undershirt, brown socks, slippers.

Unknown man from the foot of Spring street; aged about 45 years; 5 feet 6 inches high; gray hair; moustache; blue eyes. Had on dark plaid coat, black and gray diagonal pants, white shirt, white knit undershirt, white cotton flannel drawers, brown socks, boots.

At Lunatic Asylum, Blackwell's Island—Mary Bergner; aged 40 years; 5 feet 3 1/4 inches high; blue eyes; brown hair. Had on when admitted, brown alpaca dress, white underclothing, shoes. Nothing known of her friends or relatives.
Ann Hackett; aged 38 years; 5 feet 1 inch high; black hair; gray eyes. Nothing known of her friends or relatives.

At Homeopathic Hospital, Ward's Island—Philip Tierney; aged 54 years; 5 feet 7 inches high; blue eyes; brown hair. Had on when admitted, dark coat and vest, brown pants, gaiters. Nothing known of his friends or relatives.
Benjamin Chamberlain; aged 48 years; 5 feet 10 inches high; blue eyes; red hair. Had on when admitted, black coat, pants, and vest, gaiters, derby hat. Nothing known of his friends or relatives.

At Branch Lunatic Asylum, Hart's Island—Christina Thomas; aged 55 years. Nothing known of her friends or relatives.

By Order,
G. F. BRITTON,
Assistant Secretary.

RAPID TRANSIT COMMISSION.

OFFICE OF THE
BOARD OF COMMISSIONERS OF RAPID TRANSIT,
No. 74 WALL STREET,
NEW YORK, July 7, 1880.

BY DIRECTION OF THE BOARD OF COMMISSIONERS, appointed by the Mayor of the City of New York March 6, 1880, and in pursuance of the provisions of chapter 606 of the Laws of 1875, public notice is hereby given that the said Commissioners will cause a suitable book of subscription to the capital stock of the company to be incorporated and organized under the provisions of said act, and to be known as The Suburban Rapid Transit Company, to be opened on Thursday, July 15, 1880, at 12 o'clock M., at the banking offices of the Central Trust Company of the City of New York, at No. 15 Nassau street, New York City.

The amount of said capital stock is fixed at six hundred thousand dollars, divided into six thousand shares, of the par value of one hundred dollars each, subject to the right to increase the capital stock from time to time, as is by said act provided. The whole capital stock is to be subscribed by not less than twenty-five persons, and on subscribing, each subscriber is required to pay in cash five per centum of the par value of the number of shares subscribed by him.

The Commissioners reserve to themselves the right to reject any subscriber to the capital stock, and any and all subscriptions thereto which are not in compliance with the conditions to the granting of said franchise, imposed by their resolutions passed June 18, 1880.

The Commissioners also reserve to themselves the right to distribute to any subscriber a number of shares less than the number by him subscribed for.

By order of the Board,
WILLIAM G. TULLER,
Secretary.

DEPARTMENT OF DOCKS.

DEPARTMENT OF DOCKS,
117 AND 119 DUANE STREET,
NEW YORK, July 28, 1880.

TO CONTRACTORS.

(No. 119.)

PROPOSALS FOR PREPARING FOR AND BUILDING A NEW WOODEN PIER AT THE FOOT OF THIRTY-FIRST STREET, E. R.

SEALED PROPOSALS FOR PREPARING FOR and building a new wooden pier at the foot of Thirty-first street, E. R., indorsed as above, and with the name or names of the person or persons presenting the same, and the date of presentation, and addressed to "The Board of Commissioners of the Department of Docks," will be received at this office until 12 o'clock M. of

WEDNESDAY, AUGUST 11, 1880,

at which time and place the bids will be publicly opened by the head of said Department and read. The award of the contract, if awarded, will be made as soon as practicable after the opening of the bids.

Any bidder for this contract must be known to be well prepared for the business, and the bidder to whom the award is made shall give security for the faithful performance of the contract, in the manner prescribed and required by ordinance, in the sum of five thousand dollars.

The engineer's estimate of the nature, quantities and extent of the work, is as follows:

CLASS 1. Dredging for the inner end of the pier, and for one-half of the slip on each side of the pier, about 1,500 cubic yards.

CLASS 2. Rip-rap stone for the outer end of the pier, deposited in place, about 2,700 cubic yards.

CLASS 3. Wooden pier complete, containing about the following quantities:

	Feet B. M., measured in the work.
1. Yellow Pine Timber, 4"x10".....	587
" " " 5"x10".....	109,760
" " " 6"x10".....	11,458
" " " 6"x12".....	4,536
" " " 8"x12".....	3,084
" " " 12"x12".....	5,280
Total.....	72,720
2. North Carolina Yellow Pine Timber, 3" plank.....	16,938
3. White Oak Timber, 5"x8".....	307
" " " 8"x12".....	8,290
Total.....	3,603

NOTE.—The above-mentioned quantities of timber are exclusive of extra lengths required for scarfs, laps, etc., and of waste.

4. Yellow Pine, White Pine or Cypress piles..... 383

Yellow or White Pine Mooring posts..... 12

(It is expected that the vertical piles will be from 45 to 65 feet in length, and the bracing piles from 55 to 78 feet in length, but all of them must be of sufficient length to comply with the specifications for the work, as set forth in the approved form of contract.)

5. 1 1/4", 1 1/2", 1", and 3/4" Wrought iron screw-bolts and wrought-iron round washers for the 1" bolts furnished by the Department of Docks, about 4,532 pounds.

6. 1" Wrought-iron screw-bolts, to be furnished by the Department of Docks, about..... 396 "

7. 3/8"x22", 3/8"x12", 3/8"x18", 3/8"x16", 3/8"x12", 3/8"x10", and 3/8"x7" Square and 3/4"x12", 3/4"x6", 3/4"x5" round, wrought-iron spike-pointed bolts, about..... 18,156 "

8. Boiler-plate armatures, wrought-iron corner bands, about..... 6,974 "

9. Cast-iron cleats and cast-iron pile shoes, about..... 7,019 "

10. Cast-iron washers for 1 1/4", 1 1/2", 1", and 3/4" screw-bolts, about..... 2,986 "

11. Labor of framing and carpentry, including all moving of timber, jointing, planing, bolting, spiking, painting, oiling or tarring, and furnishing the materials for painting, oiling or tarring, and labor of every description, for an area of about 17,016 square feet.

N. B.—As the above mentioned quantities, though stated with as much accuracy as is possible, in advance, are approximate only, bidders are required to submit their proposals upon the following express conditions, which shall apply to and become part of every proposal received:

(1.) Bidders must satisfy themselves, by personal examination of the location of the proposed work, and by such other means as they may prefer, as to the accuracy of the foregoing estimate, and shall not at any time after the submission of a proposal, dispute or complain of such statement nor assert that there was any misunderstanding in regard to the nature or amount of the work to be done.

(2.) Bidders will be required to complete the entire work to the satisfaction of the Department of Docks, and in substantial accordance with the specifications of the contract and the plans therein referred to. No extra compensation beyond the amount payable for the several classes of work before enumerated which shall be actually

performed, at the prices therefor to be specified by the lowest bidder, shall be due or payable for the entire work.

The work to be done under the contract is to be commenced within five days after the date thereof, and all the work to be done under the contract is to be fully completed on or before the 1st day of December, 1880; and the damages to be paid by the contractor for each day that the contract or any part thereof may be unfulfilled after the time fixed for the fulfillment thereof has expired, Sundays and holidays not to be excepted, are, by a clause in the contract, fixed and liquidated at fifty dollars per day.

Bidders will state in their proposals the price for each separate class above specified of the work to be done, in conformity with the approved form of contract and specifications therein set forth, by which the bids will be tested. These prices are to cover the expenses of furnishing all the necessary materials and labor, and the performance of all the work set forth in the annexed agreement.

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

Should the lowest bidder or bidders neglect or refuse to accept to contract within forty-eight (48) hours after written notice that the same has been awarded to his or their bid or proposal, or if, after acceptance, he or they should refuse or neglect to execute the contract and give the proper security for forty-eight hours after notice that the same is ready for execution, he or they will be considered as having abandoned it, and as in default to the Corporation; and the contract will be re-advertised and re-let, and so on until it be accepted and executed.

Bidders are required to state in their proposals their names and places of residence; the names of all persons interested with them therein; and if no other person be so interested, the proposal shall distinctly state the fact; also that the bid is made without any connection with any other person making any estimate for the same work, and that it is in all respects fair, and without collusion or fraud; and also 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; which proposals must be verified by the oath, in writing, of the party 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 proposal shall be accompanied by the consent, in writing, of two householders or freeholders of the City of New York, with their respective places of business or residence, to the effect that if the contract be awarded to the person or persons making the bid, they will, on its being so awarded, become bound as his or their sureties for its faithful performance; and that if said person or persons shall omit or refuse to execute the contract, they will pay to the Corporation any difference between the sum to which said person or persons would be entitled on its completion, and that which the Corporation may be obliged to pay to the person 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 the contract, over and above all his debts of every nature, and over and above his liabilities as bail, surety, and otherwise; and that he has offered himself as surety in good faith, and with the intention to execute the bond required by section 6 of chapter 574, of the Laws of 1871, and by section 27 of chapter VIII, 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 is 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 are informed that no deviation from the specifications will be allowed, unless under the written instructions of the Engineer-in-Chief.

No proposal will be accepted from, or 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 right to decline all the proposals is reserved, if deemed for the interest of the Corporation.

The form of the agreement, including specifications, and showing the manner of payment for the work, is annexed.

Bidders are requested, in making their bids, to use the blank prepared for that purpose by the Department, a copy of which, together with the form of the agreement, including specifications, and showing the manner of payment for the work, can be obtained upon application therefor at the office of the Department.

HENRY F. DIMOCK,
JACOB VANDERPOEL,
Commissioners of the Department of Docks.

FIRE DEPARTMENT.

HEADQUARTERS
FIRE DEPARTMENT, CITY OF NEW YORK,
(155 & 157 MERCER STREET),
NEW YORK, August 5, 1880.

SEALED PROPOSALS FOR FURNISHING THIS

Department with the following articles, to wit:

200,000 pounds Hay, of the quality and standard known as Good Sweet Timothy.
50,000 pounds good clean Rye Straw.
1,800 bags clean White Oats, 80 pounds to the bag.
1,200 bags Fine Feed, 60 pounds to the bag.

—will be received at Headquarters until 9 o'clock A.M., on Wednesday, the 18th instant, when they will be publicly opened and read.

No proposals will be received or considered after the hour named.

Proposals must include all of the items, specifying the price per cwt. for hay and straw, and per bag for oats and feed.

All of the articles are to be delivered at the various houses of the Department in such quantities and at such times as may be directed.

Two responsible sureties will be required upon each proposal, who must each justify thereon prior to its presentation in an amount not less than one-half of the amount thereof.

Blank forms of proposals, together with such further information as may be required, may be obtained upon application at these Headquarters, where the prescribed form of contract may also be seen.

Proposals must be indorsed upon the envelope "Proposal for Furnishing Forage," with the name of the bidder, and be addressed to the Board of Commissioners of this Department.

The Board of Commissioners reserves the right to reject any or all of the proposals received, if deemed to be for the interest of the city.

VINCENT C. KING,
JOHN J. GORMAN,
CORNELIUS VAN COTT,
Commissioners.

HEADQUARTERS
FIRE DEPARTMENT, CITY OF NEW YORK,
155 AND 157 MERCER STREET,
NEW YORK, November 7, 1878.

NOTICE IS HEREBY GIVEN THAT THE

Board of Commissioners of this Department will meet daily at 10 o'clock A.M., for the transaction of business.

By order of the Board.

VINCENT C. KING, President,
JOHN J. GORMAN, Treasurer,
CORNELIUS VAN COTT,
Commissioners.

CARL JUSSEN,
Secretary

JURORS.

NOTICE
IN RELATION TO JURORS FOR
STATE COURTSOFFICE OF THE COMMISSIONER OF JURORS,
NEW COUNTY COURT-HOUSE,
NEW YORK, July 1, 1880.

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

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

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

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

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

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

DEPARTMENT OF PUBLIC WORKS.

DEPARTMENT OF PUBLIC WORKS,
BUREAU OF WATER REGISTER,
ROOM 10, CITY HALL,
NEW YORK, July 15, 1880.

CROTON WATER RATES.

NOTICE IS HEREBY GIVEN THAT ON THE first day of August next five per cent. will be added on all unpaid water rates.

ALLAN CAMPBELL,
Commissioner of Public Works.DEPARTMENT OF PUBLIC WORKS,
BUREAU OF WATER REGISTER, ROOM 10, CITY HALL,
NEW YORK, April 28, 1880.

CROTON WATER RATES.

NOTICE IS HEREBY GIVEN THAT, ACCORDING TO LAW, Croton water rates for the current year will be due and payable at this office on and after May 1, 1880.

ALLAN CAMPBELL,
Commissioner of Public Works.

LEGISLATIVE DEPARTMENT.

THE COMMITTEE ON PUBLIC WORKS OF the Board of Aldermen will meet every Monday at two o'clock P. M., at Room No. 8 City Hall.

HENRY C. PERLEY,
THOMAS SHEILS,
JOHN MCCLAVE,
HENRY HAFEN,
BERNARD KENNEY,
Committee on Public Works.

SUPREME COURT.

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

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

First—That we have completed our estimate and assessment, and that all persons interested in these proceedings, or in any of the lands affected thereby, and who may be opposed to the same, do present their objections in writing, duly verified, to William Cruikshank, our Chairman, at the office of the Commissioners, No. 261 Broadway, Room No. 23, in said city, on or before the 14th day of September, 1880; and that we, the said Commissioners, will hear parties so objecting within ten week days next after said 14th day of September, 1880, and for that purpose will be in attendance at our office on each of said ten days, at three o'clock in the afternoon.

Second—That the abstract of said estimate and assessment, together with our maps, and also all the affidavits, estimates, and other documents which were used by us in making our report, have been deposited in the office of the Department of Public Works, in the City of New York, there to remain until the 15th day of September, 1880.

Third—The limits embraced by the assessment aforesaid are as follows: All those lots, pieces, or parcels of land situate, lying, and being in the City of New York, included within the following boundaries, viz: Commencing at a point on the easterly line of Third avenue, distant one hundred feet and five inches southerly from the southerly line of Sixty-eighth street; thence easterly and parallel to Sixty-eighth street, and always one hundred feet and five inches southerly of the southerly line thereof to the bulkhead line of East river; thence southerly along said bulkhead line to a point which would be intersected by a line drawn parallel to Sixty-sixth street, and one hundred feet and five inches northerly of the northerly line thereof; thence westerly and parallel to Sixty-sixth street, and always one hundred feet and five inches northerly of the northerly line thereof to the easterly line of Third avenue; thence northerly along the easterly line of Third avenue to the point or place of beginning.

Excepting, however, from all the lands and premises above described so much thereof as is included within the areas of streets and avenues now opened and proposed to be opened by this proceeding.

Fourth—That our report herein will be presented to the Supreme Court of the State of New York, at Special Term thereof, to be held at the New Court-house in the City of New York, on the 29th day of September, 1880, at the opening of the Court on that day, and that then and there, or as soon thereafter as counsel can be heard thereon, a motion will be made that said report be confirmed.

Dated New York, August 2, 1880.
WILLIAM CRUIKSHANK,
GUNNING S. BEDFORD,
ALLEN J. CUMING,
Commissioners.

In the Matter of the Application of the Mayor, Aldermen, and Commonalty of the City of New York, relative to the opening of a certain street, extending from the northerly side of Little West Twelfth street to the southerly side of West Fourteenth street, in the City of New York, as laid out by the Board of Street Opening and Improvement of said city.

PURSUANT TO THE STATUTES IN SUCH cases made and provided, notice is hereby given that in compliance with an act of the Legislature of the State of New York, entitled "An Act to reorganize the local government of the City of New York," passed April 30, 1873, and of all other acts relating thereto, the Counsel to the Corporation of the City of New York, for and on behalf of the Mayor, Aldermen and Commonalty of said City, will apply to the Supreme Court of the State of New York, at a Special Term of said Court to be held at the Chambers thereof in the County Court-house in the City of New York, on Thursday, the twenty-sixth day of August, 1880, at the opening of the Court on that day, or as soon thereafter as counsel can be heard thereon, for the appointment of Commissioners of Estimate and Assessment in the above entitled matter. That the nature and extent of the improvement hereby intended is the acquisition of title, in the name and on behalf of the Mayor, Aldermen and Commonalty of the City of New York, for the use of the public, to all the lands and premises, with the buildings thereon and the appurtenances thereto belonging required for the opening of a certain new street extending from the northerly side of Little West Twelfth street to the southerly side of West Fourteenth street, as said street is shown on certain maps made by the Board of Street Opening and Improvement, and filed in the office of the Counsel to the Corporation of the City of New York and in the office of the Department of Public Works of the City of New York, on the 20th day of May, 1880; being the following described pieces or parcels of land: Beginning at a point in the southerly line of West Fourteenth street distant four hundred and twenty-five (425) feet westerly from the westerly line of Ninth avenue, running southerly and parallel with Ninth avenue two hundred and six feet and six inches (206.6) to the northerly line of West Thirteenth street; thence westerly along said line seventy-five (75.0) feet; thence northerly two hundred and six feet and six inches (206.6) to the southerly line of West Fourteenth street; thence easterly along said line seventy-five (75.0) feet to the point or place of beginning.

Also—Beginning at a point on the southerly line of West Thirteenth street, distant four hundred and twenty-five (425) feet westerly from the westerly line of Ninth avenue, running southerly and parallel with Ninth avenue two hundred and six feet and six inches (206.6) to the northerly line of Little West Twelfth street; thence westerly along said line seventy-five (75.0) feet; thence northerly two hundred and six feet and six inches (206.6) to the southerly line of West Thirteenth street; thence easterly along said line seventy-five (75.0) feet to the point or place of beginning—said street being seventy-five (75.0) feet wide between the lines of Little West Twelfth and West Fourteenth streets.

Dated New York, July 31, 1880.
WM. C. WHITNEY,
Counsel to the Corporation,
No. 2 Tryon Row.

In the Matter of the Application of the Mayor, Aldermen, and Commonalty of the City of New York, relative to the opening of West Fifty-third street, from the westerly line of Tenth avenue to the easterly line of Eleventh avenue, in the City of New York, as laid out by the Board of Street Opening and Improvement of said city.

PURSUANT TO THE STATUTES IN SUCH cases made and provided, notice is hereby given that in compliance with an act of the Legislature of the State of New York, entitled "An Act to Reorganize the Local Government of the City of New York," passed April 30, 1873, and of all other acts relating thereto, the Counsel to the Corporation of the City of New York, for and on behalf of the Mayor, Aldermen and Commonalty of said City, will apply to the Supreme Court of the State of New York, at a Special Term of said Court to be held at the Chambers thereof in the County Court House in the City of New York, on Thursday, the twenty-sixth day of August, 1880, at the opening of the Court on that day, or as soon thereafter as counsel can be heard thereon, for the appointment of Commissioners of Estimate and Assessment in the above entitled matter. That the nature and extent of the improvement hereby intended is the acquisition of title, in the name and on behalf of the Mayor, Aldermen and Commonalty of the City of New York, for the use of the public, to all the lands and premises, with the buildings thereon and the appurtenances thereto belonging, required for the opening of West Fifty-third street, from the westerly line of Tenth avenue to the easterly line of Eleventh avenue, as said street is shown on certain maps made by the Board of Street Opening and Improvement, and filed in the office of the Counsel to the Corporation of the City of New York and in the office of the Department of Public Works of the City of New York, on the 20th day of May, 1880, being the following described pieces or parcels of land:

Beginning at a point in the westerly side of Tenth avenue, distant two hundred feet and ten inches (200.10) northerly from the northerly line of Fifty-second street and running westerly and parallel with said street eight hundred (800.0) feet, to the easterly line of Eleventh avenue; thence northerly along said line sixty (60.0) feet; thence easterly eight hundred (800.0) feet to the westerly line of Tenth avenue; thence southerly sixty (60.0) feet, to the point or place of beginning.

Said street being sixty (60.0) feet wide between the lines of Tenth and Eleventh avenues.

Dated New York, July 31, 1880.
WILLIAM C. WHITNEY,
Counsel to the Corporation,
Tryon row.

In the matter of the application of the Commissioners of the Department of Public Parks, for and in behalf of the Mayor, Aldermen and Commonalty of the City of New York, relative to the opening of Sedgwick avenue, from Fordham Landing road to Boston avenue, in the City of New York.

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

I.—That we have completed our estimate and assessment, and that all persons interested in these proceedings, or in any of the lands affected thereby, and who may be opposed to the same, do present their objections in writing, duly verified, to Jerome Buck, Esq., our Chairman, at the office of the Commissioners, No. 206 Broadway, in said city, on or before the 26th day of August, 1880; and that we, the said Commissioners, will hear parties so objecting within the ten week-days next after the said 26th day of August, 1880, and for that purpose will be in attendance at our said office on each of said ten days, at 2 o'clock P. M.

II.—That the abstract of the said estimate and assessment, together with our maps, and also all the affidavits, estimates, and other documents which were used by us in making our report, have been deposited in the office of the Department of Public Works, in the City of New York, there to remain until the 8th day of September, 1880.

III.—That the limits embraced by the assessment aforesaid, are as follows, to wit: All those lots, pieces, or parcels of land situate, lying, and being within the following described lines, viz: Commencing at a point on the northerly line of the Fordham Landing road, where the same is intersected by the easterly line of the New York & Northern Railroad; thence running northerly along the said railroad until it intersects a line drawn parallel to and five hundred feet westerly of the westerly line of Sedgwick avenue; thence northerly along said line and always five hundred feet westerly of the westerly line of Sedgwick

avenue until intersected by a line fifteen hundred feet north of the northerly end of Sedgwick avenue, as now being opened; thence easterly along said last mentioned line until the same is intersected by the prolongation of a line drawn parallel to and five hundred feet easterly of the easterly line of Sedgwick avenue; thence southerly along the prolongation of said line, and said line always five hundred feet easterly of the easterly line of Sedgwick avenue until it intersects the northerly line of Fordham Landing road; thence westerly along northerly side of the said Fordham Landing road to the place of beginning. Excepting therefrom all the avenues, streets, and roads within said boundaries.

IV.—That our report herein will be presented to the Supreme Court of the State of New York, at a Special Term thereof, to be held at the Chambers thereof, in the County Court-house, at the City Hall, in the City of New York, on the 14th day of September, 1880, at the opening of the Court on that day, and that then and there, or as soon thereafter as counsel can be heard thereon, a motion will be made that the said report be confirmed.

Dated New York, July 10, 1880.
JEROME BUCK,
CHARLES W. BATHGATE,
THOMAS J. BROWN,
Commissioners.

ASSESSMENT COMMISSION.

THE ASSESSMENT COMMISSION APPOINTED by chapter 550, Laws of 1880, requests estimates for the printing in journal form of the minutes of the said Commission, and also for all other printing that may be required by the Commission.

Estimates must be accompanied by specimens of style and type, and also price per page of both journal and other printing.

By order of the Commission.
DANIEL LORD, JR.,
Secretary pro tem.,
120 Broadway, N. Y.

THE COMMISSIONERS APPOINTED BY CHAPTER 550 of the Laws of 1880, to revise, modify, or vacate assessments for local improvements in the City of New York, give notice to all persons affected thereby that the notices required by said act must be filed with the Controller of said city and a duplicate thereof with the Counsel to the Corporation, as follows:

First. As to all assessments confirmed prior to June 9, 1880, on or before November 1, 1880.

Second. As to all assessments confirmed subsequent to June 9, 1880, for local improvements theretofore completed, and as to any assessment for local improvements known as Morningside avenues, within two months after the dates upon which such assessments may be respectively confirmed.

The notice must specify the particular assessment complained of, the date of confirmation of the same, the property affected thereby, and in a brief and concise manner the objections thereto, showing that the assessment was unfair or unjust in respect to said real estate.

Dated New York, July 13, 1880.

EDWARD COOPER, Mayor.
JOHN KELLY, Comptroller.
ALLAN CAMPBELL, Commissioner of Public Works.
GEORGE H. ANDREWS, Commissioner under said Act.
DANIEL LORD, JR., Commissioner under said Act.

FINANCE DEPARTMENT.

ARREARS OF ASSESSMENTS.

NOTICE TO PROPERTY-OWNERS.

THE COMPTROLLER OF THE CITY OF NEW YORK hereby gives notice to the owners of real estate, that as provided by chapter 125, passed May 7, 1880, at any time before the first day of September, 1880, any person liable therefor may pay the amount of any assessment for any local improvement in the City of New York, confirmed prior to the passage of said act, and remaining unpaid with interest at the rate of seven per centum per annum, and after said first day of September, and before the first day of December, 1880, any such assessment may be paid as aforesaid with interest at the rate of nine per centum per annum, from the date of confirmation to the date of payment thereof.

If any such assessment shall not be paid before the first day of December, 1880, the rate of interest thereon will be twelve per centum per annum thereafter, as provided by law, from the date of confirmation to the date of payment. The said act of 1880 is published herewith.

JOHN KELLY, Comptroller.
CITY OF NEW YORK, DEPARTMENT OF FINANCE,
COMPTROLLER'S OFFICE, July 23, 1880.

CHAPTER 125.

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

Passed May 7, 1880; three-fifths being present.

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

Section 1. At any time before the first day of September, eighteen hundred and eighty, any person liable therefor may pay, to the officer authorized to receive the same, the amount of any assessment for any local improvement in the City of New York, heretofore confirmed and now unpaid, with interest thereon at the rate of seven per centum per annum from the date of confirmation to the date of payment and at any time on or after said first day of September, and before the first day of December, eighteen hundred and eighty, any such assessment may be paid as aforesaid, with interest at the rate of nine per centum per annum from the date of confirmation to the date of payment.

Sec. 2. Where any installment or installments of any assessments have been paid under the provisions of chapter one hundred and three of the laws of eighteen hundred and seventy-six, or of chapter one hundred and fifty-nine of the laws of eighteen hundred and seventy-seven, or of chapter two hundred and fifty-five of the laws of eighteen hundred and seventy-eight, the amount of such assessment or assessments remaining unpaid may be paid within the same periods prescribed in the first section of this act and upon the same terms and conditions therein prescribed.

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

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

Sec. 5. This act shall take effect immediately.

INTEREST ON CITY STOCKS.

THE INTEREST ON THE BONDS AND STOCKS of the City of New York, due August 1, 1880, will be paid on Monday, August 2d, by the Comptroller, at his office in the New Court-house.

The transfer books will be closed from July 20, to August 2, 1880.

JOHN KELLY, Comptroller.
FINANCE DEPARTMENT—COMPTROLLER'S OFFICE,
NEW YORK, July 19, 1880.

ARREARS OF TAXES.

NOTICE TO TAXPAYERS.

THE COMPTROLLER OF THE CITY OF NEW YORK hereby gives notice to owners of Real Estate in said city, that, as provided by chapter 123 of the Laws of 1880, they may now pay any arrears of taxes and Croton water rents levied prior to the year 1877, with interest thereon at the rate of seven per cent. per annum. If, however, such taxes and Croton water rents are not paid before the first day of October next, the property on which they are due will be sold for taxes immediately thereafter, with the addition of accrued interest thereon at the rate of 12 per cent. per annum from the respective dates on which they were levied.

Lists for such tax sale are now being prepared by the Clerk of Arrears.

The time of payment of taxes for the years 1877, 1878, and 1879, with interest thereon at the rate of seven per cent. per annum, is extended to the first day of April, 1881, and if not paid before that date, interest will be payable at the rate of twelve per cent. per annum.

The Act, chapter 123, Laws of 1880, containing these provisions of law, is published below.

JOHN KELLY,

Comptroller.
CITY OF NEW YORK—DEPARTMENT OF FINANCE,
COMPTROLLER'S OFFICE, JUNE 4, 1880.

CHAPTER 123.

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

Passed April 15, 1880; three-fifths being present.

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

Section 1. At any time after the passage of this act, and before the first day of October, eighteen hundred and eighty, any person may pay to the Comptroller of the City of New York the amount of any tax upon real property belonging to such person, heretofore laid or imposed and now remaining unpaid, together with interest thereon at the rate of seven per centum per annum, to be calculated from the time that such tax was imposed to the time of such payment; provided, also, that the time when such payment may be made on the amount of any such tax laid or imposed in the years eighteen hundred and seventy-seven, eighteen hundred and seventy-eight, and eighteen hundred and seventy-nine shall extend to the first day of April, eighteen hundred and eighty-one. The comptroller shall make and deliver to the person making any such payment a receipt therefor, and shall forthwith cancel the record of any such tax on the books of the finance department; and upon such payment being made such tax shall cease to be a lien upon the property and shall be deemed fully paid, satisfied and discharged, and there shall be no right to any further interest or penalty by reason of such tax not having been paid within the time heretofore required by law, or by reason of any statute passed requiring the payment heretofore of any penalty or interest over seven per centum per annum upon any unpaid tax.

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

Sec. 3. This act shall take effect immediately.

DEPARTMENT OF FINANCE,
BUREAU FOR COLLECTION OF ASSESSMENTS,
FIRST FLOOR, ROOM NO. 1, NEW COURT-HOUSE,
CITY HALL PARK,
NEW YORK, JUNE 4, 1880.

NOTICE TO PROPERTY-HOLDERS.

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

CONFIRMED APRIL 16, ENTERED APRIL 24, 1880.

Opening of—
156th street, from the westerly line of Kingsbridge road to the easterly line of 11th avenue.
157th street, from the westerly line of the Road or Public Drive near the Harlem river to the easterly line of 11th avenue.
158th street, from the westerly line of Kingsbridge road to the Hudson river.
159th street, from the westerly line of the Road or Public Drive near the Harlem river to the easterly line of 11th avenue.

All payments made on the above assessments on or before August 3, 1880, will be exempt (according to law) from interest. After that date interest will be charged at the rate of seven (7) per cent. from the date of entry.

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

EDWARD GILON,
Collector of Assessments.FINANCE DEPARTMENT—COMPTROLLER'S OFFICE,
NEW YORK, JANUARY 22, 1880.

NOTICE TO OWNERS OF REAL ESTATE IN THE TWENTY-THIRD AND TWENTY-FOURTH WARDS OF THE CITY OF NEW YORK.

THE COMPTROLLER OF THE CITY OF NEW YORK hereby gives notice to owners of real estate in the Twenty-third and Twenty-fourth Wards, pursuant to an act of the Legislature of the State of New York, entitled "An act to provide for the adjustment and payment of unpaid taxes due the county of Westchester by the towns of West Farms, Morrisania, and Kingsbridge, lately annexed to the city and county of New York," passed May 22, 1878, the unpaid taxes of said towns have been adjusted and the amount determined as provided in said act, and that the accounts, including sales for taxes said act, and that the accounts, including sales for taxes levied prior to the year 1874, by the Treasurer of the County of Westchester, and bid in on account of said towns, and also the unpaid taxes of the year 1873, known as Rejected Taxes, have been filed for collection in the Bureau of Arrears in the Finance Department of the City of New York.

Payments for the redemption of lands so sold for taxes by the Treasurer of the County of Westchester, and bid in on account of said towns, and payments also of said Rejected Taxes of the year 1873, must be made hereafter to the Clerk of Arrears of the City of New York.

N. B.—Interest at the rate of twelve per cent. per annum is due and payable on the amount of said sales for tax and said rejected taxes.

JOHN KELLY,
Comptroller

REAL ESTATE RECORDS.

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

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

JOHN KELLY,
Comptroller.

THE CITY RECORD.

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