

SUPPLEMENT

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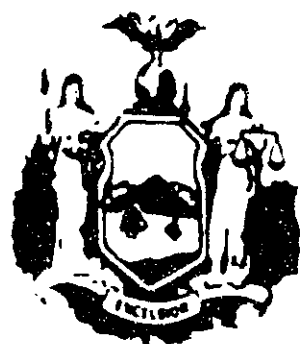
COLBY'S

New York Railroad Laws.

LEGISLATIVE ENACTMENTS OF 1882 AND 1883.

*CUT THESE AMENDMENTS OUT AND PASTE THEM INTO
THE ORIGINAL VOLUME.*

ALBANY, N. Y.:
WEARE C. LITTLE & CO.,
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§ 29. (a.) Page 27 (new). (Private tracks). Individuals. Private corporation, etc., may build railroad on or across highway—Consent of highway commissioners—Act not to apply to cities or villages.

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 so 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.

(Chap. 140, Laws of 1882.)

§ 29. (b.) Page 27 (new). (Union depots.) Corporations have power to build Union depots.—Railroad corporations may take stock in.

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

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

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

§ 4. This act shall take effect immediately.

(Chap. 273, Laws of 1882.)

§ 35. Page 36. *Corporate existence how extended, time extended in which to complete railroads.—Not applicable to certain corporations.*

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

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

§ 3. This act shall take effect immediately.

(Laws of 1882, Chap. 405.)

§ 92. (b.) Page 96. *Proceedings to diminish capital stock of corporations.*

SECTION 1. Section three of chapter two hundred and sixty-four of the laws of eighteen hundred and seventy-eight, entitled

"An act to authorize corporations organized under the laws of this state to reduce their capital stock," is hereby amended so as to read as follows:

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

§ 2. This act shall take effect immediately.

(Chap. 306, Laws of 1882, amending § 3 of Chap. 264, Laws of 1878.)

§ 104. (b.) Page 105. *Railroad corporations authorized to subscribe for stock in Union railroad depots.*

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

(§ 2 of Chap. 273, of Laws of 1882.)

* The act (Chap. 273, Laws of 1882) to authorize the formation of corporations to build Union depots. See § 29 (b) of these amendments, *ante*.

§ 117. (b.) Page 140. *An act in relation to sales and purchases of lands by corporations.*

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

(Chap. 290, Laws of 1882.)

§ 119. (a.) Page 143. *Company may hold and convey land in other states for business purposes.*

Section one of chapter one hundred and nineteen of the laws of eighteen hundred and seventy-five, entitled "An act to amend chapter one hundred and forty-six of the laws of eighteen hundred and seventy-two, entitled 'An act to authorize corporations to hold and convey real estate for business purposes, in other states, with the consent thereof,'" is hereby amended so as to read as follows:

§ 1. Section one of chapter one hundred and forty-six of the laws of eighteen hundred and seventy-two, entitled "An act to authorize corporations to hold and convey real estate for business purposes, in other states, with the consent thereof," is hereby amended as follows:

§ 1. It shall be lawful for any corporation organized under the laws of this state, and transacting business in it and other states, or foreign countries, except savings banks, to acquire, hold and convey in such states or foreign countries, with the consent thereof, such real estate as shall be requisite for such corporation, in the convenient transaction of its business, and to invest its funds in the stocks, bonds or securities of other corporations owning lands situated in this state or such states, provided that loans shall not be made on any stocks upon which dividends shall not have been declared continuously for three years, immediately before such loans are made; and provided further that such stocks shall be continuously of a market value twenty per cent greater than the amount loaned or continued thereon.

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

(Chap. 361, Laws of 1883; amending Chap. 119, Laws of 1875; amended by Chap. 146, Laws of 1872.)

§ 125. Page 148. *Title to roadway how acquired. The amendment is in italics.*

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.

(Chap 82, Laws of 1882 ; amending § 4 of Chap. 282, Laws of 1854.)

§ 127. Page 150. *Narrow guage railroad.—Commissioners to acquire real estate.*

Section six of chapter two hundred and ninety-three of the laws of eighteen hundred and seventy-nine is hereby amended so as to read as follows :

§ 6. Any railroad company duly organized according to law, when the guage of its proposed railroad shall be three feet and six inches or less, but not less than thirty inches within the rail, may, whenever two thousand dollars for every mile of road to be constructed has been, in good faith, subscribed and ten per cent thereon paid, in good faith, in cash, apply to the supreme court, in the manner provided by law, for the appoint-

ment of commissioners, and all subsequent proceedings may be had to obtain the title of lands necessary for the construction and maintenance and operating said railroad to the same extent and in the same manner as if the whole amount of the capital stock, specified in its articles of association, was in like manner subscribed and ten per cent thereon in like manner paid in cash; and may lay upon such road iron of a weight not less than twenty-five pounds to the lineal yard; such railroad company may charge and receive when its road is not more than twenty-five miles in length, not exceeding five cents per mile; when its road is more than twenty-five and not more than forty miles in length, not exceeding four cents per mile; and when its road is more than forty miles in length, not exceeding three cents per mile for each passenger and his ordinary baggage transported on said road, provided that nothing relating to fares in this section shall apply to railroad companies now incorporated, or to any railroad now in operation, or to any railroad or part thereof located, or to be located, in the county of Kings, *county of New York*, or within the limits of any incorporated city. And it is further provided that in case the weight of rail used shall not exceed twenty-five pounds per lineal yard, such railroad company shall not use an engine exceeding eighteen tons weight, or run at a greater speed than fifteen miles per hour.

(Chap. 384, Laws of 1883; amending § 6 of Chap. 293, Laws of 1879.)

§ 141. Page 158. *Action of commissioners to appraise land and their report.*

Section sixteen 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:

§ 16. The commissioners shall take and subscribe the oath prescribed by the twelfth article of the constitution. Any of them may issue subpoenas and administer oaths to witnesses; a majority of them may adjourn the proceedings before them from time to time in their discretion; Whenever they meet except by the appointment of the court or pursuant to adjournment, they shall cause reasonable notice of such meetings to be given to the parties interested, or their agent or attorney. They shall view the premises described in the petition and hear the proofs and allegations of the parties and reduce the testimony taken by them, if any, to writing, and after the testimony in such case is closed, they, or a majority of them, all being present, shall, without any unnecessary delay and before proceeding to the examination of any other claim ascertain and determine the compensation which ought justly to be

made by the company to the owners or persons interested in the real estate appraised by them; and in fixing the amount of such compensation said commissioners shall not make any allowance or deduction on account of any real or supposed benefits which the parties interested may derive from the construction of the proposed railroad or the construction of the proposed improvement connected with such road for which such real estate may be taken. But in case such real estate shall belong to any other railroad company the commissioners, on fixing the amount of such compensation, shall fix the same at its fair value for railroad purposes. They, or a majority of them, shall also determine what sum ought to be paid to the general or special guardian or committee of an infant, idiot or person of unsound mind, or to an attorney appointed by the court to attend to the interests of any unknown owner or party in interest, not personally served with notice of the proceedings and who has not appeared, for costs, expenses and counsel fees. The said commissioners shall make a report of their proceedings to the supreme court with the minutes of the testimony taken by them, if any; and they shall be entitled to five dollars for services and expenses for every day they are actually engaged in the performance of their duties, to be paid by the company except where the owners or persons interested in the real estate fail to have awarded them more than the amount of compensation offered them by the company before the appointment of commissioners, then to be paid by the said owners or persons interested, or if not paid by them, to be paid by the company and deducted from the amount awarded. Nothing herein is to affect or apply to any action pending or proceeding begun before the thirty-first day of December, eighteen hundred and eighty.

(Chap. 382, Law of 1883; amending § 16, Chap. 140, Laws of 1850.)

§ 227. *Page 247. Drinking water on passenger cars.*

Section three of chapter five hundred and eighty-two of the laws of eighteen hundred and sixty-four, entitled "An act to amend an act entitled 'An act to authorize the formation of railroad companies and to regulate the same, passed April second, eighteen hundred and fifty,'" is hereby amended so as to read as follows:

§ 3. Every railroad company whose line of road shall exceed forty continuous miles in length shall, for the better comfort of passengers, provide in each passenger car a suitable receptacle for water, with a cup or drinking utensil attached upon or near such receptacle, and shall keep the said receptacle while said car is in use constantly supplied with cool water; and any.

company failing to obey the provision of this section shall, for each offense of omission as aforesaid, forfeit as a penalty the sum of twenty-five dollars; one-half of said penalty to be paid to the informer, and the remaining one-half to the overseer of the poor of the county in which judgment shall have been recovered; and any railroad company whose main route of road does not exceed twenty miles may have a board of directors to manage its affairs, consisting of seven of its stockholders, to be chosen in the manner provided by law.

Chap. 46, Laws of 1883; amending § 3, Chap. 582, Laws of 1864.

§ 269. Page 317. *Errata.* For "*annually expended*" "*actually expended.*"

§ 269. Page 317. *Legislature may alter and reduce rate of freight and fare.*

Section thirty-three of chapter one hundred and forty of the laws of eighteen hundred and fifty is hereby amended so as to read as follows:

§ 33. The legislature may, when any such railroad shall be opened for use, from time to time, alter or reduce the rate of freight, fare or other profits upon such roads; but the same shall not, without the consent of the corporation, be so reduced as to produce with said profits less than ten per centum per annum, on the capital actually expended; nor unless, on an examination of the amounts received and expended, to be made by the "board of railroad commissioners," they shall ascertain the net income derived by the company from all sources for the year then last past shall have exceeded an annual income of ten per cent upon the capital of the corporation actually expended.

(Chap. 381, Laws of 1883; amending § 33, Of Chap. 140, Laws of 1850.)

§ 270. Page 317. *Fare on narrow guage railroads.*

Amended by adding words "County of New York." See § 1127, *ante.* As amended for the text of the *amendment.*

§ 271. Page 317. *Errata.* For "*fifty cents*" read "*forty cents.*" printed correctly in § 226.

(§ 273. (a.) Page 318. (New). *In relation to fares on short railroads and having tracks of two gauges and not entering the limits of any incorporated city.*)

Any railroad corporation now duly organized and having a railroad of the ordinary gauge, or the lessee of any such corporation, which may by the laying down of a third rail so as also to create a track of the gauge of three feet and six inches or less, but not less than thirty inches between the rails, shall for the purpose of asking and receiving fare for the transportation of passengers over the said narrow gauge track, be deemed a railroad of the gauge of three feet and six inches or less, not less than thirty inches between the rails, when the said narrow gauge does not enter or traverse the limits of any incorporated city and said road does not exceed six miles in length, including any connecting railroad of the same gauge.

(Chap. 386, Laws of 1883.)

§ 348. Page 374. All former acts repealed on new act passed in relation to fares for carrying passengers on street railroads in the *city of Buffalo*.

(Chap. 361, Laws of 1882.)

§ 346. (a.) Page 373. *Construction of street railroads in the city of Brooklyn.*

It shall not be lawful hereafter to lay, construct or operate any railroad in upon or along any or either of the streets or avenues of the city of Brooklyn. Wherever such railroad may commence or end, unless a majority of the owners of property upon the streets or avenues in or along where such railroad is to be constructed, shall first petition the common council of said city therefor, nor unless the said common council shall authorize the construction of such railroad, and the grant therefor shall be awarded and given to the person who will agree with adequate security to carry passengers on such railroad at the lowest rate of fare. But no such grant shall be awarded until after public notice inviting proposals therefor at a specified time and place shall have been published under the direction of the common council daily for six weeks in four of the public newspapers printed in said city. This section shall be deemed to affect the operation of or apply to the Brooklyn City Railroad Company, the Brooklyn Central or Jamaica Railroad Company, the Broadway Railroad Company of the City of Brooklyn, the Brooklyn City and Newtown Railroad Company, the Coney Island and Brooklyn Railroad Company, the Grand street Railroad Company, the South Side Railroad Company, and Bushwick Railroad Company, and such other

companies as are or may be authorized by law provided that no vote shall be given by or received from any person who shall not own a lot of land containing at least twenty feet in width in front and rear in the said street or avenue.

(Act to amend the Charter of Brooklyn, Chap. 863, Laws of 1873, title 19, § 23.)

NOTE—The constitution only requires the consent of the owners of one-half in value of the property on the street and in default of that, commissioners may be appointed, while the above cited act requires that a *majority of the property owners* shall petition the common council, etc.

See also Chap. 182, Laws of 1882, in regard to the construction of elevated or other railroads in Washington street in the city of Brooklyn.

Also Chap. 213, Laws of 1882, in regard to license fees for horse cars, and requiring railroad companies to report the number of horse cars in the city of Brooklyn.

§ 354. (a.) Page 377. (New.) *When horse railroad companies may use tracks of oihier companies to make connections—Compensation does not apply to surface roads in New York city and certain railroads in Brooklyn.*

SECTION 1. It shall be lawful for any railroad corporation in this state whose cars are run and operated by horses on tracks upon the surface of the street, for the purpose of enabling it to connect with and run and operate its cars between its tracks as now run and operated, and a depot or car-house owned by it, to run upon, intersect and use, for not exceeding the distance of five hundred feet, the tracks of any other railroad corporation, the cars of which are run and operated in like manner, with the necessary connections and switches for the proper working and accommodation of the cars upon the said tracks and in connection with such depot or car-house.

§ 2. Any corporation availing itself of the privileges granted by the first section of this act shall pay therefor such compensation as it may agree upon with the corporation owning the tracks which it is thereby authorized to run upon, intersect and use; and in case the said corporations cannot agree as to the amount of such compensation, the same shall be ascertained and determined by commissioners to be appointed by the supreme court as is now provided by law in respect to acquiring title to real estate by railroad corporations.

§ 3. This act shall not affect any surface railroad in the city and county of New York, nor shall anything herein contained be construed as authorizing the use or crossing of any railroad tracks now constructed on Washington street in the city of Brooklyn, or the construction, laying and maintenance of any tracks, switches, sidings, connections or turnouts upon said Washington street, or upon any street where it intersects or crosses the same.

§ 4. This act shall take effect immediately.
(Chap. 349, Laws of 1882.)

§ 355. Page 385. *Amendment of rapid transit and elevated railroad act.* (This is Chapter 393 of the Laws of 1882.)

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

§ 6. The said commissioners shall, within the like period of ninety days after their organization, fix and determine the time within which such railway or railways, or portions of the same, shall be constructed and ready for operation, together with the maximum rates to be paid for transportation and conveyance over such railway or railways, and the hours during which special cars or trains shall be run at reduced rates of fares. The said commissioners shall also, within the like period of ninety days after their organization, fix and determine the amount of the capital stock of the company to be formed for the purpose of constructing, maintaining and operating such railway or railways for public use in the conveyance of persons and property, the number of shares into which such capital stock shall be divided, and the percentage thereof to be paid in cash on subscribing for such shares. The said commissioners shall also, within one hundred and ten days after their organization, ascertain and determine the aggregate pecuniary damage arising from the diminution in value of the property bounded on that portion of such street or streets, highway or highways, upon which it is proposed to construct and operate such railway or railways, to be caused by the construction, maintenance and operation thereof. For the purpose of ascertaining such aggregate pecuniary damage the said commissioners shall view the several parcels of real estate bounded as aforesaid, and shall appraise separately the pecuniary damage arising from the diminution in value of each parcel thereof to be caused as aforesaid, and for the purposes of such appraisal they "shall give notice of the time and place, when and where they will meet to hear the owners, or persons interested in the said several parcels of real estate bounded as aforesaid, which notice shall be published for at least ten days consecutively, in at least two newspapers published in the county where such railway is to be constructed, and may in their discretion take testimony upon the probable diminution in value of any or all such parcels to be caused as aforesaid, and the aggregate sum of the amounts so appraised and determined by said commissioners shall be the aggregate pecuniary damage required to be ascertained and determined by said commissioners as above provided. And no corporation which shall hereafter be organized under this act shall enter upon any street, highway or lane of any city or county of this state, or become vested either directly or indirectly, whether by implication or otherwise, with

any right, privilege or franchise in any street, highway or lane therein, until it shall first have deposited with some trust company, to be designated by the mayor of the city within which it is proposed to construct the railway, or by the board of supervisors, when the road does not lie wholly within the city, a sum of money equal to the amount so ascertained and determined as aforesaid by said commissioners to be the aggregate pecuniary damage to the property, bounded as aforesaid, or shall have secured the payment of such amount by depositing with the said trust company negotiable securities, equivalent at their par and actual value to the aggregate amount aforesaid, and approved either by the county treasurer, or in case the said commissioners shall have been appointed by the mayor of a city, then by the said mayor. And the said corporation shall also at the same time deposit with the said trust company, or with the county treasurer, the sum of five thousand dollars in cash for the payment of the expense of apportioning and distributing the aforesaid fund; and unless such moneys or securities as aforesaid shall be deposited by such corporation within one year after it shall have obtained the consent of the local authorities, and of the property owners, or the confirmation by the general term of the supreme court of the determination of three commissioners, appointed by said court, as required by the fourth section of this act, and in the case of a company heretofore organized within one year after it shall have obtained the confirmation by the general term of the supreme court of the report of three commissioners appointed by said court, in lieu of the consent of property owners or within one year after the commissioners appointed to ascertain and determine the aggregate pecuniary damages as provided in this act shall have made their report, then and in such case the said corporation shall be deemed not to have accepted the franchises duly granted.

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

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

§ 7. The said commissioners shall prepare appropriate articles of association for the company, in the last section mentioned, in which said articles of association shall be set forth and em-

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

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

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

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

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

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

§ 44. The said commissioners shall take and subscribe the oath prescribed by the twelfth article of the constitution. Any one of them may issue subpoenas and administer oaths to witnesses; any two of them may adjourn the proceedings before them from time to time in their discretion. Whenever they meet, except by the appointment of the court, or pursuant to adjournment, they shall cause notice of such meeting to be given to all parties who have appeared in the proceedings, in such manner as the court shall direct. They shall view the property bounded upon that portion of any street or highway upon which said railway is located, and hear the proofs and allegations of the persons owning, or having or claiming to have an interest therein, and of the railway company, and reduce the testimony, if any is taken by them, to writing; and after the testimony is closed, all being present and acting, shall ascertain and determine what amount of the money deposited or secured as above provided, ought justly to be paid to each owner or person interested in said property, or any parcel thereof as compensation for any diminution in value thereof caused by the construction, maintenance and operation of said railway; and in determining such amounts respectively, they shall make allowances for any benefit which shall have accrued, or may thereafter accrue to said property, or any parcel thereof, by reason of the construction and operation of said railway. The sum of all the amounts so awarded shall not exceed the amount deposited or secured by said railway company as above provided. The said commissioners shall make a report to the supreme court, signed by them or a majority of them, of the proceedings before them, with the minutes of the testimony taken by them, if any. Said commissioners shall be entitled to five dollars per day for each day they are engaged in the performance of their duties. The fees of said commissioners together with their reasonable expenses, approved by a justice of the supreme court, upon notice to the said railway company, shall be paid out of the moneys deposited with the county treasurer or trust company for such purpose as above provided in the sixth section hereof and any

balance of said moneys so deposited for such purposes shall thereupon be paid over to said railway company, No costs shall be allowed in the proceedings before said commissioners.

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

§ 46. Upon the expiration of thirty days after the entry of said order of confirmation, and upon the presentation of a certified copy thereof, the county treasurer or trust company shall pay the sums awarded by such order to the persons entitled thereto under the provisions of said order. Within twenty days after the entry of said order confirming the report of the commissioners and service thereof upon all parties who have appeared, any party may appeal by notice in writing served upon all who have appeared, and upon the county clerk and county treasurer, to the general term of the supreme court from the said order of confirmation; and service of such notice upon the county treasurer or trust company shall stay all payments by him or it until the further order of the court. Such appeal shall be heard by the supreme court at any general term thereof, on notice thereof being given according to the rules and practice of said court. On the hearing of such appeal the court may affirm the order so appealed from, or may reverse the same and direct a new apportionment before the same or new commissioners, in its discretion; and in case a new apportionment shall be directed, the second report shall be final and conclusive upon all parties interested.

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

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

§ 49. In case the said corporation shall have deposited with the county treasurer or trust company negotiable securities in lieu of moneys, as provided in the sixth section hereof, then upon the confirmation of the report of the commissioners of apportionment, the county treasurer or trust company shall

notify said railway company to pay to him the aggregate amount awarded by said report, and upon its failure so to do shall sell the said securities, or such part thereof as may be necessary for the purpose of raising such amount.

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

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

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

given by this section may be presented in aid of any application it may make.

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

§ 6. This act shall take effect immediately.

§ 384 (a). Page 422, (new). *Conditional sale of Rail Road equipments and rolling stock.*

Whenever any railroad equipment and rolling stock shall hereafter be sold, leased or loaned on the condition that the title to the same, notwithstanding the possession and use of the same by the vendee, lessee or bailee, shall remain in the vendor, lessor or bailor, until the terms of the contract as to the payment of the installments, amounts or rentals payable, or the performance of other obligations thereunder shall have been fully complied with, but also providing that title thereto shall pass to the vendee, lessee or bailee on full payment therefor as aforesaid, such contract shall be invalid as to any subsequent judgment creditor or any subsequent purchaser for a valuable consideration without notice, unless

1. The same shall be evidenced by writing, duly acknowledged before some person authorized by law to take acknowledgments of deeds.

2. Such writing shall be recorded in the same book as mortgages are recorded, in the office of the clerk of the county in which is located the principal office or place of business of such vendee, lessee or bailee within the state, or in the office of the register in counties where there is a register's office.

3. Each locomotive or car so sold, leased or loaned shall have the name of the vendor, lessor or bailor, or the assignee of such vendor, lessor or bailor, plainly marked upon both sides thereof, followed by the word owner, lessor, bailor or assignee, as the case may be.

§ 2. This act shall not be held to apply to or invalidate any contract heretofore made, of the character described in the first section, but the same shall be and remain valid if recorded within ninety days from the date hereof.

(Chap. 383, Laws of 1883.)

§ 386. Page 424. *When railroad companies may be consolidated.*

Section one of chapter one hundred and eight of the laws of eighteen hundred and seventy-five, entitled "An act in relation

to railroad corporations," is amended so as to read as follows :

§ 1. In any case where two or more railroad companies shall have been, or shall hereafter be, organized under the laws of this state, the whole of whose lines, as located by them, respectively, shall form one continuous and connecting line of road, the said companies may consolidate their lines of roads, stock, franchises, and property, according to the existing laws of this state relating to the consolidation of railroad companies; and any such consolidated company may thereupon construct or finish the construction of such continuous line of railroad, and operate the same subject to all provisions of law applicable to railroad corporations organized under the said laws, so far as not inconsistent with this act; but this act shall not in any manner affect the existing laws regulating the rate of fare on any railroad.

(Chap. 387, Laws of 1883; amending Chap. 108, Laws of 1875.)

Page 465. Municipal aid to railroads—commissioners to exhibit to town auditors bonds which have been paid—to make annual reports and to invest money.

SECTION 1. Section one of chapter five hundred and thirty-seven of the laws of eighteen hundred and seventy-one, entitled "An act requiring commissioners of towns, cities and villages appointed under the several acts to facilitate the construction of railroads in the state to present bonds and coupons paid by them before the boards of auditors in the towns, cities and villages, and providing for the cancellation and preservation of the same," is hereby amended so as to read as follows:

§ 1. The commissioners appointed under and by virtue of the several acts to facilitate the construction of railroads in this state, and who have been duly authorized under said laws to issue bonds of any town, city or village therein, are hereby required to present before the boards of auditors of their respective towns, cities or villages, whose duty it is annually to examine and audit the receipts and disbursements of either town, city or village officers, at each annual meeting of said boards of town auditors, or the auditing board in any city or village, all such bonds and coupons thereof which have been paid by them respectively during the year then ending; also to render a written statement or report annually to said board, showing in items all their receipts and expenditures with vouchers. It shall be the further duty of said commissioners to loan on proper security or collaterals or deposit in some solvent bank or banking institution, at the best rate of interest they may be able to obtain, or invest in the bonds of their respective towns all moneys that shall come into their hands by virtue of their office, and not needed for current liabilities; and all interest or earnings accruing from such loans or deposits shall be credited to their respective towns, cities or villages, and ac-

counted for in their annual settlements with the said boards of auditors.

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

§ 3. This act shall take effect immediately.
(Chap. 293, Laws of 1882; amending § 1 of Chap. 537, Laws of 1871.)

Page 477. Bonded indebtedness of villages, etc.

Section one of an act entitled "An act in relation to the bonded indebtedness of village, cities, towns and counties in this state created in aid of railroads," passed June fifteenth, one thousand eight hundred and eighty-one, is hereby amended so as to read as follows :

§ 1. The present bonded indebtedness of any village, city, town or county in this state, including interest past due and unpaid, may be paid up or retired by the issue of new bonds for like amount by the board of trustees, mayor and common council, town board, board of supervisors or supervisor, or railroad commissioners, or officer or officers, now having in charge according to law the payment of interest and principal on bonds herein proposed to be paid and retired, respectively of such village, city, town or county ; provided, however, that such new bonds shall be issued only when existing bonds can be retired by the substitution therefor of such new bonds or can be paid up by money realized on the sale of such new bonds ; and provided further, that such new bonds shall bear interest at a rate not exceeding five per cent per annum, payable semi-annually. All existing bonds taken up by the substitution of such new bonds or paid under the provisions of this act shall be immediately canceled, and a certificate executed by the officers issuing such new bonds shall be forthwith made and filed by them in the county clerk's office of the proper county, which shall state the amount of existing bonds so canceled and of new bonds so 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. The new bonds so to be issued shall be made payable at any period or periods deemed advisable by the officers issuing the same, not less than two years nor more than thirty years from their date ; and shall bear date and draw interest from the date of the payment of existing bonds, or the receipt of money to pay existing bonds ; and shall be issued in no case at less than for their par value.

(Chap. 453, Laws of 1883 ; amending § 1, Chap. 522, Laws of 1881.)

Page 477 Bonded indebtedness of villages, etc.

Section one of chapter five hundred and twenty-two of the laws of eighteen hundred and eighty-one, entitled "An act in

relation to the bonded indebtedness of villages, cities, towns and counties in this state, created in aid of railroads," is hereby amended so as to read as follows :

§ 1. The present bonded indebtedness of any village, city, town or county in this state, which was created to aid in the construction of any railroad, or which was created in the renewal or extension of any such indebtedness, or of any part thereof, may be paid up or retired, in whole or in part, whether due or to fall due by the issue of a new bond or bonds by the board of trustees, mayor and common council, town board, board of supervisors, or supervisor or railroad commissioners, or officer or officers now having in charge, according to law, the payment of interest and principal on bonds herein proposed to be paid and retired, respectively, of such village, city, town or county; provided, however, that such new bond or bonds shall be issued only when the existing bond or bonds can be retired by the substitution therefor of such new bond or bonds, or can be paid up by money realized on the sale of such new bond or bonds; and provided, further, that such new bond or bonds shall bear interest at a rate not exceeding five per centum per annum, payable semi-annually. Any existing bond or bonds taken up by the substitution of such new bond or bonds, or paid under the provisions of this act, shall be immediately canceled, and a certificate executed officially by the officer or officers issuing such new bond or bonds shall be forthwith made and filed by him or them in the county clerk's office of the proper county, which shall state the amount of the existing bond or bonds so canceled and of the new bond or bonds so 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. The new bond or bonds issued under the provisions of this act shall be made payable at any period deemed advisable by the officer or officers issuing the same, not less than two years nor more than thirty years from their date, and shall bear date and draw interest from the date of the payment of the existing bond or bonds, or the receipt of money to pay the existing bond or bonds; and shall be issued in no case at less than their par value.

(Chap. 124, Laws of 1883; amending § 1, Chap. 522, Laws of 1881.)

Page 478. Municipal aid to railroads—Supervisors administering funds to give bonds with sureties.

SECTION 1. The supervisor 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 jus-

tify 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.
(Chap. 68, Laws of 1882.)

§ 420. Page 483. In connection with this section read the note on page 504.

§ 431. Page 488. *School collector to deliver statement of railroad tax to county treasurer—Treasurer to notify ticket agent.*

SECTION 1. Section one of chapter six hundred and seventy-five of the laws of eighteen hundred and eighty-one, entitled "An act to facilitate the payment of school taxes by railroad companies," is hereby amended so as to read as follows:

§ 1. It shall be the duty of the school collector in each school district in this state, except in the counties of New York and Kings, within five days after the receipt by such collector of any and every tax or assessment-roll of his district, to prepare and deliver to the county treasurer of the county in which such district, or the greater part thereof, is situated, a statement showing the name of each railroad company appearing in said roll, the assessment against each of said companies for real and personal property respectively, and the tax against each of said companies. *It shall thereupon be the duty of such county treasurer, immediately after the receipt by him of such statement from such school collector, to notify the ticket agent of any such railroad company assessed for taxes at the station nearest to the office of such county treasurer personally or by mail, of the fact that such statement has been filed with him by such collector, at the same time specifying the amount of the tax to be paid by such railroad company.*

§ 2. This act shall take effect immediately.

(Chap. 319, Laws of 1882; amending § 1, Chap. 675, Laws of 1881.)

§ 457. (a.) Page 498. *State tax upon corporations—Three new sections added—Comptroller dissatisfied with report may fix amount—Proceedings in case of refusal to make report—Comptroller may issue subpoenas and examine witnesses.*

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 in the state thereon, and any association, corporation or joint-stock company dissatisfied with the account so settled may within ten days after notice thereof appeal therefrom to a board consisting of the secretary of state, attorney-general and state treasurer, which board on such appeal shall affirm or correct the account so settled by the comptroller, and the decision of said board shall be final, but such appeal, shall not stay proceedings unless the full amount of the taxes, penalties and interest as due on said account as settled by the comptroller, be deposited with the state treasurer.

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

§ 13. The comptroller is authorized to issue subpoenas requiring the attendance before him of any officer, agent, clerk or employee of any association, corporation or joint stock company liable to be taxed on its corporate franchise or business, capital or dividends under any of the provisions of this act, and to administer oaths to and examine them or any one or more of them on oath in relation to any matter which may in any way be material in determining the amount of the tax to be paid by any such association, corporation or joint stock company; it shall be the duty of the person or persons thus subpoenaed to attend as thereby required and give testimony on

the subject aforesaid, and in case of failure to so attend or testify, the person so failing shall be guilty of a contempt, and any special term of the supreme court may adjudge and determine the punishment therefor in the same manner and to the same extent as provided in the Code of Civil Procedure for the punishment of contempt of court other than criminal contempt.

§ 2. This act shall take effect immediately.

(Chap. 151, Laws of 1882; amending Chap. 361, Laws of 1881.)

§ 552. Page 537. *Attorney-General may apply for order removing receiver of insolvent corporations.*

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

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

(Chap. 331, Laws of 1882; amending § 3 of Chap. 537, Laws of 1880.)

NOTE.—See § 552 of this text as amended (next section *infra*) as to what actions the aforesaid act is made appealable.

§ 553. Page 537. *Notices of motion, etc., to be served on the Attorney-General in actions for dissolution of corporation or distribution of its assets.*

A copy of all notices of motion and of all motion papers, and a copy of any other application to the court, together with a copy of the order or judgment to be proposed thereon to the court, in every action or proceeding now pending for the dissolution of a corporation or a distribution of its assets, or which shall hereafter be commenced for such purpose, shall in all cases be served on the attorney-general, in the same manner as provided by law for the service of papers on attorneys who have appeared in actions, whether the applications but for this law would be *ex parte* or upon notice, and no order or judgment granted shall vary in any material respect from the relief specified in such copy, order or judgment, unless the attorney-gen-

eral shall appear on the return day and have been heard in relation thereto; and any order or judgment granted in any action or proceeding aforesaid without such service of such papers upon the attorney-general, shall be void, and no receiver of any such corporation shall pay to any person any money directed to be paid by any order or judgment made in any such action or proceeding, until the expiration of eight days after a certified copy of such order or judgment shall have been served as aforesaid upon the attorney-general.

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

(§§ 2 and 3, Chap. 331, Laws of 1882; amending § 4, Chap. 537, Laws of 1880.)

§ 558. (a.) Page 539. (New.) (An Act in relation to receivers of corporations).

SECTION 1. Every application hereafter made for the appointment of a receiver of a corporation shall be made at a special term of the court held in and for the judicial district in which the principal business office of the corporation was located at the commencement of the action wherein such receiver is appointed or in and for a county adjoining such district; and any order appointing a receiver, otherwise made shall be void.

§ 2. Every receiver shall be allowed to receive as compensation for his services as such receiver, five per cent for the first one hundred thousand dollars actually received and paid out, and two and one-half per cent on all sums received and paid out in excess of the said one hundred thousand dollars.

§ 3. All orders appointing receivers of corporations shall designate therein one or more places of deposit, wherein all funds of the corporation not needed for immediate disbursement shall be deposited, and no deposits or investments of such trust funds shall be made elsewhere, except upon the order of the court upon due notice given to the attorney-general.

§ 4. It shall be the duty of every receiver of an insurance, banking or railroad corporation or trust company to present every six months to the general term of the supreme court, held in the department wherein the place of trial or venue of the action or special proceeding in which he was appointed may then be, on the first day of its first sitting, after the expiration of such six months, and to file a copy of the same, if a receiver of a bank or trust company, with the bank superintendent, if a receiver of an insurance company, with the superintendent of insurance, and in each case with the attorney-general, an account exhibiting in detail the receipts of his trust, and the expenses paid and incurred therein during the preceding six months; and it shall be unlawful for any receiver

of the character specified in this section to pay to any attorney or counsel any costs, fees or allowances until the amounts thereof shall have been stated to the general term in this manner, as expenses incurred, and shall have been approved by that court, by an order of the court duly entered. Of the intention to present such account, as aforesaid, the attorney-general shall be given eight days' notice in writing; and the attorney-general shall examine the books and accounts of such receiver at least once every twelve months.

§ 5. In case of the intervention of any policy-holder or depositor, by permission of the court, such policy-holder or depositor shall defray the legal expenses thereof, and no allowance shall be made for costs or fees to any attorney of such policy-holder or depositor.

§ 6. The affairs of every insolvent corporation now in the hands of any receiver shall be fully closed up by the receiver thereof within one year from the passage of this act, unless the court upon application by said receiver and upon due notice to the attorney-general, shall give additional time for that purpose.

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

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

corporation shall pay to any person any money directed to be paid by any order or judgment made in any such action or proceeding, until the expiration of eight days after a certified copy of such order or judgment shall have been served as aforesaid upon the attorney-general.

§ 9. All applications to the court contemplated by this act shall be made in the judicial district where the principal office of the insolvent corporation was located; and the venue of all actions or proceedings now pending, not in the judicial district where the principal office of the insolvent corporation was located, are hereby changed and transferred to the county and judicial district where such principal office was located.

§ 10. All actions or other legal proceedings and appeals therefrom or therein brought by or against a receiver of any of the insolvent corporations referred to in this act, shall have a preference upon the calendars of all courts next in order to actions or proceedings brought by the people of the state of New York.

§ 11. All acts or parts of acts inconsistent herewith are hereby repealed.

(Chap. 378, Laws of 1883.)

Pages 717 and 718. Amending act to create board of railroad commissioners. Chap. 353, laws of 1882.

Section twelve of chapter three hundred and fifty-three of the laws of eighteen hundred and eighty-two is hereby amended so as to read as follows:

§ 12. The annual salary of each commissioner shall be eight thousand dollars, payable quarterly from the treasury of the state. The annual salary of the chief clerk or secretary shall be three thousand dollars, and of the marshal fifteen hundred dollars, payable 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 expense 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.

§ 2. Section fourteen of chapter three hundred and fifty-three of the laws of eighteen hundred and eighty-two is hereby amended so as to read as follows:

§ 14. Said railroad commissioners, and either of them, shall have the right in their or his official capacity to enter and remain during business hours in the cars, offices and depots, and upon the railroads of any railroad company within this state, in the performance of official duties; but said railroad commissioners shall not, directly or indirectly, solicit or request from, or recommend to any railroad corporation, or any officer, attorney or agent thereof, the appointment of any person or persons to any place or position, nor shall any railroad corporation, its attorney or agent, offer any place, appointment or position, or other consideration to such commissioners, or either of them, nor to any clerk or employee of said commissioners whatever; neither shall said commissioners, nor their secretary, clerks, agents, employees or experts accept, receive or request any pass from any railroad in this state for themselves or for any other person, or any 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, secretary, clerk, agent, employee or expert 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.

(Chap. 388, Laws of 1883; amending Chap. 353, Laws of 1882.)