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BELI

BOO

BOI

BOI

BOI

BR

BR

BU

BU

BY

CA

CA

CA

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# ADDENDA.

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All acts of the Legislature of 1882 which have become laws up to the date of the publication of this work are given below. There are other railroad laws of 1882 (among others the Railroad Commission Act) which are now in the governor's hands awaiting his approval, and which are not given for the reason that the author is unable to determine at this date whether they will become laws of the State or not. The reader will therefore consult the Session Laws of 1882, when published, for the complete railroad legislation for 1882.

## CHAP. 42.

AN ACT to abolish the office of railroad commissioner in and for the towns of Worcester and Westford, in the county of Otsego, and to confer the powers and duties of said commissioners upon the supervisors of said towns.

PASSED March 29, 1882; three-fifths being present.

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

SECTION 1. The office of railroad commissioner in and for the towns of Worcester and Westford, in the county of Otsego, is hereby abolished.

§ 2. The powers and duties heretofore vested by law in said commissioners are hereby conferred upon and vested in the supervisors of said towns.

§ 3. This act shall take effect immediately.

## CHAP. 68.

AN ACT requiring supervisors administering funds received on account of bonded railroad indebtedness to give proper sureties.

PASSED April 14, 1882; three-fifths being present.

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

SECTION 1. The supervisors of any town or ward of any city receiving or disbursing any funds on account of the bonded railroad debt of said town or ward, before receiving or disbursing any such funds by virtue of any act of this state, shall execute to the town a bond with sureties who

shall be able to justify in at least double the amount of the money to be received by him, as near as can be ascertained, said bond to be approved by the town clerk and conditioned for the proper and due disbursement of moneys received on account of bonded railroad debt and the faithful accounting thereof, which bond when given will be filed with the town clerk.

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 All acts and parts of acts inconsistent with this act are hereby repealed.

§ 3. This act shall take effect immediately.

(See page 461, *ante.*)

## CHAP. 82.

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

PASSED April 19, 1882.

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

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

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

as to apply to any real estate in the city of Buffalo, situated between Main and Michigan streets, except that lying between Exchange street and Buffalo river.

§ 2. This act shall take effect immediately.

(See § 125, *ante.*)

### CHAP. 140.

AN ACT authorizing individuals, companies, associations and private corporations to construct and operate private railroads in certain cases.

PASSED May 11, 1882; three-fifths being present.

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

SECTION 1. It shall be lawful for any individual, company, association or private corporation to build and operate solely for the purpose of conducting the business of such individual, company, association or corporation, a railroad on or across any highway; provided that consent in writing, and under seal, of the owners of all lands on which any such railroad may be built, abutting a highway, be first obtained; and provided further, that the consent in writing of the supervisor of the town in which any railroad proposed to be built under this act is located be also first obtained; and provided further that this act shall not apply to any city or village; and provided further, that no such railroad shall be located, graded, built or operated as to interfere with or obstruct the traveled part of any highway, or interfere with or obstruct the public use of any highway, or any highway intersecting the same.

§ 2. This act shall take effect immediately.

(See § 190, *ante.*)

### CHAP. 151.

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

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

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

SECTION 1. Chapter three hundred and sixty-one of the laws of eighteen hundred and eighty-one, entitled "An act

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

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

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

§ 13. The comptroller is authorized to issue subpoenas requiring the attendance before him of any officer, agent, clerk or employee of any association, corporation or joint-stock company liable to be taxed on its corporate franchise or business, capital or dividends under any of the provisions of this act, and to administer oaths to and examine them or any one or more of them on oath in relation to any matter which may in any way be material in determining



the amount of the tax to be paid by any such association, corporation or joint stock company ; it shall be the duty of the person or persons thus subpoenaed to attend as thereby required and give testimony on the subject aforesaid, and in case of failure to so attend or testify, the person so failing shall be guilty of a contempt, and any special term of the Supreme Court may adjudge and determine the punishment therefor in the same manner and to the same extent as provided in the Code of Civil Procedure for the punishment of contempt of court other than criminal contempt.

§ 2. This act shall take effect immediately.

(See page 492, *ante*.)

### CHAP. 152.

AN ACT to amend chapter three hundred and ninety-eight of the laws of eighteen hundred and sixty-six, entitled "An act to facilitate the construction of the New York and Oswego Midland railroad, and to authorize towns to subscribe to the capital stock thereof."

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

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

SECTION 1. Section twenty-five of chapter three hundred and ninety-eight of the laws of eighteen hundred and sixty-six, entitled "An act to facilitate the construction of the New York and Oswego Midland railroad, and to authorize towns to subscribe to the capital stock thereof," is hereby amended so as to read as follows :

§ 25. All real property assessed or liable to be assessed upon the assessment-roll of any town at the time of issuing bonds by said town pursuant to this act, and all acts amendatory thereof, shall continue to be assessed and assessable for all purposes whatsoever in said town until said bonds, or any renewals thereof, are fully paid, and if the owner of such real property does not reside within said town, then such real property shall be assessed as non-resident land or to any occupant of said real property actually residing within said town.

§ 2. This act shall take effect immediately.

### CHAP. 306.

AN ACT to amend chapter two hundred and sixty-four of the laws of eighteen hundred and seventy-eight, entitled

“An act to authorize corporations organized under the laws of this State to reduce their capital stock.”

PASSED June 6, 1882.


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

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

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

§ 2. This act shall take effect immediately.

(See § 92(b), *ante.*)

 *N. B.—The following is the act for the appointment of a railroad commission, which has been passed by the Legislature of 1882, but at date of publication hereof has not been signed by the governor :*

**CHAP. —.**

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

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

SECTION 1. There shall be in and for the State of New York a board of railroad commissioners, to consist of three competent persons, who shall be appointed by the governor, by and with the advice and consent of the senate, one of whom shall hold office three years, one four years, and one five years. Such appointments shall be made within ten days after the third day of January, eighteen hundred and eighty-three. One of said persons shall be selected from the party which shall cast at the next general election the greatest number of votes for governor of the state, and one of said persons shall be selected from the party which shall cast at the next general election the next greatest number of votes for governor of the state, one of whom shall be experienced in railroad business, and one of said persons shall be selected upon recommendation of the presidents and exclusive committees, or a majority of such of the Chamber of Commerce of the State of New York, the New York Board of Trade and Transportation and the National Anti-Monopoly League of New York, as said organization now exists, or any two of such organizations so represented, in case of disagreement. And after such appointment first made, the governor, by and with the advice and consent of the senate, shall, in each year that a vacancy occurs fill the same by appointment for a term of five years. If any vacancy happens by resignation or otherwise, he shall in the same manner appoint a commissioner for the residue of the term. Any commissioner may be suspended from office by the governor upon written charges preferred. The governor shall report the fact of such suspension and the reason therefor at the beginning of the next ensuing session of the senate, and if a majority of such senate shall approve the action of the governor, such commissioner shall be removed from office and his term of office shall expire. If the senate shall not be in session at the time any such vacancy shall occur or exist, the governor shall appoint a commissioner to fill the vacancy, subject to the approval of the senate when convened. Said board shall have a clerk or secre-

tary who shall be appointed by the board to serve during their pleasure, and whose duty shall be to keep a full and faithful record of the proceedings of said board, and file and preserve at the general office of said board all books, maps, documents and papers intrusted to his care, and prepare for service such papers and notices as may be required of him by the commissioners, and perform such other duties as the board may prescribe; and he shall have power, under direction of the board, to issue subpoenas for witnesses, and to administer oaths in all cases pertaining to the duties of his office. Such board shall also appoint a marshal, whose duty it shall be to attend at the offices and at the meetings and examinations of said board as required, and to serve notices and other papers, and perform such other duties as the board shall prescribe. Said commissioners and clerk shall take and subscribe the constitutional oath of office, and be sworn to the due and faithful performance of the duties of their respective offices, before entering upon the discharge of the same; and no person in the employ of, or holding any official relation to, any railroad corporation, or owning stock or bonds in any railroad corporation, or who is in any manner pecuniarily interested in any firm or corporation having business relations with any railroad corporation, shall hold either of said offices, nor shall either of said commissioners be engaged in any other business vocation.

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

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

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

poration, the board, or a commissioner thereof, shall sit for such purpose in the city or town of this State where the principal business office of such railway corporation may be situated. The board of commissioners, however, shall have the power to require copies of books and papers, or abstracts thereof, as provided for in this section, to be sent to them to any part of this State. And the provisions of this act shall apply to all railroads and railways, and the corporations, receivers, trustees, directors, or others owning or operating the same; and also to all sleeping and drawing-room car companies or corporations, and to all other associations, partnerships, companies or corporations engaged in transporting passengers or freight upon any railway as lessees or otherwise.

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

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

tion and action; and shall also report the same facts in a special report or in the annual report of said board to the Legislature.

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

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

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

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

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



provided by said board of railroad commissioners, shall be preserved in the office of the board.

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

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

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

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

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

§ 16. This act shall take effect immediately.