

L A W S

OF THE

STATE OF NEW YORK.

VOL. I,

PASSED AT THE

ONE HUNDRED AND FIFTEENTH SESSION

OF THE

LEGISLATURE,

BEGUN JANUARY FIFTH, 1892, AND ENDED APRIL TWENTY-FIRST, 1892,
IN THE CITY OF ALBANY; AND AT AN EXTRAORDINARY SES-
SION, BEGUN ON APRIL TWENTY-FIFTH, 1892 AND
ENDED ON APRIL TWENTY-SIXTH, 1892.



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CERTIFICATE.

OFFICE OF THE SECRETARY OF STATE
OF THE STATE OF NEW YORK,
ALBANY, *Aug. 1, 1892.* }

Pursuant to the directions of the act entitled "An act relative to the publication of the Laws," passed April 12, 1843, I hereby certify, that the following volume of the Laws of this State, was printed under my direction

FRANK RICE,
Secretary of State.

In this volume, every act which received the assent of a majority of all the members of the Legislature, "three-fifths of all the members elected to either House" thereof being present, pursuant to section 21 of article 3 of the Constitution of this State, is designated under its title by the words "passed, three-fifths being present." [See Laws of 1847, chap. 253, as amended by Laws of 1888, chap. 4.]

And every act which received "the assent of two-thirds of all the members elected to each branch of the Legislature," pursuant to section 9 of article 1 of the Constitution of this State, is designated under its title by the words "passed by a two-thirds vote." [See Laws of 1842, chap. 306, as amended by Laws of 1888, chap. 4.]

CHAP. 5.

AN ACT to provide for an enumeration of the inhabitants of this state.

APPROVED by the Governor January 20, 1892. Passed, three-fifths being present.

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

SECTION 1. An enumeration of the inhabitants of this state shall be taken during the present year, eighteen hundred and ninety-two.

Enumer-
ation of in-
habitants.
Blanks.

§ 2. The clerks of the senate and assembly shall, as soon as may be after the passage of this act, cause uniform blank returns and abstracts to be prepared, together with copies of this act, to be printed and furnished to the secretary of state for the purpose of taking such enumeration.

§ 3. On or before the eighth day of February, eighteen hundred and ninety-two, the secretary of state shall appoint one enumerator in and for each election district of the state, as such election districts were constituted, territorially, on the day of the general election held in the state on November third, eighteen hundred and ninety-one. Said enumerator when appointed shall have been a resident of such election district for a period at least of four months at the time of such appointment, and whose duty it shall be to enumerate and report every inhabitant residing in his district as hereinafter provided.

Enumer-
ators.

§ 4. The secretary of state shall issue to each enumerator a certificate of appointment under his hand, in which certificate the district assigned to the person so appointed shall be designated, and such certificate shall be delivered to the person appointed, and shall be evidence of the facts therein contained, and of his authority to act under the provisions of this act.

Certificate
of appoint-
ment.

§ 5. It shall be the duty of the secretary of state on or before the thirteenth day of February, eighteen hundred and ninety-two, to forward to the enumerator appointed in and for each of the election districts of the state as hereinbefore described such number of the blank returns, abstracts and copies of this act as may be necessary to complete an enumeration of the inhabitants of this state.

Blanks to
be sent to
enumer-
ators.

§ 6. On the sixteenth day of February, eighteen hundred and ninety-two, every such enumerator shall proceed to enumerate, truly and accurately, the inhabitants residing in the election district for which he shall have been appointed, by making actual inquiry at every dwelling-house, or of the head of every family residing therein, and by such convenient means as may be in his power, and complete all his official work prior to the twenty-ninth day of February, eighteen hundred and ninety-two. In making such enumeration he shall, for the purpose of identification, ascertain and include the sex, age, color, nationality, citizenship or alienage, and the occupation of each inhabitant.

Enumer-
ation,
when and
how made.

§ 7. Each enumerator shall enter in the blank return received, the particulars of the enumeration so made, in the manner and form prescribed by the secretary of state.

Enumer-
ator's du-
ties.

§ 8. Every person whose usual place of abode shall be in any family on the sixteenth day of February, eighteen hundred and ninety-two, shall be returned as of such family; and every inhabitant casually absent at the time of taking the enumeration, as belonging to that place in which he usually resides.

Who to be
enumer-
ated.

Returns,
how certi-
fied.

§ 9. The return so made out shall be in duplicate and be certified by the enumerator taking the enumeration, to be true and accurate to the best of his knowledge and belief, and such certificate shall state the number of pages of which the return consists, and shall be subscribed and sworn to by him before any officer authorized to administer oaths, who shall certify such attestation without charging any fee therefor.

Forward-
ing and fil-
ing of re-
turns.

§ 10. Each enumerator shall, on or before the second day of March, eighteen hundred and ninety-two, cause the return so certified by him to be forwarded to the office of the secretary of state at Albany, by express or as otherwise directed, carefully inclosed so as to protect the return transmitted. Each enumerator shall file a duplicate certified copy of his return as transmitted to the secretary of state in the office of the county clerk of the county in which the enumerator resides. Each county clerk shall upon the request of the secretary of state transmit to him a certified copy of the enumeration of any election district as filed in his office within five days after said request is made upon him.

Duty of
county
clerk.

Neglect to
make re-
turns.

§ 11. If any enumerator shall neglect for three days after the second day of March, eighteen hundred and ninety-two, to make his return as aforesaid, the secretary of state shall immediately proceed himself or dispatch a messenger to procure such return and duplicate, and the expense thereof shall be deducted from the account of such enumerator upon the voucher presented by the secretary of state to the comptroller for payment of services.

Report to
legisla-
ture.

§ 12. The secretary of state, after receiving such returns, shall prepare and report to the legislature a general account of the enumeration, specifying the result thereof in the several election districts, towns and counties of the state, with a full recapitulation of the whole.

Compensa-
tion of enu-
merators.

§ 13. The compensation of enumerators shall be two dollars per day for each day actually and necessarily employed in making the enumeration, and preparing the duplicate copy of the returns, and one cent for each person enumerated in the return. Such compensation shall be paid upon a verified account therefor rendered to the secretary of state and approved by him and filed with the comptroller, who shall draw his warrant upon the treasurer therefor, to be paid by the treasurer from such funds as may be applicable thereto.

New enu-
merators.

§ 14. In case of the inability or neglect of any enumerator appointed under or by virtue of this act to perform his duties as required, the secretary of state shall have full power, and it shall be his duty forthwith, in the manner aforesaid, to appoint an enumerator to perform such service, and who shall be a resident of the state, and the secretary of state shall have full authority to confirm the accuracy of the enumeration of any district by such comparisons and investigations as a true enumeration demands.

Confirma-
tion of enu-
meration.

Penalty
for refus-
ing to give
informa-
tion.

§ 15. Any person being the head of a family, or member thereof, above the age of twenty-one years, who shall refuse to give to any enumerator the information required by him, relative to any of the particulars which such enumerator is required to state in his returns concerning such family or person, or who shall willfully give false information to such enumerator concerning the same, shall forfeit and pay a penalty of fifty dollars, to be sued for and recovered, with costs of suit, by and in the name of the supervisor of their respective towns, and shall be paid over to the county treasurer for the benefit of the common schools of such town, except in the city of New York, such suit and recovery shall be in the name of the mayor, aldermen and

commonalty of the said city, and such penalty shall be paid over to the comptroller of said city for the benefit of the common schools therein.

§ 16. It shall be the duty of the secretary of state to appoint suitable persons to take the enumeration of the Indians residing on the several reservations in this state, who shall, in respect to such reservation, perform all the duties required of an enumerator by this act, and as the secretary of state, in his instructions shall prescribe; for which service they shall be paid as other enumerators are compensated.

Enumeration of Indians.

§ 17. In all cities of this state the mayor or the police commissioners of the city, or other officer or officers having the control and direction of the police, shall render, and cause the police to render assistance and aid to the enumerators appointed under this act when so requested to do by the secretary of state and, upon like request, shall cause police officers to accompany such enumerators to any house, houses or places for the purpose of rendering such aid and assistance.

Police aid in cities.

§ 18. The secretary of state shall prepare and print all books, blanks and forms required for the taking of this enumeration and the returns thereof, except as in the second section of this act provided, and shall tabulate and arrange the same for report and transmittal to the legislature and for publication, and he may employ in his office such assistants and clerks as may be required by the work of the enumeration and fix their compensation and pay other expenses, except the publication of the final and full returns.

Duty of secretary of state.

Assistants and clerks.

§ 19. The sum of two hundred and five thousand dollars, or so much thereof as may be necessary, is hereby appropriated out of any moneys in the treasury not otherwise appropriated, to be paid by the treasurer on the warrant of the comptroller upon accounts approved by the secretary of state to carry into effect the provision of the constitution and this and other laws of the state requiring an enumeration of the inhabitants thereof to be taken.

Appropriation.

§ 20. This act shall take effect immediately.

CHAP. 6.

AN ACT to authorize the town of Guilderland, Albany county, New York, to borrow money and issue bonds or certificates therefor, for the purpose of paying the claim of Jacob Henry Hallenbeck against said town of Guilderland.

APPROVED by the Governor January 29, 1892. Passed, three-fifths being present.

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

SECTION 1. The supervisor of the town of Guilderland, Albany county, New York, is hereby authorized and empowered to borrow, on the credit of said town of Guilderland, the sum of twelve thousand dollars for the purpose of paying a judgment recovered by Jacob Henry Hallenbeck against the said town of Guildefland for the injury and damages sustained by said Jacob Henry Hallenbeck in the falling of a defective bridge in said town of Guilderland, which bridge said town of Guilderland was and is legally bound to maintain and keep in repair. And for the money so borrowed the supervisor and town clerk of said town of Guilderland are hereby

Supervisor may borrow money.