

K
429
W4

UC-NRLF



\$B 138 983

131673

GIFT OF

Prof. C. A. Kofoid



EX LIBRIS

Mr. J. Palmer
Cokesburgh



Digitized by the Internet Archive
in 2007 with funding from
Microsoft Corporation

THE
REVISED STATUTES
OF THE
STATE OF NEW YORK,
REDUCED TO
QUESTIONS AND ANSWERS,
FOR THE USE OF
SCHOOLS AND FAMILIES.



BY
WILLIAM B. WEDGWOOD, A. M.
MEMBER OF THE NEW YORK BAR.

EIGHTH EDITION.

NEW YORK:
PUBLISHED BY SAXTON AND MILES,
205 BROADWAY.

1843.

JK3429

L3 W4

Entered according to Act of Congress, in the year 1843, by
SAXTON AND MILES,
in the Clerk's Office of the District Court of the United States, for
the Southern District of New York.

Sept. 9. Prof C. A. Koyford

S. W. BENEDICT AND CO., PRINT.

TABLE OF CONTENTS.



CONSTITUTION OF THE STATE OF NEW YORK.

	PAGE
The Legislature,	8
Qualifications of electors,	11
The Executive,	12
The militia,	14
Court for the trial of impeachment and correction of errors,	16
Oath of office,	18
Free enjoyment of religious worship,	18
Freedom of speech and of the press,	20
The Constitution how amended,	20

REVISED STATUTES OF THE STATE OF NEW YORK.

Of the boundaries of the State,	21
Of the civil divisions of the State,	22
The census, how taken,	23
All power originating from the people,	26
State officers,	28
The manner of conducting elections,	35
Voting and challenging,	38
Ballot boxes,	39
Canvassing the votes,	42
County canvassers,	43
State canvassers,	45

Electors to choose a President and Vice President,	47
Electoral college,	47
Election of Senators to Congress,	48
Penalties for misconduct at elections,	49
The Legislature,	50
Duties of the Executive,	52
The funds, revenue, expenditures, and property of the State,	53
The militia and the public defence,	55
Powers, duties, and privileges of towns,	58
Mode of conducting town meetings,	59
Of the election and qualification of town officers,	60
Duties of town officers,	64
Counties and county officers,	65
Assessment and collection of taxes,	69
The public health,	72
Of public instruction,	78
Highways, bridges, and ferries,	82
Regulations of trade,	84
Incorporations,	88
Computation of time; of weights and measures,	89
Relief and support of indigent persons,	92
Relatives bound to support indigent persons,	92
Vagrants and beggars,	94
Breaking the Sabbath, profane language, lotteries,	95
Title to real estate, and persons capable of holding and conveying such estate,	97
Descent of property,	99
Conveyance of real estate,	100
Consequences of taking unlawful interest,	101

PREFACE.

IN preparing this work the author has endeavored to present every important fact contained in the Constitution and Laws of the State of New York, in such a manner that the pupil will be able to understand, fix and secure it in his mind at once. If in the Roman Republic the very children, as Cicero informs us, were obliged to learn the twelve tables by heart, as a *carmen necessarium*, or indispensable lesson, to imprint on their tender minds an early knowledge of the Constitution and Laws of their country, should we not profit by their example? Our Constitution and Laws are the charter of our religious and political liberty. The knowledge of them should be as diffusive as the sun-light. Every man should "teach them to his children, speaking of them when he sits in his house, when he walks by the way, when he lies down and when he rises up. He should write them upon the door-posts of his house and upon the gates."

A large majority of crimes are committed by those who are entirely ignorant of the penalty. Let our laws be thoroughly instilled into the minds of the young, and we may write on our State prisons and Bridewells, "To Let." It is much easier and much cheaper to prevent crime than to punish it.

In a country, and under a government like ours, where all, directly or indirectly, make, apply and execute the laws of the land—in a country inhabited by a "Nation of Kings"—in a country where every native citizen is a member of the "Royal Family," and every young man "an heir apparent to the crown," the blush of shame should mantle the cheek of every child who does not understand our Constitution and Laws.

The Secretary of State, a few years ago, in his report to the Legislature, as Superintendent of Common Schools, uses the following language:

"The primary schools are most intimately connected with the success and stability of our free system of government. Every citizen

has a voice in determining the most important questions, and it is essential that *universal instruction* should be the companion of *universal suffrage*. The course of education in common schools ought to be adapted to the duties which may devolve upon the person instructed; and it is to be regretted that in most of the schools there is no attention paid to giving a young man instruction in regard to the peculiar duties which devolve upon him as a free citizen of a representative government. Each scholar ought to have an opportunity *in the schools*, of becoming acquainted with the principles of our *Constitution and Laws*, and be enabled to understand something of our State and national government."

Every man who loves his Constitution and Laws, will readily respond to the language of the Hon. Secretary, "that universal instruction should be the companion of universal suffrage." When the voice of every citizen is heard in determining the most important questions, upon which often hang the issues of life and death, that voice should come from those who know what they are doing. But how can "universal instruction" be diffused among the great mass of our citizens? They cannot study to advantage our Constitution and Laws in the form in which they are laid down in our law-books; besides, the price of these books precludes their use in schools or families. Then some one must submit to the task of reducing the whole to a cheap, attractive form. He must adapt the whole to the capacity of the learner. He must critically analyze the whole, and lead the mind of the learner clearly to every important fact. He must present this fact in such a manner that the learner will be able to perceive, fix, and secure it in his mind at once. It is indeed a laborious task. The spirit and the letter of the law must be retained as far as possible, but the capacity of the learner must never be lost sight of.

In preparing this work I have kept these ideas prominently in view, and how far I have succeeded in my undertaking the public will judge. I would gladly have surrendered the task to abler hands, could I have found those willing to undertake it. This work is not without its errors, and fair and manly criticism is earnestly solicited. I shall gladly hail any effort from a more skilful pen—from an author who better understands the human intellect—who loves his country and his laws more ardently than I do—to prepare a work which shall supersede my humble effort.

THE AUTHOR.



CONSTITUTION
OF THE
STATE OF NEW YORK.

ARTICLE FIRST.

WHEN was the present Constitution of the State of New York formed ?

In 1821.

When was this constitution ratified by the people and the former constitution of the State abandoned ?

In 1822.

According to the present constitution, where is the Legislative power vested ?

In Senate and Assembly.

Of how many members does the Senate consist ?

Thirty-two.

For what time chosen ?

Four years.

Must the Senators be freeholders ?

They must.

Who are freeholders ?

Persons holding real estate in their own right.

Of how many members does the Assembly consist ?

One hundred and twenty-eight.

For what time chosen ?

One year.

What part of each house constitutes a *quorum* to do business ?

A majority.

Who form the rules by which each house is to be governed ?

Each house forms its own rules—judges of the qualifications of its own members—and chooses its own officers.

Who presides in the Senate ?

The Lieutenant Governor.

If he is absent from the Senate, who presides ?

The Senate choose a President.

What is each house required to keep ?

A journal.

How much of this journal is to be published ?

All, except such parts as require secrecy.

When shall both houses keep open doors ?

At all times, except when the public welfare shall require secrecy.

How long can one house adjourn without the consent of the other ?

For only two days.

Into how many senatorial districts is the State divided ?

Eight.

How many Senators are chosen in each district ?

Four.

How many Senators are chosen each year ?

One from each district.

How often may the senatorial districts be altered ?

Once in ten years.

For what purpose may they be altered ?

To give each senatorial district an equal number of inhabitants, or nearly an equal number.

Can a county be divided in forming a senatorial district ?

It cannot.

How often are the inhabitants of the State numbered ?

Once in ten years.

When does this enumeration take place ?

In 1845.

In forming the senatorial districts according to the number of inhabitants, who are excluded ?

Aliens, paupers, and persons of color not taxed.

How are the members of Assembly chosen ?

By counties.

How are the members of Assembly apportioned among the several counties ?

According to the number of their respective inhabitants.

By whom is this apportionment made ?

By the Legislature.

When shall it be made ?

At its first session after the return of every enumeration.

Every county is entitled to what number of representatives ?

To at least one.

Where may bills originate ?

In either house.

What is the greatest compensation that can be allowed to the members of the Legislature ?

Three dollars a day.

Can a member of the Legislature receive a civil appointment from the Governor and Senate, or from the Legislature, during the time for which he is elected ?

He cannot.

Can a member of Congress, or any person holding a civil or military office under the United States, hold a seat in the Legislature ?

He cannot.

If a member of the Legislature be elected to Congress, or appointed to any office civil or military under the Government of the United States, what effect does his acceptance thereof have ?

It shall vacate his seat in the Legislature.

After a bill has passed both houses of the State Legislature, what is necessary before it becomes a law ?

That it be presented to the Governor for his signature.

If the Governor thinks that the bill ought not to become a law and therefore refuses to sign it, what is his duty ?

To send it, with his objections, to the house in which it shall have originated.

What is the duty of the house, on receiving the Governor's objections, returned with the bill ?

To enter the objections at large on their journal, and to proceed to reconsider the bill.

What number of the members of both houses of the Legislature is necessary in re-passing a bill, that it may become a law without the signature of the Governor ?

Two-thirds.

In how many days will a bill become a law, if not returned after it is sent to the Governor ?

In ten days, (Sunday excepted), unless the Legislature, by its adjournment, prevent its return.

How may officers, holding their offices during good behavior, be removed from office ?

By the joint resolution of both houses of the Legislature.

What part of all the members elected to each house must concur therein ?

Two-thirds of the Assembly and a majority of the Senate.

When does the political year commence ?

On the first day of January.

When do the members of the Legislature meet ?

On the first Tuesday of January.

When does the election for Governor and other State officers take place ?

On Tuesday, after the first Monday in November.

~~~~~

## ARTICLE SECOND.

How old must a person be before he can vote for any officer elected by the people ?

Twenty-one years.

How long must he have been an inhabitant of the State ?

One year next preceding any election.

How long must he have been a resident of the county ?

For the last six months.

Where is he entitled to vote ?

In the town or ward where he actually resides.

How long must a man of color have been a citizen of this state, in order to entitle him to a vote ?

Three years.

How long immediately preceding an election ?

One year.

He must be seized and possessed of a freehold estate of what value ?

Two hundred and fifty dollars over and above all debts and incumbrances charged thereon.

Must he have been rated and paid a tax thereon, in order to be entitled to vote at any election ?

He must.

Are persons of color subject to direct taxation ?

They are not, unless they have property sufficient to entitle them to vote.

How are all elections made ?

By ballot, except a part of the town officers.

## ARTICLE THIRD.

Where is the Executive power in the State vested ?

In a Governor.

For what time are the Governor and Lieutenant Governor chosen ?

For two years.

Can any person, except a native citizen of the United States, be Governor of this State ?

He cannot.

Must the Governor be a freeholder ?

He must.

How old must he be ?

Thirty years.

How long must he have been a resident within this State ?

Five years.

Does it require a majority of all the votes in the State to elect a Governor and Lieutenant Governor ?

It does not. The person having the greater number of votes is declared elected.

If two persons have each an equal number of votes, and that number is greater than any other of the candidates, how are the Governor and Lieutenant Governor then chosen ?

One of these candidates is elected Governor or Lieutenant Governor, by the joint ballot of both houses.

What office does the Governor hold in the militia ?

He is general and commander-in-chief.

What office does he hold in the navy ?

He is admiral of the navy of the State.

When can he call together the Legislature, or the Senate only ?

On extraordinary occasions.

What does he communicate by message to the Legislature at every session.

The condition of the State.

What does he recommend to the Legislature ?



Such matters as he may think expedient.

What business shall he transact ?

All necessary business with the officers of government, civil and military.

When a measure is resolved upon by the Legislature, what is his duty ?

To expedite such measure.

What further shall he do ?

He shall see that the laws are faithfully executed.

For what crimes can the Governor grant reprieves ?

For all crimes except treason and cases of impeachment.

Upon conviction for treason what power does he have ?

He has the power to suspend the execution of the sentence until the case shall be reported to the Legislature at its next session.

What can the Legislature then do ?

They can pardon or grant a further reprieve, or direct the execution of the criminal.

In case of the removal of the Governor from office, by death or otherwise, who performs the duties of Governor ?

The Lieutenant Governor.

Who is President of the Senate ?

The Lieutenant Governor.

If the Lieutenant Governor act as Governor, who is President of the Senate ?

A temporary president is chosen by the Senate.

If the Lieutenant Governor die, or be impeached, while acting as Governor, who shall then act as Governor ?

The President of the Senate.



## ARTICLE FOURTH.

In the militia, how are the company officers chosen ?

By the written votes of the members of the company.

How are the field officers of regiments and separate battalions chosen ?

By the written votes of the commissioned officers of the companies forming the regiment or battalion.

How are brigadier generals chosen ?

By the field officers of their respective brigades.

How are the major generals appointed ?

By the Governor.

From whom do the commissioned officers receive their commission ?

The Governor.

How can they be removed from office ?

By the Senate, on the recommendation of the Governor, or by a court-martial.

How are the Secretary of State, Comptroller, Treasurer, Attorney General, Surveyor General, and Commissary General appointed ?

The Senate and Assembly each nominate one person to fill each office—if each nominate the same person he is appointed—if they nominate different persons, the appointment is then made by the joint ballot of the Senate and Assembly.

How long does the Treasurer hold his office ?

One year.

How long do the Secretary of State, Comptroller, Attorney General, Surveyor General, and Commissary General hold their offices ?

Three years, unless sooner removed by the concurrent resolution of the Senate and Assembly.

How are all judicial officers appointed, except justices of the peace ?

By the Governor, with the consent of the Senate.

How are the justices of the peace chosen ?

By ballot in their several towns.

How long do they hold their office ?

Four years, unless removed by the county courts.

If a justice of the peace is to be removed, what notice shall be given him ?

Notice of the charges made against him.

What opportunity shall be given him ?

The opportunity of being heard in his own defence.

How are sheriffs and county clerks chosen ?

By the electors of their respective counties.

For how long time elected ?

Three years.

How subsequently removed ?

By the Governor, on receiving a copy of the charges against them, and an opportunity of being heard in their own defence.

How are the clerks of courts appointed ?

By the courts themselves.

How are the district attorneys appointed ?

By the county courts.

How long do clerks of courts and district attorneys hold their office ?

For three years, unless sooner removed by the courts appointing them.

Mayors of cities are how chosen ?

In most of our cities they are chosen by ballot : in some they are appointed by the common council.

How long do they hold their office ?

One year.

For what time are coroners in each county elected ?

For three years.

How elected ?

In the same manner as the sheriff of the county.

How are examiners and masters in chancery appointed ?

They are appointed by the Governor, with the consent of the Senate.

How long do they hold their office ?

Three years, unless sooner removed by the Senate, on the recommendation of the Governor.

The register and assistant register are how appointed ?

By the Chancellor, and hold their office during his pleasure.

How are the special justices and the assistant justices and their clerks in the city of New York appointed ?

By the common council of the city.

How long do they hold their office ?

Four years.

---

## ARTICLE FIFTH.

You have heard of causes being carried up to the court for the correction of errors : will you tell me of what this court is composed ?

The Senators, the Lieutenant Governor, the Chancellor, and the three justices of the supreme court.

If a cause is carried up from the supreme court to the court for the correction of errors, can the justices of the supreme court have a voice in the final decision of the cause ?

They cannot. They can only assign the reasons for their former decision.

Who have the power of impeaching all civil officers of this State for corrupt conduct in office, or for high crimes and misdemeanors ?

The Assembly.

How large a part of the members of the Assembly must concur in an impeachment ?

A majority of all the members elected.

After an officer is impeached by the Assembly, by whom is this impeachment to be tried ?

By the court for the trial of impeachments, which is the court for the correction of errors.

When the court proceed to try the impeachment, what oath do they take?

An oath or affirmation, "truly and impartially to try and determine the charge in question according to evidence."

What part of the members of the court must concur in order to convict the person of the charge against him?

Two-thirds of the members present?

How far can judgment extend in cases of impeachment?

To removal from office, and disqualification to hold and enjoy any office of honor, trust, or profit under this State.

In the impeachment of civil officers, in what capacity does the Assembly act?

In the capacity of a grand jury in finding a bill of indictment against a criminal.

In what capacity do the members of the court for the trial of impeachments and correction of errors act, in trying a civil officer who has been impeached by the Assembly?

In the capacity of a petit jury.

How long do the chancellor and justices of the supreme court hold their office?

During good behavior, or until they shall attain the age of sixty years.

Of what does the supreme court consist?

It consists of a chief justice and two justices, either of whom may hold the court.

Into how many circuits is the State divided?

Eight.

How many circuit judges are appointed?

Eight; who are appointed in the same manner and for the same length of time as the justices.

How long do judges of county courts and recorders of cities hold their office ?

For five years, unless sooner removed by the Senate, on the recommendation of the Governor.

Can the chancellor, justices of the supreme court, or the circuit judges, hold any other office of public trust ?

They cannot.

---

## ARTICLE SIXTH.

What oath are all members of the Legislature, and all officers, executive and judicial (except a few inferior officers), required to take and subscribe before they enter on the duties of their respective offices ?

“I do solemnly swear (or affirm) that I will support the constitution of the United States and the constitution of the State of New York: and that I will faithfully discharge the duties of the office of ———, according to the best of my ability.”

Is any other oath, declaration, or test, required as a qualification for any office or public trust ?

There is not.

---

## ARTICLE SEVENTH.

How only can a member of this State, be disfranchised, or deprived of rights and privileges secured to other citizens ?

Only by the law of the land or the judgment of his peers.

How long and to whom shall the free exercise and enjoyment of religious profession and worship, without discrimination or preference, be allowed in this State ?

For ever, to all mankind.

Shall the liberty of conscience hereby secured be construed so as to

excuse acts of licentiousness, or justify practices inconsistent with the peace and safety of this State ?

It shall not.

What does the constitution of this State declare respecting ministers of the gospel and priests of every denomination ?

That they shall not be eligible to, or capable of holding any civil or military office or place within the State.

What is required of the militia of this State at all times ?

To be armed and disciplined, and in readiness for service.

If the members of any religious denomination are from scruples of conscience averse to bearing arms, on what ground can they be excused ?

By paying to the State an equivalent in money.

When only shall the privilege of the writ of *habeas corpus* be suspended ?

Only when in cases of rebellion or invasion the public safety may require its suspension.

When only shall a person be held to answer for a capital or otherwise infamous crime ?

On presentment or indictment of a grand jury.

When a criminal is tried what shall he be allowed ?

Counsel.

Can a person be twice put in jeopardy of life or limb for the same offence ?

He cannot.

What shall he not be compelled to do in any criminal case ?

To testify against himself.

How only shall a person be deprived of life, liberty, or property ?

Only by due process of law.

Can private property be taken for public use ?

It cannot without just compensation.

To what extent is the freedom of speech and of the press secured ?

So far that every citizen may freely speak, write and

publish his sentiments on all subjects, being responsible for the abuse of that right.

Can any law be passed to abridge the liberty of speech or of the press?

There cannot.

In all prosecutions for libel what may be given in evidence to the jury?

The truth may be given in evidence.

If it shall appear to the jury that the matter charged as libellous is true, and was published with good motives, and for justifiable ends, what shall be done?

The party shall be acquitted.

If a bill be passed appropriating public moneys or property for local or private purposes, or a bill for creating, continuing, altering, or renewing any body politic or corporate, what part of the members elected to both houses must concur therein?

Two-thirds.

For what purpose are the proceeds of the public lands and the toll from the canals appropriated?

To the support of common schools.

Where may propositions to amend this constitution be made?

In the Senate or Assembly.

If the proposed amendments are agreed to by a majority of the members of both houses, where shall the proposed amendments be entered?

On the journal of each house.

To whom must these amendments then be referred?

To the Legislature then next to be chosen.

How long shall these proposed amendments be published previous to choosing the next Legislature?

Three months.

If two-thirds of the Legislature then chosen agree to the amendments, what is next to be done?

The amendments are to be submitted to the people, and if approved by a majority of the legal voters, the amendments shall become part of the constitution.



REVISED STATUTES  
OF THE  
STATE OF NEW YORK.

PART FIRST.  
CHAPTER I.

WHAT is the first subject treated of in this chapter ?

The boundaries of the State.

In describing the boundaries of the State, at what point does this description commence ?

At Lyons Point, in the mouth of a brook or river called Byram River, where it falls into Long Island Sound.

What is then given ?

A minute description of the entire boundaries of the State.

How far does the sovereignty and jurisdiction of this State extend ?

To all places within the boundaries thereof.

When a place in this State is ceded to the United States, what jurisdiction does the State retain ?

A jurisdiction limited by the terms of such cession.

What is the duty of the Governor and all the subordinate officers of the State ?

To maintain its sovereignty and jurisdiction.

If persons intrude upon any of the waste or ungranted lands of the State, what is the duty of the district attorney of the county ?

To report the same to the Governor immediately.

What is the duty of the Governor ?

By a written order, to direct the sheriff of the county to remove from said lands the person so intruding.

What is the duty of the sheriff ?

To execute such order.

In case of resistance made or threatened, what may the sheriff do ?

He may call to his aid the power of the county.

How many places in this State are ceded to the United States ?

About forty.

For what purposes are these places ceded ?

For erecting forts, light-houses, &c., thereon.

Can the jurisdiction ceded to the United States impede or prevent the execution of any process of law, civil or criminal, under the authority of the State ?

It cannot, except so far forth as such process may affect the real or personal property of the United States.

How long will this jurisdiction of the United States continue ?

As long as it shall remain in the occupancy of the United States or of their officers, agents, or servants, and no longer.

## CHAPTER II.

Of what does Chapter Second treat ?

Of the civil divisions of the State.

Into how many counties is the State divided ?

Fifty-six.

Into how many senate districts is the State divided ?

Eight.

When persons intend to apply to the Legislature for the erection of a new county—or for the incorporation of a city or village—or for the alteration of any county, city, or village, what are they required to do ?

To cause notice of such intended application to be published.

What shall they also procure ?

An accurate survey and map of the territory described in such application.

How shall this map be verified ?

By the oath of the surveyor.

What shall be done with this map ?

It shall be laid before the Legislature, before any action upon the application.

If a law shall be passed pursuant to the application, what shall be done with the survey or map ?

It shall be filed in the office of the surveyor-general of the State.

When a town is to be altered, or a new town erected from other towns, from whom must the application to the Legislature come ?

From the inhabitants.

By how many freeholders of each town affected by the change must a notice of such intended application be signed ?

By at least five.

Where must this notice be posted ?

On the outer door of the house, where the town-meeting is to be held.

How long previous to the town-meeting ?

Ten days.

By whom shall a copy of this notice be read at the meeting ?

By the clerk of the town.

---

### CHAPTER III.

Of what does Chapter Third treat ?

Of the census, or the enumeration of the inhabitants of the State.

How often is the census taken ?

Once in ten years.

When does this enumeration take place ?

In 1845-'55-'65.

To whom shall the secretary of State transmit by mail before the first of May in every tenth year uniform blank returns and abstracts in conformity to the forms and provisions herein contained, together with copies of this chapter ?

To the clerk of each county in the State.

How many copies shall be transmitted ?

As many as there are towns or wards in their respective counties.

What are the persons called who are appointed to number the inhabitants, and to perform the other duties prescribed in this chapter ?

Marshals.

How are the marshals in cities appointed ?

By the common council.

How in towns ?

By the supervisors, town clerk, and assessors.

How many marshals shall be appointed ?

One for each town or ward.

When shall they be appointed ?

Before the first Monday in July in each such tenth year.

When the marshals have been appointed, what is the duty of the county clerk ?

To transmit a blank return to each marshal in the county.

What is the duty of the marshal when he receives the blank return ?

To proceed to enumerate, truly and accurately, the inhabitants residing in the town or ward for which he was appointed.

How shall he do this ?

By making actual inquiry at the dwelling-house, or of the head of every family residing therein.

What further shall he do ?

He shall obtain the statistical information to fill the blank return.

How shall a person residing in any family on the first day of July, in that year, be returned ?

As a member of that family.

How shall persons occasionally absent be returned ?

As belonging to the place where they usually reside.

What shall be done with the return so made out ?

It shall be sworn to by the marshal and returned to the county clerk before the first day of December.

What is the duty of the county clerk ?

To make an abstract from each return of the sum total of each town or ward in his county.

What shall he do with this abstract ?

Forward it to the secretary of State before the second Tuesday in January following.

What is the duty of the secretary of State when he receives the abstracts from the county clerks ?

To prepare a report and present it to the Legislature.

How are the marshals' and county clerks' fees paid ?

By the common council of the city of New York, and by the board of supervisors in the other counties.

If any person twenty-one years of age in any family shall refuse to give to the marshal such information as is required, what is the penalty ?

Twenty-five dollars and cost of suit.



## CHAPTER IV.

Of what does Chapter Fourth treat ?

Of the rights of the citizens and inhabitants of the State of New York.

What is the only authority that can be exercised over the inhabitants of this State ?

Such only as is derived from and granted by the people of this State.

How only can a tax, duty, aid, or imposition, be levied upon the people of this State ?

Only by a law of the United States, or by the Legislature of this State.

Has every person a right to keep and bear arms ?

He has, and this right cannot be infringed.

Can any soldier, in time of peace, be quartered in any house without the consent of the owner ?

He cannot, nor in war, but in a manner to be prescribed by law.

How only can a person be disfranchised, or deprived of any right or privilege secured to any other citizen ?

Only by a law of the land or the judgment of his peers.

Have the people a right to be secure in their persons, houses, papers and effects, against unreasonable searches and seizures ?

They have, and this right should never be violated.

When only can a warrant issue ?

Only upon probable cause, supported by oath or affirmation.

What shall be described in such warrant ?

The place to be searched, and the person or thing to be seized.

What right has the accused in all criminal cases ?

A right to a speedy and public trial by an impartial jury.

To what is he entitled?

To be informed of the nature and cause of the accusation against him.

What right has he in respect to the witnesses?

To be confronted with the witnesses against him, and to have compulsory process for obtaining witnesses in his favor.

Can justice or right be sold to any one, or denied or deferred?

It cannot.

To whom shall writs and process be granted freely and without delay?

To all persons requiring the same and paying the fees required by law.

Shall an inhabitant of this State be fined or amerced without reasonable cause?

He shall not.

To what shall the fine or amercement be always proportioned?

To the nature of the offence.

What shall not be required of the accused?

Excessive bail.

What shall not be inflicted?

Cruel or unusual punishment.

How should all elections be?

They should be free; and no person by violence or otherwise should be disturbed in the free exercise of the right of suffrage.

What right of petition have the inhabitants of this State?

A right to petition the Governor or each house of the Legislature; and they cannot be committed or prosecuted for such petitioning.

## CHAPTER V.

Of what does Chapter Fifth treat ?

Of the civil officers of the State.

Into how many classes are the civil officers divided ?

Four: legislative, executive, judicial, and administrative.

Who are included in the class of legislative officers ?

All the civil officers engaged in making laws.

Who are included in the class of executive officers ?

The Governor, Lieutenant Governor, secretary of state, comptroller, treasurer, attorney general, surveyor general, state printer, private secretary of the Governor, and door-keeper of the executive chamber.

Who are included in the class of judicial officers ?

The judges and all other officers of court.

Who are included in the class of administrative officers ?

The commissioners, inspectors, and agents of the State government.

Where must commissioners of deeds reside ?

In the town or city for which they were appointed.

Where can they exercise the duties of their office ?

At any place within the county.

Where must notaries public reside ?

Within the county for which they were appointed.

Where can they exercise the duties of their office ?

At any place within the State.

Where must circuit judges, supreme court commissioners, masters and examiners in chancery reside ?

Within the circuit, district, county or place for which they shall have been appointed.

Where must judges of county courts and recorders of cities reside ?

Within the county or city for which they shall have been appointed.



Where must justices of the peace reside ?

In the town for which they are elected.

How long do masters in chancery hold their office ?

Three years.

How are Senators and members of the Assembly chosen ?

By the people.

For how long time ?

Senators for four years, and members of the Assembly for one year.

How are Senators chosen ?

By districts.

How are the members of the Assembly chosen ?

By counties.

How many Senators are chosen annually in each senatorial district ?

One.

Each county is entitled to at least what number of members in the Assembly ?

To at least one.

Must Senators be freeholders ?

They must.

How often are a Governor and Lieutenant Governor elected ?

Once in two years.

What are the qualifications of a master in chancery ?

He must be of the degree of counsellor of the supreme court, or of solicitor or counsellor in the court of chancery.

How are surrogates and supreme court commissioners appointed ?

They are nominated by the Governor and appointed by him, with the consent of the Senate.

What are the qualifications of a supreme court commissioner ?

He must be counsellor at law of the supreme court.

How are the district attorneys appointed ?

By the county courts.

Who only shall be appointed ?

A counsellor at law of the supreme court.

If there is no counsellor residing in the county, who may be appointed ?

An attorney at law.

How long do district attorneys hold their office ?

For three years, unless sooner removed by the court appointing them.

By whom are the register and assistant register appointed ?

By the chancellor.

How long do they hold their office ?

During the pleasure of the chancellor.

By whom is the State reporter appointed ?

By the Lieutenant Governor, the chancellor, and chief justice.

How long does he hold his office ?

During the pleasure of those appointing him.

By whom is the reporter in chancery appointed ?

By the chancellor, and holds his office at the will of the chancellor.

How long must a person have been a counsellor at law to be appointed reporter ?

Five years.

By whom are counsellors, solicitors, and attorneys appointed ?

By the several courts of law and equity in which they intend to practise.

By whom shall their license be signed ?

By the chancellor, chief justice, or presiding judge of the court.

How long do they hold their office ?

During life, unless removed by the courts appointing them.

Can clerks of courts, sheriffs, and coroners, practise as attorneys ?

They cannot.

How are the commissioners of deeds in each town of the State appointed ?

By the judges of the county courts and board of supervisors.

How long do they hold their office ?

Four years, unless sooner removed by the judges of the county courts.

The special justices and assistant justices and their clerks, in the city of New York, are how appointed ?

By the common council of the city.

How long do they hold their office ?

Four years.

How many justices of the peace are there in each town ?

Four.

How many are chosen annually ?

One.

For what time do they hold their office ?

Four years.

How are sheriffs and clerks of counties chosen ?

By ballot.

For what time ?

Three years.

Can the sheriff hold any other office ?

He cannot.

Can he be re-elected for the next three years after the termination of his office ?

He cannot.

How many coroners are appointed in each county ?

One for the city and county of New York, and four for every other county in the State.

How long do they hold their office ?

Three years.

Who are the commissioners of the land office ?

The Lieutenant Governor, the speaker of the Assembly,

the secretary of state, the attorney general, the comptroller, and the treasurer.

Who are the commissioners of the canal fund ?

The same as the commissioners of the land office, except the speaker of the House.

How are the canal commissioners appointed ?

By the Legislature, in the same manner as the secretary of state.

Who are the trustees of the state library ?

The Governor, Lieutenant Governor, secretary of State, attorney general, and comptroller.

Who is superintendent of the common schools ?

The secretary of state.

The county treasurer is how appointed ?

By the supervisors of the county.

How old must a person be to hold office in this State ?

Twenty-one years, and he must be a citizen of the State.

When do the State officers elected by the people enter on the duties of their office ?

On the first day of January.

How are deputy officers appointed ?

By the body, board, or officer, to which or to whom they shall be subordinate.

How long shall every office, the duration of which is not prescribed, be held ?

During the pleasure of the authority making the appointment.

How long shall public officers, who have entered upon the duties of their office, continue to discharge those duties ?

Till a successor is appointed and qualified.

What officers do not hold their office beyond the time specified, even if others are not appointed ?

Those who hold their office till sixty years of age.

How are nominations made by the Governor to the Senate?

In writing.

If the Senate concur in the nomination of the Governor, what is the duty of the clerk of the Senate?

To deliver a copy of the resolution of concurrence to the secretary of state, and a copy to the Governor.

By whom are the commissions of all civil officers appointed by the Governor and Senate signed?

By the Governor.

By whom attested?

The secretary of state, under the seal of the State, and it shall be recorded by the secretary.

How soon must the oath of office be taken and subscribed?

Within fifteen days after the officer is notified of his election, or within fifteen days after the commencement of his term of office.

Before whom may the oath be taken and subscribed?

The chancellor, justices of the supreme court, circuit judges, secretary of state, attorney general, Lieutenant Governor, president of the Senate, speaker of the House of Assembly, judges of the county courts, mayors or recorders of cities, the clerk of any county or city, or the clerk of any court of record.

What is the penalty for performing the duties of any office without having taken and subscribed the oath of office, or executing any bond required by law?

The forfeiture of office, fine, or imprisonment.

When may members of the Legislature take the oath of office?

At any time during the term for which they were elected.

If the Governor, Lieutenant Governor, secretary of State, comptroller, treasurer, attorney general, and State printer resign their office, to whom shall they tender their resignation?

To the Legislature.

To whom shall all officers appointed by the Governor, or by him, with the consent of the Senate, tender their resignation ?

To the Governor.

Senators and members of the Assembly, to whom ?

To the presiding officers of their respective houses. ew  
Sheriffs, coroners, county clerks, and register of New York, to whom ?

To the Governor.

District attorneys to whom ?

To the courts which appointed them.

Justices of the peace to whom ?

To the supervisors of the town.

Commissioners of deeds, for towns, to whom ?

To the first judge of the county.

To whom shall all other officers tender their resignation ?

To the body, board, or officer that appointed them.

On the happening of what events do all offices become vacant ?

1. The death of an incumbent.
2. His resignation.
3. His removal from office.
4. His ceasing to be an inhabitant of the State.
5. His ceasing to be an inhabitant of the district, county, or town in which the law requires him to reside.
6. His conviction of an infamous crime, or violating his oath of office.
7. His refusal to take the oath of office within the time required by law, or to give or renew any bond required.
8. The decision of a competent tribunal, declaring void his election or appointment.

What shall each officer, on demand, deliver to his successor ?

All the books and papers in his custody as such officer.

If the officer refuse to deliver up the papers to his successor in office, to whom shall his successor make complaint thereof ?

The chancellor, justice of the supreme court, circuit judge, or the first judge of the county where the person so refusing shall reside.

What is the duty of the judge to whom complaint is made?

To grant an order, directing the person so refusing to show cause before him, within a short and reasonable time, why he should not be compelled to deliver the same.

If at the time appointed, the officer shall make oath that he has delivered to his successor all the books and papers within his custody, or pertaining to his office, within his knowledge, what shall be done?

He shall be discharged.

If he refuse to make such oath, and it shall appear that any such books are withheld, what shall the judge or officer before whom such proceedings are held do?

He shall by warrant commit the person so withholding to the jail of the county, there to remain till he shall deliver such books and papers, or be otherwise discharged according to law.

Can the judge also issue a search-warrant to obtain such papers and books?

He can.

To whom shall this warrant be directed?

To any sheriff or constable.

What places shall the sheriff search?

Those described in the warrant.

When shall the search be made?

In the day time.

---

## CHAPTER VI.

Of what does Chapter Sixth treat?

Of the manner of conducting elections.

Who are allowed to vote?

Every male citizen of twenty-one years of age who is otherwise qualified.

How long must he have been an inhabitant of the State ?

One year, next preceding any election.

How long a resident of the county ?

Six months.

Where is he entitled to vote ?

In the town or ward where he actually resides.

How long must a person of color have been an inhabitant of the State to be entitled to vote ?

Three years.

How long immediately preceding the election ?

One year.

What must be the value of his freehold estate over and above all debts and incumbrances charged thereon ?

Two hundred and fifty dollars, and he must have been actually rated and paid a tax thereon.

Can a person convicted of an infamous crime vote at an election ?

He cannot, unless pardoned and restored to the rights of a citizen.

What are general elections ?

Such as are held at the same time in every county.

What are special elections ?

Those held only in a particular district or county.

When a general election is to take place, who gives notice of that election ?

The secretary of state.

To whom does he direct this notice ?

To the sheriff, clerk, or first judge of each county.

What kind of notice shall it be ?

A notice in writing.

What is the duty of the sheriff, clerk, or first judge of each county, who receives notice of an election ?



To give notice in writing to one of the inspectors in each town or ward in his county.

Who are the inspectors of elections in each town ?

The supervisor, assessors, and town clerk of each town.

Who are the inspectors of wards in most of our cities ?

Such persons as the common councils of the cities appoint.

Where shall this notice be published ?

In all the public newspapers printed in the county.

If no public paper is printed in the county ?

It shall be published in an adjoining county once in each week from the date of such notice until the election.

What is the duty of the inspector receiving the notice ?

To give notice to the other inspectors in his town or ward.

What shall he fix ?

A time and place for the meeting of the board of inspectors.

How shall the inspectors give notice to the electors ?

By posting a notice in a conspicuous manner in five of the most public places of their town or ward.

When shall this notice be posted ?

At least eight days before the election.

What shall such notice contain ?

The officers to be chosen, and the hour of opening, adjourning, and closing the poll each day.

Who is the chairman of the meeting of the board of inspectors ?

The supervisor, if he is one of the board ; if not, a chairman is appointed by the board.

Who administers the oath of office to the board of inspectors ?

The chairman of the board.

Who administers the oath to the chairman ?

One of the other inspectors.

How many clerks are appointed ?

Two ; called clerks of the polls.

Who administers the oath to the clerks ?

The chairman of the board.

What is then done ?

The poll is opened, and proclamation thereof made.

When only shall the poll be kept open ?

In the day time only, between the rising and setting of the sun.

#### VOTING AND CHALLENGING.

How shall the electors vote ?

By ballot.

How shall the ballot be folded ?

So as to conceal its contents.

To whom shall it be presented ?

To one of the inspectors, in the presence of the board.

What shall the ballot be ?

A paper ticket.

What shall the ballot contain ?

The offices, and the name of the person intended to fill each office.

How shall the ballot be endorsed ?

“ State,” “ congress,” “ county.”

If the person offering his vote be challenged as unqualified by one of the inspectors, or by any other person entitled to vote at the same poll, what is the duty of the board of inspectors ?

To declare to the person so challenged the qualifications of an elector.

If the elector then state that he is duly qualified, and the challenge shall not be withdrawn, what is the duty of the inspectors ?

To tender to him the following oath :

“You do swear (or affirm) that you are a citizen of the United States, of the age of twenty-one years, that you have been an inhabitant of this State for one year next preceding this election—and for the last six months a resident of this county—that you are now a resident of this town (or ward), and that you have not voted at this election.”

If the person offering his vote shall refuse to take the oath so tendered, what shall be done ?

His vote shall be rejected.

If any person shall be challenged as convicted of an infamous crime, and shall proceed to vote, if guilty of such conviction, what is the penalty for voting ?

Imprisonment in the county jail for six months.

If a colored man be challenged, what oath shall be tendered to him ?

“You do swear (or affirm) that you are of the age of twenty-one years, that for three years you have been a citizen of this State—that you have been an inhabitant of this State for one year next preceding this election, and during that time have been, and that you now are, seized and possessed of a freehold estate of the value of two hundred and fifty dollars, over and above all debts and incumbrances charged thereon, and have been actually rated, and paid a tax thereon—that you have been for the last six months a resident of this county—that you are now a resident of this town (or ward), and that you have not voted at this election.”

#### BALLOT-BOXES.

What ballot-boxes are provided by the inspectors ?

The “County Box,” in which are deposited the votes for county officers—the “State Box,” in which are depo-

sited the votes for State officers—the “Congress Box,” in which are deposited the votes for members of Congress—the “Electoral Box,” in which are deposited the votes for electors to choose a President and Vice-President.

What shall be done with these boxes before the opening of the poll ?

They shall be locked, and the keys delivered to one of the inspectors appointed by the board, and the boxes shall not be opened during the election, except as hereinafter provided.

How are the votes inserted ?

Through a small opening made in the lid of the box.

By whom ?

By one of the inspectors to whom the vote is handed.

Has the inspector a right to open the ballot, or allow it to be opened ?

He has not.

What is the duty of the clerks of the poll ?

To keep a poll list, which shall contain one column headed “Names of Voters,” and so many additional columns as there are boxes kept at the election.

What shall be the heading of the additional columns ?

The names of the boxes kept at the election ; as “County Box,” “State Box,” &c.

When an inspector receives a vote, he announces the name of the voter, and also the name of each box in which votes are inserted ; what is then the duty of the clerks of the poll ?

To enter the name of the person voting on the poll list, and to keep an account of every vote deposited in either of the ballot-boxes.

What is to be done at each adjournment of the polls ?

The clerks are to compare and correct their respective poll lists.

What is then done with the poll lists ?

The ballot-boxes are opened, and the poll lists placed therein.

What is done with the boxes ?

They are locked, and the seal of one of the inspectors placed so as to secure the opening in the lid.

To whom are the boxes and keys delivered ?

The boxes are delivered to one of the inspectors, and the keys to another, as the board may direct.

What is the duty of the inspector holding the keys ?

To keep them in his own possession, and deliver them again to the board at the next opening of the poll.

What is the duty of the inspector having possession of the boxes ?

To keep them carefully without opening, or suffering them to be opened, or the seals thereof to be broken or removed; and publicly to deliver them to the board of inspectors at the next opening of the poll.

What shall then be done with the boxes ?

The seal shall be broken—the boxes opened—the poll lists taken out—and the boxes again locked.

If any person shall refuse to obey the lawful commands of the inspectors, or by disorderly conduct in their presence or hearing, shall interrupt or disturb their proceedings, what penalty can they inflict on the offender ?

Commit him to the common jail of the county for a period not exceeding thirty days.

How is this done ?

By an order in writing, which order shall be executed by any sheriff or constable to whom the same shall be directed.

If no sheriff or constable be present, by whom shall such order be executed ?

By any other person appointed by such board in writing.

## CANVASSING THE VOTES.

When the poll of an election is finally closed, what shall the board proceed to do ?

To canvass the votes.

How is the canvass commenced ?

By comparing the poll lists which were kept by the clerks, and correcting them, so as to make them agree.

When the ballot-boxes are opened, what shall be done with the ballots contained therein ?

They shall be taken out and counted, unopened except so far as to ascertain that each ballot is single.

If two ballots are so folded together as to present the appearance of a single ballot, what shall be done with them ?

They shall be destroyed.

If a ballot be found in the box different from that designated by its endorsement, what shall be done with it ?

It shall be returned to the box designated by its endorsement.

If the number of ballots is found to be greater than the number on the poll list, what shall be done ?

They shall be replaced in the box, and one of the inspectors shall publicly draw out and destroy so many ballots unopened as shall be equal to such excess.

When the number of ballots is made to agree with the number on the poll list, what do the inspectors then proceed to do ?

To open, separate, and count the ballots.

When the canvass is completed, what is next to be done ?

A statement of the result shall be drawn up by the inspectors, which they shall certify to be correct, and subscribe with their proper names.

What shall such statement contain in words written at full length ?

The number of votes for each office.

The names of the persons for whom such were given.

The number of votes given for each person.

What shall be done with this statement ?

It shall be delivered to one of the inspectors, appointed by the board to attend the county canvass.

Where shall a copy of this statement be sent ?

To the town clerk, to be filed and preserved.

What shall be done with the ballots rejected as defective ?

A true copy of them shall be preserved with the originals attached, and delivered to the town clerk to be filed in his office.

What shall be done with the poll lists and the ballots which have been counted ?

They shall be destroyed, and the board of inspectors shall be dissolved.

#### COUNTY CANVASSERS.

Who form the board of county canvassers ?

One inspector from each town or ward in the county, appointed by the board to attend the county canvass.

Where shall they meet ?

At the office of the clerk of the county.

When shall they meet ?

On the Tuesday next following the election, before 9 o'clock in the afternoon of that day.

What is the first thing to be done when the county canvassers have assembled ?

To organize by choosing one of their number as chairman.

Who shall be secretary of the board ?

The county clerk or his deputy.

Who administers the constitutional oath to each member of the board ?

The chairman.

Who administers the oath to the chairman ?

The secretary.

How many of the inspectors appointed in the respective towns or wards to attend the canvass, shall be required to constitute a board ?

A majority.

What is the first business that comes before the board ?

To make out a statement of the votes of the county from the statements of the several towns or wards.

What shall such statement contain in words written at full length ?

The whole number of votes for each office—the names of the persons for whom such votes were given—the number of votes for each person.

By whom shall this statement be certified as correct, and signed ?

By the chairman and secretary of the board.

What shall be done with a copy of this statement ?

It shall be delivered to the county clerk, to be recorded in his office.

When the board shall have determined who are elected in the county, what is their duty ?

To cause a copy of every such determination to be published in one or more of the newspapers published in the county.

What is the duty of the county clerk when he receives statements and certificates from the board of county canvassers ?

To record them in his office.

How many copies of the statement and certificate of the votes for the office of Governor, Lieutenant Governor, Senators and Representatives, shall the county clerk prepare ?

Three certified copies under his signature, and sealed with the seal of his office.

To whom shall he send these copies ?

One to the Governor—one to the comptroller—one to the secretary of state.

When shall these copies be sent ?

Before the third Monday in November, in each year,



after a general election, and within ten days after a special election.

When the board of county canvassers have declared what persons are elected to fill county offices, what is the duty of the county clerk ?

To prepare certified copies of each certificate and declaration, and without delay deliver one of such copies to each person so elected.

What must the county clerk transmit to the secretary of state within thirty days after a general election.

A list of the names of the persons elected in the county as members of Assembly, and also of the sheriff, clerk, and coroners.

What is the duty of the secretary of state when he receives from the county clerk certified statements of the result of an election ?

To record such statement in his office, in a book kept for that purpose.

#### STATE CANVASSERS.

Who appoints the meeting of the State canvassers ?

The secretary of state.

Where is the meeting to be appointed ?

At the secretary's office.

When shall such meeting be appointed ?

On or before the fifteenth day of December, after each general election, and within forty days after a special election.

Who compose the board of State canvassers ?

The secretary of state, comptroller, surveyor general, attorney general, and treasurer.

How many shall be sufficient to form a board ?

Three.

What is the duty of the board when organized ?

To make a statement of the whole number of votes in the State for each State office, or United States office—the names of the persons to whom such votes shall have been given—the number of votes for each person.

What do they then proceed to determine and declare ?

What persons have been duly elected to such offices.

What shall the board deliver to the secretary of state ?

A certificate of such determination.

If one of the canvassers shall dissent from the decision of the board what is the duty of the one dissenting ?

To state at large, in writing, the reason of such dissent.

If any of the proceedings of the board shall appear to any one of the canvassers to be illegal or irregular, what is the duty of such canvasser ?

To protest against the same in writing, setting forth distinctly the grounds of his protest.

To whom shall the canvasser deliver his dissent or protest, signed with his proper name ?

To the secretary of state.

What shall the secretary of state do with such certified statement and determination that shall be delivered to him ?

He shall record them in his office.

What shall he do with every dissent or protest that shall be delivered to him ?

He shall record those also.

What is the duty of the secretary of state to each person elected ?

To give him notice of his election.

What is his duty to the public ?

To publish a copy of the certified statements and determinations in the State paper, and in one or more of the public newspapers.

Where shall the names of all the justices of the peace elected in this State, and the names of all the sheriffs, coroners, and clerks of counties, be entered ?

In the office of the secretary of state.

How often are members of Congress chosen from the several Congress Districts ?

Once in two years.

If a representative in Congress resigns, to whom does he tender his resignation ?

To the secretary of state.

If a representative in Congress dies, who shall give notice to the secretary of state ?

The clerk of the county where the representative resided at the time of his election.

#### ELECTORS TO CHOOSE A PRESIDENT AND VICE-PRESIDENT.

How many electors are chosen in this State ?

A number equal to the number of members of Congress from this State.

When chosen ?

At the general election in November.

How chosen ?

By general ticket.

Who shall be declared and deemed duly appointed electors ?

The several persons having the highest number of votes.

What is the process of voting ?

Nearly the same as in the choice of State officers.

When the board of State canvassers have determined who are duly appointed electors, what is the duty of the secretary of state ?

To cause a copy of the certified determination to be delivered to each of the persons therein declared to be elected.

#### ELECTORAL COLLEGE.

Where do the electors meet ?

At the capitol.

What are the officers of the college ?

A president and secretary, chosen from their own body.

What shall the secretary of state deliver to the president of the college of electors ?

Three lists of the names of the electors, signed by the Governor, and sealed with the seal of the State.

How do the electors vote for President and Vice-President ?

By ballot.

Can the President and Vice-President be of the same State ?

They cannot.

Of what must they make distinct lists ?

Of all persons voted for as President, and of all persons voted for as Vice-President, and the number of votes for each.

What must be done with this list ?

Signed, certified, and delivered to a messenger, appointed to deliver the same to the President of the Senate, at the seat of government of the United States.

What is the compensation of the electors ?

The same as the members of the Legislature have for travelling the same distance and attending the same length of time.

---

#### ELECTION OF SENATORS IN CONGRESS.

When are Senators to Congress to be elected ?

On the first Tuesday of February next before the expiration of the time for which any Senator was elected ?

If a vacancy happen by death or otherwise, how soon shall the vacancy be filled ?

Within ten days after the Legislature receives notice of the vacancy.

How shall the choice of Senators to Congress be made ?

By the Legislature, in the following manner: the Senate and Assembly shall each openly nominate one person for the office of Senator in Congress; after which they shall immediately meet, and if they shall agree in their nomination, the person so nominated shall be appointed to the office for which he shall be nominated: if they shall disagree, the election shall be made by the joint ballot of the Senators and members of Assembly.

What shall be delivered to the person so chosen?

Copies of the resolution of the Senate and Assembly testifying such choice.

By whom signed?

By the President of the Senate and Speaker of the Assembly.

#### PENALTIES FOR MISCONDUCT. AT ELECTIONS.

If an elector challenged as unqualified to vote shall take a false oath, of what shall he be adjudged guilty?

Of wilful and corrupt perjury.

If he procure another to take a false oath, of what shall he be deemed guilty?

Of subornation of perjury.

What punishment shall he suffer?

The punishment directed by law in cases of wilful and corrupt perjury.

If an officer is guilty of wilful neglect or corrupt conduct in performing his duty at an election, what penalty can be inflicted?

A fine not exceeding the sum of five hundred dollars, and imprisonment not exceeding the term of one year.

If any person shall by bribery, menace, or other corrupt means or device, either directly or indirectly, attempt to influence any elector of this State in giving his vote or ballot, or to deter him from giving the same, or disturb or hinder him in the free exercise of the right of

suffrage at any election in this State, held pursuant to this chapter, and shall thereof be convicted, of what shall such person so offending and convicted be adjudged guilty ?

A misdemeanor.

What shall be the extent of his punishment ?

A fine not exceeding five hundred dollars, and imprisonment not exceeding one year.

If any officer shall call out the militia within five days previous to an election, except in cases of invasion or insurrection, what shall he forfeit ?

The sum of five hundred dollars for each offence.

What are the only purposes for which money can be lawfully contributed to promote the election of any particular person or ticket ?

For defraying the expenses of printing, and the circulation of votes, handbills, and other papers previous to any election.

If any person shall furnish money for any other purpose, what is the greatest penalty ?

He is guilty of a misdemeanor, and punishable by fine not exceeding two hundred and fifty dollars, or by imprisonment not exceeding six months.

If a person shall fraudulently or deceitfully change a vote of any elector, by which such elector shall be prevented from voting for such candidate as he intended, what is the greatest penalty ?

A fine not exceeding two hundred and fifty dollars, or imprisonment not exceeding six months.

~~~~~

CHAPTER VII.

Of what does Chapter Seventh treat ?

Of the Legislature.

Can any officer, while in actual attendance upon the house, be arrested ?

He cannot, on civil process.

Can any member of the Legislature be arrested on civil process during his attendance at the session of the house to which he shall belong ?

He cannot, except for forfeiture, misdemeanor, or breach of trust in any office or place of public trust held by him.

How long before and after the session does a member enjoy the like privilege ?

Fourteen days.

Is he entitled to the same privilege while absent with leave of the house to which he belongs ?

He is.

What is declared with respect to any speech or debate in either house of the Legislature ?

The members shall not be questioned in any other place for such speech or debate.

What power has each house over its own members and officers ?

To expel them for disorderly conduct, or imprison them.

How long can such imprisonment extend ?

Only during the then existing session of the Legislature.

When a bill becomes a law, where shall it be deposited ?

In the office of the secretary of state.

When does a law take effect, if no time be specified ?

On the twentieth day after its final passage.

To whom shall the secretary of state deliver a certified copy of each law ?

To the State printer, to be published by him.

What is the compensation of the members of the Legislature ?

Three dollars for each day's attendance, and three dollars for every twenty miles going to and returning from the capitol, by the usual route.

If a member of either house is prevented from attending by sickness, what compensation does he receive ?

The same as if in actual attendance.

What is the salary of the clerk of the Senate ?

Twelve hundred dollars.

What is the salary of the clerk of the Assembly ?

Sixteen hundred dollars.

What is the pay of the sergeant-at-arms and door-keeper of each house, and the assistant door-keeper of the Assembly ?

Three dollars per day.

How are the contingent expenses of the two houses paid ?

From the State Treasury.

CHAPTER VIII.

Of what does Chapter Eighth treat ?

Of the duties of the Executive officers of the State.

Who has the custody of the great and privy seals of the State ?

The Governor.

When the Lieutenant Governor acts as president of the Senate, does he vote ?

He has only a casting vote.

If a crime is committed without the jurisdiction of the United States, and the criminal is found within this State, can the Governor deliver him over to justice ?

He can, for any crime except treason.

When only can such delivery be made ?

On the requisition of the duly authorized minister or officer of the government within the jurisdiction of which the crime shall be charged to have been committed.

To whom shall the Governor transmit, free of expense, three copies of the laws of each session of the Legislature of this State ?

To the executive of each State in the Union.

What shall he also request ?

A similar communication of the laws of the several States.

Who has charge of the books and papers belonging to the State ?

The Secretary of State.

Who superintends the fiscal concerns of the State ?

The Comptroller.

Who receives all moneys which from time to time are paid into the treasury ?

The Treasurer.

When only shall moneys be paid out by the Treasurer ?

Only on warrant of the Comptroller.

Who defends and prosecutes all suits in which the State is interested ?

The Attorney General.

Who superintends surveys and sales of lands belonging to this State ?

The Surveyor General.

Who attends to the printing of the State ?

The State Printer.

~~~~~

## CHAPTER IX.

Of what does this Chapter treat ?

Of the funds, revenue, expenditures and property of the State.

From what are the salaries of the officers of government paid ?

From the *general fund*.

What does the Governor receive from the general fund ?

Four thousand dollars.

What does the Secretary of State receive ?

One thousand five hundred dollars.

What does the Comptroller receive ?

Twenty-five hundred dollars.

What does the Treasurer receive ?

One thousand five hundred dollars.

The Attorney General ?

One thousand dollars.

The Surveyor General ?

Eight hundred dollars.

The Chancellor and each of the Justices of the Supreme Court ?

Twenty-five hundred dollars.

The Vice-Chancellor of the first circuit ?

Two thousand dollars.

Each of the Circuit Judges ?

Sixteen hundred dollars.

What is the salary of the Lieutenant Governor ?

Double that of a Senator.

What other funds in this State, besides the general fund ?

The Canal fund—the Literary fund—the Common School fund.

Who are the Trustees of the Capitol at Albany ?

The Governor, Lieutenant Governor, Speaker of the Assembly, Secretary of State, Attorney General, and Comptroller.

Who are the Trustees of the “State Hall ?”

The Trustees of the Capitol and the Surveyor General.

In whose custody and care are the several arsenals and magazines belonging to this State, and the lands and buildings connected therewith ?

The Commissary General.

What is the annual appropriation to the State Library ?

One thousand dollars.

Who only can take books, papers, or maps, for any purpose from the State Library ?

Members of the Legislature.

What are the names of the canals belonging to this State ?

“Erie Canal,” “Champlain Canal,” “Cayuga and Seneca Canal,” “Oswego Canal,” “Crooked Lake Canal,” “Chemung Canal,” “Chenango Canal.”

The general care and superintendence of the Canals is where vested ?

In a board of Canal Commissioners.

At what rate only, (without a permission in writing signed by a majority of the Canal Commissioners), can a float move on any canal ?

Not faster than four miles per hour.

When a boat used principally for passengers overtakes one used principally for freight, what is the duty of the master of the freight boat ?

To grant every possible facility to the other boat to pass, and to stop if it be necessary until the other boat has passed.

When two boats meet, what is the duty of each commander ?

To turn his boat to the right hand, so as to be wholly on the right side of the centre of the canal.

Can the Legislature of this State ever sell or dispose of the Salt Springs belonging to this State ?

They cannot, nor any part of them.

What tax or duty shall be collected on every bushel of salt manufactured in this State ?

Six cents.

To whom do all gold and silver mines already discovered, or hereafter to be discovered, belong ?

To the people of this State, in their right of sovereignty.

To whom do all mines whatever, upon lands belonging to persons not citizens of the United States, belong ?

To the people of this State.

To whom do all mines upon lands owned by a citizen of the United States, the ore of which upon an average shall contain less than two equal third parts in value, of copper, tin, iron and lead, or any of these metals, belong ?

To the people of this State, in their right of sovereignty.

What is the bounty for discovering a gold or silver mine ?

The profits of such mine for twenty-one years.

## CHAPTER X.

Of what does Chapter Tenth treat ?

Of the *militia* and the *public defence*.

Who are subject to military duty ?

All able-bodied free white male citizens, between the ages of eighteen and forty-five years, not exempt by law.

Who are exempt by law ?

1. The Lieutenant Governor.
2. Members and officers of the Legislature.
3. Secretary of State, Attorney General, Comptroller, Treasurer, and Surveyor General, and the deputies and clerks of their respective offices.
4. Judges of courts, clerks and sheriffs.
5. Ministers, and teachers of colleges, academies, and common schools.
6. Officers in the army of the United States.
7. Officers who have served four years.

After how many years service are uniform companies exempt from military duty except in cases of insurrection or invasion ?

Fifteen years.

Are seamen and firemen compelled to do military duty ?

They are not, except in cases of invasion or insurrection.

How are all major-generals, brigade-inspectors, and chiefs of the staff-department, except the adjutant general and the commissary general, appointed ?

They are nominated by the Governor, and appointed by him with the consent of the Senate.

By whom is the adjutant general appointed ?

By the Governor.

Whom does the commander-in-chief appoint ?

His own aids and military secretary.

The commissary general is how appointed ?

By the Legislature, and holds his office three years.

What part of the votes is necessary to a choice of brigadier general ?

A majority.

What part in the choice of all other militia officers ?

A plurality.

What is the duty of the commanding officer of each company of infantry ?

To enrol all persons within the limits of his company who may be subject to military duty.

How soon after notice of enrolment shall every person be armed and equipped according to law ?

Six months.

Persons claiming to be exempted from enrolment by reason of inability to bear arms must produce what ?

The certificate of a surgeon or surgeon's mate, as evidence of such inability.

What is the duty of tavern-keepers, keepers of boarding-houses, and house-keepers ?

To give to the commanding officer, when requested, a true account of all persons lodging or boarding with them, to the end that such persons as are liable to do military duty may be enrolled according to law.

If any person of whom such account is demanded shall refuse to give such account and names, or shall wilfully give a false account, what shall he forfeit ?

Ten dollars for every name that may be refused, omitted, concealed, or falsely stated.

How many musicians may each commandant enrol ?

Not more than five.

If a musician wish to join another company, what must he obtain ?

The written consent of the commanding officer of the company to which he belongs.

When forty persons subject to military duty shall associate together for the purpose of forming a troop of cavalry, or a company of riflemen, grenadiers, light infantry, artillery, or light artillery, to whom shall they apply to be organized ?

To the commander-in-chief, with the consent of the commanding officer of their brigade.

Can any person under twenty-one years of age join a troop or uniform company ?

He cannot, without the consent in writing of his parent or guardian, master or mistress.

The commander-in-chief has how many aids ?

Three with the rank of colonel, and a military secretary with the rank of major.

## CHAPTER XI.

Of what does Chapter Eleventh treat ?

Of the powers, duties, and privileges of towns.

Each town, as a body corporate, has capacity for what ?

To sue and be sued, to purchase and hold lands within its own limits, to make contracts, &c.

When and where are annual town meetings to be held ?

At the time prescribed by law, and at such place as the electors shall from time to time appoint.

What town officers are to be chosen at the annual town meeting ?

The supervisor ; the town clerk ; from three to five assessors ; one collector ; two overseers of the poor ; three commissioners of highways ; three commissioners and three inspectors of common schools ; not more than five constables ; one town sealer of weights and measures ; overseers of highways and pound masters ; justices of the peace.

What power shall the electors of each town have at their annual meeting ?

To choose their town officers ; to raise money by tax ; to direct suits at law and in equity ; to establish and maintain pounds ; to impose penalties on persons offending against the regulations of such town ; to apply such

penalties, when collected, as they shall think proper ; and to determine the time and manner in which cattle, horses, and sheep, shall be permitted to go at large in the highways.

Is it necessary that notice of the annual meeting be given ?

It is not.

For what purpose are special town meetings held ?

Generally to fill vacancies.

Who shall give notice of special town meetings ?

The town clerk.

How shall such notice be given ?

By causing a notice to be posted in four or more of the most public places in town.

When must this notice be given ?

At least eight days before the meeting.

What shall such notice specify ?

The place and purposes of the meeting.

#### MODE OF CONDUCTING TOWN MEETINGS.

Who presides at town meetings ?

The justices of the peace.

If there be no justice of the peace present, who shall preside ?

Such person as shall be chosen for that purpose by the electors present.

What authority to preserve order and to enforce obedience shall the officer so presiding have ?

The same as is possessed by the board of inspectors at a general election.

Who shall be clerk of the meeting ?

The town clerk.

Who if the town clerk be absent ?

Such person as may be chosen by the electors present.

When shall the town meeting be kept open ?

In the day time only, between the rising and the setting sun.

How long may they be held ?

For two days, and no longer.

How shall questions be determined ?

By a majority of the electors voting.

Who shall ascertain and declare the result of the votes upon each question ?

The presiding officer.

Can an elector be challenged as unqualified to vote at town meetings ?

He can, and the presiding officer administers the same oath as the inspectors administer at a State election.

Can an elector be challenged at the same meeting, after he has taken the prescribed oath ?

He cannot.

Where shall the minutes of the meeting be filed ?

In the office of the town clerk.

How soon ?

Within two days after the meeting.

#### OF THE ELECTION OF TOWN OFFICERS.

What shall be done before the electors proceed to elect any town officer ?

Proclamation shall be made of the opening of the polls.

How are the supervisor, town clerk, assessors, collector, overseers of the poor, commissioners of highways, commissioners and inspectors of common schools, and constables, chosen ?

By ballot.

How are the other town officers chosen ?

Either by ballot, by ayes and noes, or by the rising or dividing of the electors, as the meeting may determine.



When the electors vote by ballot what shall the ballot contain ?

The names of all the officers voted for, and the office each is intended to fill.

To whom shall the ballot be given ?

To the presiding officer.

How shall it be folded ?

So as to conceal its contents.

When an election is by ballot, what shall be kept by the clerk ?

A poll-list.

What shall be entered on the list ?

The names of all the persons whose votes shall be received.

Who shall receive and deposit the ballot in the box ?

The presiding officer.

When an election is closed who shall canvass the votes ?

The presiding officer.

How must the votes be canvassed ?

Publicly at the place where the meeting is held.

When shall the votes be canvassed ?

On the same or on the next day after the election.

How shall the result be made known ?

It shall be read publicly by the clerk to the persons thus assembled.

How are justices of the peace elected ?

By ballot.

What is the duty of the town clerk when justices are chosen ?

To transmit to the clerk of the county a certificate of the result of such election.

When shall the officers enter upon the duties of their office ?

On the first day of January.

## QUALIFICATIONS OF TOWN OFFICERS.

How old must a person be to be eligible to any town office ?

Twenty-one years of age, and an elector of the town for which he is chosen.

What shall he be required to do before entering on the duties of his office ?

To take and subscribe the oath of office.

How soon ?

Within ten days after he shall have been notified of his election.

Before whom shall this oath be taken ?

Before a justice of the peace or a commissioner of deeds.

How soon shall he cause a certificate to be filed in the office of the town clerk ?

Within eight days.

If the person elected neglect to take and subscribe such oath and to have his certificate filed, what shall such neglect be deemed ?

A refusal to serve.

To what amount must a collector give bonds for the faithful discharge of his duty ?

To double the amount of the taxes to be collected.

To whom shall this bond be delivered ?

To the supervisor.

How shall the supervisor file such bond ?

In the office of the county clerk.

How soon ?

Within six days.

What must a constable do within eight days after receiving notice of his election ?

Take the oath of office, and give security for all such sums of money as he may become liable to pay on account of any execution delivered to him for collection.

If any person chosen or elected to the office of supervisor, town clerk, assessor, commissioner of highways, or overseer of the poor, shall refuse to serve, what sum shall he forfeit to the town ?

Fifty dollars.

If any person chosen or appointed to the office of commissioner or inspector of common schools, overseer of highways, pound master or town sealer, shall refuse to serve, what sum shall he forfeit to the town ?

The sum of ten dollars.

If any town officer who is required by law to take the oath of office shall enter upon the duties of his office before he shall have taken such oath, what sum shall he forfeit to the town ?

The sum of fifty dollars.

If any town neglect to choose its proper town officers at the annual meeting, what is the duty of the justices of the peace in such town ?

To appoint such officers by warrant under their hand and seal.

Where shall these warrants be filed ?

In the office of the town clerk.

Who shall give notice to the person appointed ?

The town clerk.

Who may accept the resignation of any town officer of their town ?

Any three justices of that town.

If any person chosen or appointed to the office of supervisor, assessor, commissioner of highways, or overseer of the poor, shall refuse to serve, or shall die, or shall resign, or move out of the town, or become incapable of serving, what shall be the duty of the town clerk ?

To call a special town meeting within eight days to fill such vacancy.

If the vacancies are not filled by the town meeting, how shall they be filled ?

By the justices.

If vacancies occur in other offices, how shall they be filled ?

By the justices.

If there are not three justices in the town, what shall be done ?

The deficiency shall be supplied from an adjoining town.

## DUTY OF SUPERVISOR.

Who receives and pays out money raised to defray town charges ?

The supervisor.

Does he receive that raised to support highways, and bridges, and common schools ?

He does not.

What account shall he keep ?

An account of the receipts and expenditures.

When shall he account with the justices and clerk ?

On Tuesday preceding the annual town meeting.

What meeting shall the supervisor of each town attend ?

The annual meeting of the supervisors of the county.

If any supervisor neglect or refuse to perform the duties of his office, what sum shall he forfeit ?

Fifty dollars.

## DUTY OF THE TOWN CLERK.

Who has the custody of all records, books, and papers of the town ?

The town clerk.

What shall he file in his office ?

All certificates of oaths and other papers required by law to be filed.

What shall he transcribe in the book of records of the town ?

The minutes of the proceedings of every town meeting held therein—every order, and all rules and regulations made by any such town meeting.

What shall he deliver to the supervisor before the annual meeting of the board of supervisors ?

Certified copies of all votes for raising money since the last meeting of the board.

What is the duty of the town clerk when a constable is appointed and qualified ?

To send the name of such constable immediately to the town clerk.

If the town clerk omit to perform this duty, what is the penalty ?

A fine not exceeding ten dollars.

#### BOARD OF AUDITORS OF TOWN ACCOUNTS.

Who constitute the board of auditors to examine the accounts of the overseers of the poor, the commissioners of common schools, and the commissioners of highways of such town, for moneys received and disbursed by them ?

The supervisor, town clerk, and justices of the town.

When do the board meet for the purpose of auditing accounts ?

On Tuesday, preceding the annual town meeting.

Who audits the supervisor's account ?

The justices and town clerk.

How are accounts paid when audited ?

By the supervisor, out of moneys then in his hands.

What is the compensation of assessors and inspectors of elections, and clerks of the poll ?

One dollar and twenty-five cents per day.

What is the compensation of commissioners of highways and overseers of the poor.

One dollar per day.

## CHAPTER XII.

Of what does Chapter Twelfth treat ?

Of counties and certain county officers.

Every county, as a body corporate, has capacity for what ?

To sue and be sued ; to purchase and hold lands within its own limits ; to make contracts, &c.

All acts and proceedings by and against a county, must be made in whose name ?

In the name of the board of supervisors.

How often do the board of supervisors meet ?

Annually—they may also hold special meetings.

What number is necessary to form a quorum ?

A majority.

Are the meetings of the board public or private ?

They are public, and all persons may attend them.

Who is appointed chairman ?

One of the board.

For how long a time ?

One year.

If it is necessary to take affidavits, who administers the oath ?

The chairman of the board.

How is the clerk appointed ?

By the board.

What compensation does the clerk receive ?

A compensation to be fixed by the board.

What is the duty of the supervisors in respect to the court-house and jail of their respective counties ?

To keep them in repair.

To what amount are the annual repairs limited ?

Five hundred dollars.

What must they prepare within the jails of their respective counties ?

Solitary cells for the reception of convicts.

What is the compensation of the members of the board ?

Two dollars per day.

What is the penalty for the neglect of duty ?

For every offence he shall forfeit one hundred and fifty dollars.

Who are the supervisors of the city of New York ?

The mayor, recorder, and aldermen of the city.

## COUNTY TREASURER.

To whom is the county treasurer to give bonds ?

To the supervisors of the county.

How soon after his appointment ?

Within ten days.

Where shall this bond be filed ?

In the county clerk's office.

Who receives, holds, and disburses all moneys belonging to the county ?

The county treasurer.

What account shall the treasurer keep ?

An account of all receipts and expenditures.

To whom shall he annually transmit accounts of moneys belonging to the State ?

To the comptroller.

To whom shall he exhibit his books and accounts ?

To the supervisors.

To whom shall he deliver the books, papers and money in his hands at the expiration of his office ?

To his successor.

What is the penalty for refusing to make such delivery ?

Twelve hundred and fifty dollars.

What compensation does the treasurer receive ?

One-half per cent on all moneys received, and one-half per cent on all moneys paid out.

Who is the treasurer of the city and county of New York ?

The chamberlain of the city and county.

## COUNTY CLERK.

What does the county clerk have custody of ?

Of all the books, records, deeds, parchments, maps, and papers belonging to the county, deposited in his office.

What shall every county clerk appoint ?

A deputy clerk, to hold his office during the pleasure of the clerk.

What are the powers and duties of the deputy clerk when the clerk is absent on account of sickness, or is unable to attend to his duties ?

The same as those of the clerk, except deciding on the sufficiency of sureties for any office.

#### SHERIFFS.

What bond shall the sheriff execute ?

A bond for the faithful performance of the duties of his office.

What shall be the penalty of breaking the bond ?

The penal sum of twenty thousand dollars for the city and county of New York, and ten thousand in all other parts of the State.

How often must this bond be renewed ?

Annually.

By whom are the under sheriff and deputies appointed ?

By the sheriff.

When a vacancy occurs in the office of sheriff, who performs the duties of sheriff ?

The under sheriff.

Who has the custody of the jails and prisoners ?

The sheriff.

By whom are the keepers appointed ?

By the sheriff.

Is the sheriff responsible for the acts of the keepers ?

He is.

What is the duty of the district attorney ?

To conduct all criminal prosecutions in behalf of the county.



What is the salary of the district attorney of the city and county of New York?

Not less than two thousand five hundred dollars, nor more than three thousand five hundred dollars.

What are deemed county charges?

The pay of the board of supervisors, their clerk, county treasurer, district attorney, criers of the several courts within the county, support of convicts in county jails, support of the poor, and all other expenses necessarily incurred for the use and benefit of the county.

To whom must these accounts be presented?

To the board of supervisors.

How is the money raised to defray these expenses?

By a tax on the taxable property of the county.

~~~~~

CHAPTER XIII.

Of what does Chapter Thirteenth treat?

Of the assessment and collection of taxes.

What shall be liable to taxation, subject to the exemptions hereinafter specified?

All lands and all personal estate within this State, whether owned by individuals or corporations.

How will the term "lands," be used in this chapter?

The same as "real estate" and "real property."

What shall the term "land" be construed to include?

The land itself, all buildings erected thereon, all trees growing thereon, and all mines, except those belonging to the State.

What shall the terms "personal estate" and "personal property" be construed to include?

All household furniture, moneys, goods, chattels, debts

due from solvent debtors, whether on account, contract, note, bond or mortgage; public stocks, and stocks in moneyed corporations.

What property shall be exempt from taxation?

1. All property exempt by the constitution of this State or the constitution of the United States.

2. All lands belonging to this State or the United States.

3. All buildings erected for the use of a college, incorporated academy, or other seminary of learning; every building for public worship; every school-house, court-house, and jail; the lots on which they are situated, and the furniture belonging to them.

4. Every poor-house, alms-house, house of industry, and every house belonging to a company incorporated for the reformation of offenders, and the real and personal property belonging to or connected with the same.

5. The real and personal property of every public library.

6. All stocks owned by the State or by literary or charitable institutions.

7. The personal property of every minister, and his real property to the amount of \$1,500.

8. All property exempt by law from execution.

Where is real estate taxed?

In the town where it lies.

Where is personal property taxed?

In the town or ward where the owner resides.

How is the value of property ascertained?

By the affidavit of the owner, or by the assessors.

Who make out the assessment roll ?

The assessors.

Who collects the taxes assessed ?

The collector.

How many times shall he call on each person taxed ?

Once, and demand payment of the taxes in the tax list.

In case any person shall neglect or refuse to pay the tax imposed on him, what shall the collector do ?

The collector shall levy upon and sell any property that may be found in his possession.

How long notice shall the collector give of the time and place of sale, and of the property to be sold ?

Six days' notice.

How shall this notice be given ?

By advertisements posted in at least three public places in the town where such sale shall be made.

Can the claim of another person that the property levied on is his, and not the person's taxed, prevent the sale ?

It cannot.

If the property distrained shall be sold for more than the amount of the tax, what shall be done with the surplus ?


It shall be returned to the person in whose hands the property was when the distress was made.

Whenever any tax on lands shall remain unpaid for two years, what shall be done ?

The comptroller shall proceed to advertise and sell such lands.

What time shall be allowed to the owner to redeem lands sold for taxes ?

Two years.



CHAPTER XIV.

Of what does Chapter Fourteenth treat ?

Of the public health.

By whom is the Board of Health in New York appointed ?

By the common council.

Who is the president of the Board ?

The mayor of the city.

Who are the Commissioners of Health ?

The health officer, resident physician, and health commissioner.

What is the duty of the resident physician ?

To visit all sick persons reported to the mayor or Board of Commissioners of Health.

Who shall assist the resident physician ?

The health commissioner.

Who shall receive the moneys appropriated to the use of the marine hospital ?

The health commissioner.

The health commissioner shall give bonds to what amount for the faithful performance of his trust ?

The sum of five thousand dollars.

How often shall he render his account to the Board of Health of all his receipts and disbursements on account of the marine hospital ?

Monthly.

What is the salary of the resident physician ?

One thousand dollars.

What is the salary of the health commissioner ?

One thousand dollars.

What is the salary of the health officer, as physician of the marine hospital ?

Four hundred and fifty dollars.

What fees shall the health officer receive for visiting and examining vessels ?

For each vessel from a foreign port, six dollars and fifty cents; for each vessel from a place in the United States south of Cape Henlopen, from one to three dollars.

How shall such fees be paid ?

By the respective masters of the vessels so visited and examined.

Where is the anchorage place of vessels at quarantine ?

As near as may be to the marine hospital on *Staten Island*.

All vessels from a foreign port having forty or more passengers, or on board of which, during the voyage, or whilst at the port of departure, any person shall have been sick, arriving between the first day of April and the first day of November in any year, shall be subject to what length of quarantine ?

So much as the health officer shall designate and enjoin.

All vessels arriving between the thirty-first day of May and the sixteenth day of October in any year, from any place in the ordinary passage from which they must pass to the south of Cape Henlopen, shall remain how long at the quarantine ground ?

As long as the health officer shall designate and enjoin.

All vessels from any place (including islands) in Asia, Africa, or the Mediterranean, or from either of the West India, Bahama, Bermuda, or Western Islands, or from any place in America in the ordinary passage from which they must pass south of Georgia, arriving between the first day of April and the first day of November in any year, shall remain how long at the quarantine ground ?

Two days.

All vessels from any place where yellow, bilious, malignant, or other pestilential or infectious fever existed at the time of their departure, or on board of which, during the voyage, any case of any such fever shall have occurred, arriving between the first day of April and the first day of November in any year, shall remain how long at the quarantine ground ?

Thirty days.

If a vessel is navigated by steam ?

The length of the quarantine shall be as the health officer shall enjoin.

What is the duty of each branch and pilot boat belonging to the port ?

To use his utmost endeavors to hail every vessel which he shall discover to be entering the port, and to demand of the master of every such vessel, whether any person has died or been sick on board during the passage, and whether any pestilential fever existed at the time of her sailing at the port whence she sailed.

If any of the above questions shall be answered in the affirmative, what notice shall the pilot immediately give to the master of the vessel ?

That he, his crew, passengers and cargo, are subject to the examination of the health officer.

Where shall the pilot direct the captain to proceed and anchor his vessel ?

To the quarantine anchorage, there to await the further direction of the health officer.

What shall be the duty of every pilot who shall conduct into port a vessel subject to quarantine ?

1. To bring such vessel to anchor within the buoys marking the quarantine anchorage.

2. To prevent any vessel or boat from coming alongside of the vessel under his charge, and to prevent anything on board from being thrown into another vessel or boat.

3. To present to the master of the vessel a printed copy of this chapter, when such copy shall have been delivered to him for that purpose.

4. To take care that no violation of this chapter be committed by any person on board, and to report such as may be committed as soon as may be to the health officer.

What shall be the duty of the health officer immediately on the arrival of a vessel subject to quarantine ?

To enter on board and to make strict search and inquiry into the health of the officers, crew, and passengers, and into the state and condition of the vessel and her cargo.

Has the health officer authority to require any person on board to answer under oath ?

He has.

To whom does the health officer make a report ?

To the Board of Health.

What may the health officer, if he shall deem it necessary to prevent infection or contagion, order to be destroyed ?

Any bedding or clothing, or any portion of the cargo that he may deem infected.

How shall all passengers placed under quarantine who shall be unable to maintain themselves be provided for ?

By the master of the vessel in which they shall have arrived.

Who may issue a proclamation declaring any place where there shall be reason to believe a pestilential or infectious fever actually exists, to be an infected place, within the meaning of the health laws of this State ?

The Mayor of the city of New York, or the President of the Board of Health.

What may the Board of Health, in their discretion, do ?

Prohibit or regulate the internal intercourse by land or water between the city of New York and such infected place, and may direct that all persons who shall come into the city of New York contrary to their prohibitions and regulations, shall be apprehended and conveyed to the vessel or place whence they last came ; or if sick, that they be conveyed to the marine hospital, or such other place as the Board of Health shall direct.

What penalties may be imposed upon the captain of a vessel for violating the provisions of this Chapter ?

A fine from five hundred to two thousand dollars, and imprisonment from six to twelve months.

Of what shall every person be deemed guilty who shall go on board of, or have any communication, intercourse, or dealing with any vessel at quarantine, without the permission of the health officer?

A misdemeanor.

How punishable?

By fine or imprisonment.

What are the powers of the Board of Health?

1. To appoint health wardens and other officers.
2. To authorize such officers to examine, in the day-time, all places, of every description within the city.
3. To adopt all necessary measures for cleansing and purifying such places.
4. To fence up or otherwise enclose any part of the city, if they shall think the public safety requires it; and adopt measures to prevent all persons from going to any part of the city so excluded.

What are the duties of the Board of Health?

1. To adopt prompt measures to prevent the spreading of a contagious disease.
2. To forbid all communication with the family infected.
3. To prevent all communication with the part of the city infected.
4. To exercise all other powers that the circumstances of the case and the public good shall require.

What may the Board of Health, or the Mayor and Commissioners of Health, order to be destroyed?

Anything that may be putrid, or otherwise dangerous to the public health.

Whom may they send to the marine hospital?

All persons in the city, not residents thereof, who shall be sick of any malignant or contagious disease.

What is the duty of each practising physician in New York city ?

1. To make a report in writing to the Mayor, the Board of Health, or either of the Commissioners of Health, of every patient he shall have laboring under yellow, bilious, malignant, or other pestilential and infectious fever, between the thirty-first day of May and the first day of November in each year, and within twenty-four hours after he shall ascertain or suspect the nature of the disease.

2. To report, if so directed, every patient he shall have between the same days, laboring under fever of any description.

3. To report the death of any of his patients who shall have died of fever, within forty-eight hours after such death shall have occurred, and to state in such report the specific name and type of such fever.

By whom is the marine hospital held ?

By the Commissioners of Health, and they shall have the control thereof.

How are sick persons there kept and attended to ?

With all necessary and proper care.

By whom are the expenses to be paid ?

By the patients ; except those who shall have paid hospital-money, and such poor persons as the Board of Health shall exempt.

How much hospital-money must the master of every vessel from a foreign port pay ?

One dollar and fifty cents for himself and every cabin

passenger, and one dollar for each steerage passenger, mate, sailor, or marine.

How much must the master of each coasting vessel pay ?

Twenty-five cents for each person on board.

How is this money applied ?

To the use of the marine hospital.

Is the master to receive the money from the passengers ?

He is.

At what other places are quarantines established ?

At Albany, Troy, and Hudson.

What shall the medical societies in each county require ?

All physicians and surgeons not members of the society to apply for admission within sixty days after notice.

What is the penalty for not applying ?

A forfeiture of his license.

What is the term of medical study required of a student with some physician or surgeon authorized by law to practise ?

Four years.

In what cases is there a deduction of one year ?

When the student has pursued college studies for one year after he became sixteen years of age, or has attended a complete course of all the lectures delivered in an incorporated medical college in this State.

How old must a person be to practise medicine ?

Twenty-one years.

CHAPTER XV.

Of what does Chapter Fifteenth treat ?

Of Public Instruction.

Where is the government of the University vested ?

In a board of regents.

Under what name or title is the University incorporated ?

“ The Regents of the University of the State of New York.”

It can hold property, real and personal, to what amount ?

To the amount of the annual income of forty thousand bushels of wheat.

What is the number of the regents ?

Twenty-one, including the Governor and Lieutenant Governor, who are members of the board by virtue of their office.

How appointed ?

By the Legislature.

What are the officers ?

A chancellor, a vice-chancellor, a treasurer and secretary.

By whom chosen ?

The regents.

What is sufficient to a choice ?

A plurality of votes.

Who is the presiding officer ?

The chancellor.

When is their annual meeting ?

The second Thursday in January.

What degrees may they confer ?

Such degrees above that of master of arts as are known to, and usually granted by, any college or university in Europe.

Who has the control of the whole income arising from the literary fund ?

The regents.

Into how many parts do they divide this income ?

Into eight parts, and assign one part to each senate district.

How shall this be distributed in each district ?

Among the incorporated seminaries of learning, exclusive of colleges, subject to their visitation by valid corporate act.

In what proportion ?

In proportion to the number of pupils in each seminary, who for four months during the preceding year shall have pursued therein, classical studies, or the higher branches of English education, or both.

How far must the pupil be advanced in the classics ?

So far as to have read in Latin the first book of the Æneid.

How far must the pupil be advanced in English education ?

Beyond such knowledge of arithmetic (including vulgar and decimal fractions) and of English grammar and Geography, as is usually obtained in common schools.

What shall the regents require from each seminary subject to their visitation, before the first of January ?

An annual report.

What shall this report contain ?

1. The names and ages of all the pupils instructed in such seminary, during the preceding year, and the time that each was so instructed.

2. The studies pursued, together with the book such student shall have perused in whole or in part ; if in part, what portion.

3. An account or estimate of the cost or value of the library, philosophical and chemical apparatus, and mathematical and other scientific instruments, belonging to the seminary.

4. The names of the instructors employed in the seminary, and the compensation paid to each.

5. An account of the funds, income, debts, and incumbrances of the seminary, and of the application thereon of the moneys last received from the regents.

What are the trustees of every college ?

A corporation.

To what shall every diploma granted by such trustees entitle the possessor ?

To all the immunities which by usage or statute are allowed to possessors of similar diplomas, granted by any university, college or seminary of learning in the United States.

What are the trustees of every academy ?

A corporation.

What are the trustees of Lancasterian schools ?

Corporations.

Who prepares and submits to the Legislature the report of the common schools ?

The superintendent.

Who have charge of the schools in each town ?

The commissioners of common schools.

Who are the inspectors of common schools in each town ?

The commissioners and other inspectors elected in the town.

What are the powers of the district meeting lawfully assembled ?

1. To appoint a moderator.
2. To adjourn from time to time as occasion may require.
3. To choose a district clerk, three trustees and one district collector at their first meeting, and as often as such offices, or either of them, become vacated.
4. To designate a site for a district school-house.
5. To lay such tax on the taxable inhabitants of the district as the meeting shall deem sufficient to purchase or

lease a suitable site for a school-house, and to build, hire, or purchase such school-house, and to keep in repair, and furnish the same with necessary fuel and appendages.

6. To repeal, alter, and modify their proceedings from time to time as occasion may require.

How much money can they raise to purchase a district library ?

Not exceeding twenty dollars for the first year.

What teachers are deemed qualified ?

Those who hold a certificate of qualification, dated within one year, from the inspectors of common schools for the town in which they shall be employed.

CHAPTER XVI.

Of what does Chapter Sixteenth treat ?

Of highways, bridges, and ferries.

Who have the care of the highways and bridges in the several towns ?

The commissioners of highways.

Who shall give directions for repairing and altering roads and bridges, and require the overseers of highways to cause all persons assessed to come and work with such implements, carriages, cattle, or sleds, as they shall direct ?

The commissioners.

Who keep in order the highways, warn persons assessed to work, cause noxious weeds to be cut down, collect all fines and commutation moneys, and execute all lawful orders of the commissioners ?

The overseers of highways.

Who shall be assessed to work on the highways ?

Every person owning or occupying lands in the town, and every male inhabitant over twenty-one years of age residing in the town.

At what price may every person assessed commute, except an overseer ?

At the rate of sixty-two and one-half cents for each day.

How many hours shall persons rated be required to work ?

Eight hours.

What are the penalties for not complying with the requirements of the commissioners ?

1. For wholly omitting to comply with such requisitions, three dollars for each day :

2. For omitting to furnish a cart, waggon, or plough, one dollar for each day :

3. For omitting to furnish a pair of horses or oxen, one dollar for each day :

4. For omitting to furnish a man to manage the team, one dollar for each day :

How soon must the overseer make complaint to one of the justices of the peace of the town ?

Within six days.

What is the duty of the justice ?

To issue a summons requiring the delinquent to appear forthwith before him, and show cause why he should not be fined.

If no cause be shown, what is the duty of the justice ?

To issue a warrant commanding the constable to levy the fine prescribed by law, with the cost of the proceedings, on the goods and chattels of the delinquent.

Who may apply, in writing, to the commissioners of his town, to alter or discontinue any road ?

Every person liable to be assessed for highway labor.

For what purpose shall the commissioners hold a meeting ?

To hear any reasons that may be offered for or against laying out the highway.

If the commissioners determine to lay out such highway, what shall they make out and subscribe ?

A certificate of such determination, describing the road so laid out.

Where shall this certificate be deposited ?

With the town clerk.

What shall be the width of all roads laid out by the commissioners ?

Three rods wide.

What is the penalty for obstructing the highways ?

Five dollars for every such offence.

If a tree falls or is fallen from any enclosed lands into any highway, and the occupant of the land receives notice to remove the same within two days, what is the penalty for neglect ?

Fifty cents for every day thereafter till the tree shall be removed.

In case any person shall cut down any tree on land not occupied by him, so that it shall fall into any highway, river, or stream, unless by the order and consent of the occupant, what sum shall he forfeit ?

To the occupant one dollar for every tree so fallen, and the like sum for every day the same shall remain in such highway, river, or stream.

What shall be the forfeiture for injuring any bridge maintained at the public charge ?

Treble damages.

Whoever shall destroy, remove, injure, or deface any mile-board or mile-stone erected on any highway shall forfeit what amount ?

The sum of ten dollars for every offence.

CHAPTER XVII.

Of what does Chapter Seventeenth treat ?

Of the regulation of trade in certain cases.

To what are all goods, wares, and merchandize sold at auction subject ?

To duties every time they shall be struck off.

How shall the goods be struck off?

To the highest bidder

By whom?

By an auctioneer who shall have given the required security.

What is the penalty for acting as auctioneer without license?

A fine not exceeding five hundred dollars, and imprisonment not exceeding three months.

What articles are exempt from auction duties?

1. Ships and vessels.
2. Utensils of husbandry, horses, neat cattle, hogs and sheep.
3. Articles of the growth, produce or manufacture of this State, except distilled spirits.

4. All fabrics of cotton, wool, hemp and flax, manufactured within the jurisdiction of the United States.

When there are no duties, by whom may the sales be made?

By any citizen of this State.

When shall all flour and meal purchased for exportation be inspected?

At the place of exportation.

All wheat flour, rye flour, Indian meal, or buckwheat meal manufactured for exportation in this State, shall how be packed?

In good and strong casks, made of seasoned oak, or other sufficient timber, and hooped with at least ten hoops, three of which shall be on each chime, and properly nailed.

Of how many sizes shall the casks be?

Of two sizes only.

How many pounds shall the larger size contain?

One hundred and ninety-six pounds.

How many pounds shall the smaller size contain ?

Ninety-eight pounds.

How may Indian meal be packed ?

In hogsheads which shall contain eight hundred pounds.

How shall casks of the best wheat flour be branded ?

“ Extra superfine.”

The second quality, how branded ?

“ Superfine.”

The third quality, how branded ?

“ Fine.”

The fourth quality ?

“ Fine middlings.”

The fifth quality ?

“ Middlings.”

The sixth quality ?

“ Ship stuffs.”

The first and second qualities of rye flour, how marked ?

“ Superfine Rye Flour.” “ Fine Rye Flour.”

How shall Indian meal be branded ?

“ Indian Meal.”

How shall buckwheat meal be branded ?

“ B. Meal.”

When the flour is packed and the casks branded, by whom shall it be inspected ?

By the inspector.

What shall be the duty of the inspector ?

1. To ascertain, by examination, the weight of all the casks which he may suspect of being falsely tared.

2. To alter and correct the brands in all cases where he shall be of opinion that they do not designate the real quality of the flour or meal.

3. To weigh such casks as he shall suspect not to

contain the full weight, and if they do not contain the full weight, to brand them with the word "light."

4. To brand all casks containing flour or meal so damaged as not to be fit for exportation, with the word "bad."

5. To brand on all casks properly made and packed, the initials of his christian name and his surname at full length, together with the name of the county where the inspection has been made.

What shall be done with all flour or meal not manufactured within this State, if offered for sale in the city of New York ?

It shall be inspected, except damaged flour, sold as such at public auction.

What is the penalty for shipping flour or meal not inspected ?

The sum of five hundred dollars for every cask exported.

What is the penalty for exporting flour marked "light?"

Five dollars for every cask exported.

What is the penalty for offering for sale flour undermarked ?

Five dollars for each cask.

What is the penalty for selling mixed flour ?

Five dollars for each cask.

When beef or pork are exported or shipped for exportation, what is necessary ?

That it be previously inspected, pickled, and branded by an inspector duly qualified.

If any person ships or attempts to ship beef or pork not inspected, what shall he forfeit ?

Fifty dollars for every barrel and half-barrel.

What is the duty of the inspector of pot and pearl ashes ?

1. To empty the casks containing ashes brought to him for inspection, and to examine and determine the quality of the ashes, and repack the same, putting the ashes of each quality in a separate cask.

2. To brand in plain letters and figures on each cask containing ashes of the first quality, the words "first sort;" of the second quality, the words "second sort;" and of the third quality, the words "third sort;" together with the words "pot ash," or pearl ash," as the case may be: also his own name, and that of the place where the ashes are inspected; and on one head the year when such inspection is made.

3. To brand the word "condemned" on every cask which he shall discover to contain ashes fraudulently adulterated with stone, sand, lime, or other improper substance?

What other articles conveyed to a foreign port must be inspected?

Fish, oil, lumber, staves and heading, flax seed, sole leather, hops, distilled spirits, leaf tobacco, green hides and skins.

Is any person allowed to travel and sell foreign articles without a license?

He is not.

CHAPTER XVIII.

Of what does Chapter Eighteenth treat?

Of incorporations.

How are corporations created?

By the Legislature.

From what only shall moneyed corporations make dividends?

From the surplus profits arising from the business of the corporation.

Can they divide, withdraw, or in any manner pay to the stockholders any part of the capital stock of the corporation?

They cannot.

Can they reduce such capital stock ?

They cannot, without the consent of the Legislature.

What is the smallest bill or promissory note any corporation having banking powers is authorized to issue ?

One dollar.

What is the meaning of the term "moneyed corporations?"

Every corporation having banking powers.

What is the meaning of the term "directors?"

It embraces all persons having, by law, the direction or management of the affairs of any such corporation.

What are the powers of corporations ?

1. Succession by its corporate name for the period limited in its charter.

2. To sue and be sued, complain and defend in any court of law or equity.

3. To make and use a common seal, and alter the same at pleasure.

4. To hold, purchase, and convey such real and personal estate as the purpose of the corporation shall require, not exceeding the amount limited in the charter.

5. To appoint such subordinate officers and agents as the business of the corporation shall require, and to allow them a suitable compensation.

6. To make by-laws not inconsistent with any existing law, for the management of its own property, the regulation of its affairs, and for the transfer of its stock.

CHAPTER XIX.

Of what does Chapter Nineteenth treat ?

Of the computation of time, of weights and measures, and the money of account.

How shall time continue to be computed ?

According to the Gregorian, or new style.

What shall be reckoned the first day of the year ?

The first day of January.

When the terms "year," or "years," are used in any statute, deed, verbal or written contract, or any public or private instrument, of how many days shall the year intended be taken to consist ?

Three hundred and sixty-five.

What is the meaning of the term "month," as used in any statute ?

A calendar, and not a lunar month.

Is there more than one standard of weight or measure throughout the State ?

There is not.

What is the unit or standard measure of length and surface from which all other measures of extension are derived and ascertained ?

The yard as used in this State, on the fourth day of July, one thousand seven hundred and seventy-six.

For the precise definition of said yard, and in order to recover it in case of loss, what is declared ?

That such yard has been found, by experiments made with the pendulum, with a brass rod, at Columbia College, in the city of New York, in the latitude of forty degrees, forty-two minutes, and forty-three seconds north, to bear to the pendulum of that place, vibrating seconds in a vacuum, at the temperature of melting ice, the proportion of one million to one million eighty-six thousand one hundred and forty-one.

How shall the standard yard thus defined be measured ?

In a straight line between two points engraven upon golden disk, inserted into a straight brass rod.

If this is destroyed, under whose direction shall it be restored ?

Under the direction of the secretary of state.

Into how many parts is the yard divided ?

Three parts, called feet.

The rod, pole, or perch, shall contain how many yards ?

Five and one-half.

The furlong, how many ?

Two hundred and twenty.

The mile how many ?

One thousand seven hundred and sixty.

In measuring land, how shall the acre be measured ?

Horizontally.

The acre shall contain how many square rods ?

One hundred and sixty.

What shall be the unit or standard weight, from which all other weights shall be derived and ascertained ?

The pound, of such magnitude that the weight of a cubic foot of distilled water, at its maximum density, weighed in a vacuum with brass weights, shall be equal to sixty-two and a half such pounds.

Of what shall such standard weight be made ?

Of brass.

If lost, under whose direction shall another be made ?

The State sealer of weights and measures.

Into how many equal parts shall the pound be divided ?

Sixteen.

What is the standard of measures of capacity, from which all other measures of capacity shall be derived ?

The gallon.

How many kinds of gallons ?

Two—denominated the gallon for liquid measure, and the gallon for dry measure.

The gallon liquid measure contains how many pounds of distilled water at its maximum density, at the mean pressure of the atmosphere at the level of the sea ?

Eight pounds.

How many pounds does the gallon dry measure contain ?

Ten pounds.

Of what shall the standard gallon be made ?

Of brass.

How is the gallon liquid measure divided ?

Into quarts, pints, half pints, and gills.

How many pounds of distilled water shall the bushel contain, at the mean pressure of the atmosphere at the level of the sea ?

Eighty pounds.

The hundred-weight shall consist of how many pounds ?

One hundred avoirdupois.

How many such hundreds make a ton ?

Twenty.

The bushel of wheat must contain how many pounds ?

Sixty.

The bushel of rye or Indian corn must contain how many pounds ?

Fifty-six.

What are the measurers' fees ?

One-half cent per bushel, and no more.

How paid ?

One-half paid by the buyer and the other half by the seller.

How are all public accounts, and all judgments and decrees rendered by any court of justice, to be computed ?

In dollars, cents, and mills.

OF THE RELIEF AND SUPPORT OF INDIGENT PERSONS.

When shall paupers be supported by their relatives ?

When the father or mother, or children of the paupers are of sufficient ability to maintain them.

If such pauper is neglected by his relatives, what is the duty of the overseers of the poor of the town where such pauper resides ?

To apply to the court of general sessions of the peace of the county, for an order to compel the relatives to relieve and maintain the pauper.

Before this application is made, how long notice must the relatives have that such application is to be made ?

Fourteen days.

What is the duty of the court on application of the overseers for an order ?

To hear the allegations and proofs of the parties, and to order a specified sum to be paid weekly for the support of such poor person.

What relative shall first be directed to pay this specified sum ?

The father.

If there be no father, or he be not of sufficient ability ?

Then the children of such poor person shall pay the specified sum.

If there be no children, or they be not of sufficient ability ?

Then the mother of such poor person shall pay the specified amount.

Who shall maintain all paupers where children and parents are unable to maintain them ?

The town or county where the pauper resides.

How long must a person of full age reside in a town to gain a residence ?

One year.

Where shall the members of his family who have not gained a separate residence be deemed settled ?

In the same town.

Can persons who are paupers be removed from one city or town to another city or town ?

They cannot ; but they must be supported in the town or county where they may be, as follows :

1. If he has gained a settlement in any town in such county, he shall be maintained by such town :

2. If he has not gained a settlement in the county in which he shall become poor, sick, or infirm, he shall be

supported and relieved by the superintendents of the poor at the expense of the county :

3. If the person be in a county where the distinction between the town and county poor is abolished, he shall be supported at the expense of the county, and in both the cases aforesaid, proceedings for his relief shall be had as hereinafter directed :

4. If such pauper be in a county where the respective towns are liable to support their poor, and hath gained a settlement in some other town of the same county than that in which he may then be, he shall be supported at the expense of the town where he may be, and the overseers shall give notice, in writing, to the overseers of the town to which such pauper belongs, or to one of them, requiring them to provide for the relief and support of such pauper.

What is the penalty for removing a pauper from one town or county to another, or causing him to be removed without legal authority ?

Fine and imprisonment.

Who are deemed vagrants ?

All idle persons who, not having visible means to maintain themselves, live without employment ; all persons wandering abroad and lodging in taverns, groceries, beer houses, market-places, sheds or barns, or in the open air, and not giving a good account of themselves ; all persons wandering abroad and begging, or who go about from door to door, or place themselves in the streets, highways, or other public places, to beg or receive alms, shall be deemed vagrants.

What is the duty of every constable, or other peace officer, to do with such persons when required ?

To bring them before a magistrate for the purpose of examination.

If such person be convicted of being a vagrant, where may the magistrate send him ?

To the county poor-house or to jail.

What is the penalty if any person shall exhibit or perform any idle shows, acts or feats, which common showmen, mountebanks, or jugglers usually perform ; or furnish a place for such performance ?

Twenty-five dollars for each such offence.

What is the penalty for exhibiting paintings, animals, &c., without a license ?

Twenty-five dollars for each offence.

On what days are all persons prohibited from discharging any gun, pistol, rocket, squib, cracker, or other fire-work, within a quarter of a mile of any building ?

On the twenty-fifth and last days of December, the first day of January, the twenty-second day of February, and the fourth of July.

What is the penalty ?

Five dollars.

Is betting or gaming in any case lawful ?

It is not.

If any person shall win or lose at play or betting, what amount shall he forfeit ?

Five times the amount gained or lost.

What is the penalty for setting up any money, goods, chattels, or things in action to be raffled for ?

Three times the value of the goods raffled for, and ten dollars.

What shall every lottery, game, or device of chance in the nature of a lottery, by whatever name it may be called, be deemed ?

Unlawful, and a common and public nuisance.

How great may be the penalty for opening, going on foot, carrying on or promoting any lottery, game, or device of chance ?

A fine of two thousand five hundred dollars, or imprison-

ment not exceeding two years, or to both, in the discretion of the court.

What is the penalty for printing, publishing, &c., notices of illegal lotteries ?

A fine not exceeding one hundred and fifty dollars, or imprisonment not exceeding three calendar months.

What is the penalty for profane cursing and swearing ?

One dollar for each offence.

If the fine is not paid, what shall be done ?

The offender shall be committed to the county jail.

What is the penalty for disturbing a religious meeting ?

A sum not exceeding twenty-five dollars.

Is it lawful to labor on Sunday ?

It is not, except in cases of absolute necessity.

Is it lawful to sell any goods, merchandize, fruits, &c., on Sunday ?

It is not, except meats, milk, and fish, which may be sold at any time before nine o'clock in the morning.

When two boats meet on the Hudson river, or any other waters within the jurisdiction of this State, on which side shall they pass ?

Each shall keep to the right.

REVISED STATUTES
OF THE
STATE OF NEW YORK.
PART SECOND.

~~~~~  
CHAPTER I.

Of what does Chapter First of Part Second of the Revised Statutes treat ?

Of the title by which we hold real estate, and the persons legally capable of holding and conveying such estate.

Who are deemed the original possessors of the property of this State ?

The people.

When a person dies without heirs, to whom does his property belong ?

To the people of the State.

When real estate descends to persons under twenty-one years of age, who are to be the guardians of such infants ?

1. The father of the infant.
2. If there be no father, the mother.
3. If there be no father or mother, the nearest and eldest relative of full age, not being under any legal incapacity.

In regard to relatives of the same degree of consanguinity, which is to be preferred, the male or the female ?

The male.

When the property descends to the infant by a *will*, who is to be the guardian ?

The person appointed in the will.

Who is capable of holding real estate, or of taking the same by descent, devise, or purchase, within this State ?

Every citizen of the United States.

Who are capable of selling or aliening lands ?

All persons capable of holding lands (except idiots, persons of unsound mind, and infants).

What are those persons called who were born in another country, and who are residing within the United States without having taken the oath of allegiance ?

Aliens.

Can an alien hold real estate ?

He cannot, unless he makes oath in writing before some officer authorized to take the proof of deeds to be recorded, "that he is a resident of, and intends always to reside in the United States, and to become a citizen thereof as soon as he can be naturalized."

Of what shall widows be endowed ?

Of the third part of all the lands whereof her husband was seized of an estate of inheritance at any time during the marriage.

When shall dower be forfeited ?

In case of divorce, dissolving the marriage contract for the misconduct of the wife.

If the husband convey by deed or otherwise any real estate to another, without the consent of the wife, is the wife at the death of her husband entitled to dower in that estate ?

She is.



## CHAPTER II.

## DESCENT OF PROPERTY.

If a person die without devising his property by will, how shall it descend?

1. To his lineal descendants.
2. To his father.
3. To his mother.
4. To his collateral relatives.

How do the lineal descendants, being of equal degrees of consanguinity, inherit?

In equal portions.

If part of the children of the intestate (or person dying without a will) be living, and a part be dead, leaving children, how shall the estate be divided?

Each child living shall inherit the same proportion of the estate as if all the children had been living, and the descendants of each child who shall be dead shall inherit the share which their parents would have received if living.

In case the intestate die without lawful descendants?

The estate goes to the father, unless the inheritance came to the intestate on the part of the mother.

If the mother be dead, the inheritance descending on her part shall go to whom?

To the father for life, and the reversion to the brothers and sisters of the intestate and their descendants.

If the intestate die without descendants, leaving no father, or leaving a father not entitled to take the inheritance, and leaving a mother and a brother or sister, to whom shall the inheritance descend?

To the mother during her life, and at her death to the brothers and sisters.

If neither father nor mother nor children be living, to whom shall the inheritance descend?

To the brothers and sisters of the intestate.

If neither father, mother, children, brothers, nor sisters be living, to whom shall the inheritance descend?

If the inheritance came on the part of the mother, it shall descend to her brothers and sisters, if on the part of the father, to his brothers and sisters.

If the inheritance did not come on either the part of the father or the mother, how shall it descend?

To the brothers and sisters of each, in equal shares.

How shall relatives of the half blood inherit?

Equally with those of the whole blood in the same degree.

If the inheritance came to the intestate by descent, devise, or gift of some one of his ancestors, who shall be excluded?

All who are not of the blood of such ancestor.

---

### CHAPTER III.

#### CONVEYANCES OF REAL ESTATE.

Where must every conveyance of real estate be recorded?

In the county clerk's office where the estate is situated.

What must be done before it is recorded?

It must be acknowledged by the party or parties executing the same.

What acknowledgment must be made by the wife, separate and apart from her husband?

She must acknowledge, on a private examination apart from her husband, that she executed such conveyance freely, and without any fear or compulsion of her husband.

---



## CHAPTER IV.

## LAWFUL INTEREST.

What is the rate of interest established in this State ?

Seven per cent.

Are all persons forbidden to take more than seven per cent ?

They are.

Is a contract for a greater rate of interest valid ?

It is not.

Can the borrower be compelled to pay principal or interest ?

He cannot, but the lender shall forfeit both.

---

ACT TO PREVENT USURY, PASSED 1837.

Can a person be compelled to testify in a suit when he is a party ?

It is a general rule that he cannot.

Can he on a trial when the plea is usury ?

He can.

If a person has taken usury, directly or indirectly, can he be made to testify to that fact ?

He can.

What is the consequence of taking a false oath ?

The pains and penalties of perjury.

What is the punishment of usury in addition to the forfeiture of principal and interest ?

Fine not exceeding one thousand dollars, or imprisonment not exceeding six months, or both.

What shall be the duty of all courts of justice ?

To charge the Grand Jury especially to inquire into any violation of this law

# APPENDIX,

CONTAINING THE CHANGES WHICH HAVE BEEN MADE IN THE  
REVISED STATUTES, BY THE SESSION LAWS OF  
1837-8-9-40-1-2-3.

---

## ALTERATIONS MADE IN THE ELECTION LAW.

What is the duty of the sheriff, clerk, or first judge of each county, who receives notice of an election ?

To give notice to the supervisor or assessors in each town or ward in the county.

How are cities divided by the Common Council ?

Into election districts.

What shall every ward in the city, containing not more than five hundred voters, constitute ?

An election district.

If there are more than five hundred voters ?

It may be divided by the Common Council into two districts.

By whom are towns divided into election districts ?

By the supervisor, town clerk, and assessors.

How many inspectors in each election district ?

Three.

How shall two of the three be chosen in the district ?

By ballot, on the same ticket with the town or charter officers.

By whom is the third inspector appointed ?

By the presiding officers of the town meeting or charter election.

How shall notice be given to the electors ?

By posting a notice, as required by the Rev'd. Statutes.

PRELIMINARY OATH.

What is the duty of the inspectors when an elector is challenged.

To tender to him the following preliminary oath:—

“ You do swear (or affirm) that you will fully and truly answer all such questions as shall be put to you touching your place of residence and qualifications as an elector !”

In relation to what particulars may the inspectors then proceed to examine the person challenged ?

1. His name.
2. His residence.
3. How long he has resided in the town or ward where the vote is offered.
4. What his last place of residence before he came into that town or ward.
5. Whether he is a native or a naturalized citizen.
6. If naturalized, when and where.
7. If he came into town for the purpose of voting at that election.
8. If he contemplates residing in the town or ward ; and such other questions as may tend to test his qualifications entitling him to vote.

If he refuse to take this oath, what shall be done ?

His vote shall be rejected.

After receiving answers to the above questions, what is the duty of the inspectors ?

To declare to the person so challenged the qualifications of an elector.

What words are to be inserted in the elector's oath, as laid down on page 39, before the last clause of each oath ?

“ and of the district in which you offer to vote.”

## BALLOT BOXES.

By whom are the ballot boxes provided ?

By the inspectors.

How long shall any election continue ?

One day only.

## PENALTY FOR MISCONDUCT.

If any person shall interrupt or disturb the meeting, what shall be done ?

He shall be arrested and detained until the final canvass of the votes shall be completed.

## DOUBLE BALLOTS.

If two ballots are so folded together as to present the appearance of a single ballot, what shall be done with them ?

They shall be destroyed if the whole number of ballots exceed the whole number of voters, and not otherwise.

## STATEMENT OF THE RESULT OF AN ELECTION.

To whom shall the inspectors return the statement of the result of the election in their district ?

To the supervisor of the town or ward.

What shall be done with the poll lists ?

They shall be filed in the clerk's office.

## COUNTY CANVASSERS.

Who are the county canvassers ?

The supervisors or assessors to whom the statement is returned from the inspectors.

When shall the board of county canvassers meet ?

On the Tuesday next following the election before one o'clock in the afternoon of that day.

How soon shall copies of the statement of the county canvassers be sent to the Governor, Comptroller, and Secretary of State ?

Within four days after the adjournment of the board.

## PENALTIES FOR ILLEGAL VOTING.

What is the penalty for voting more than once, or attempting to vote more than once? or procuring illegal votes? or procuring non-residents to vote?

A fine not exceeding one hundred and fifty dollars, or imprisonment not exceeding six months.

What is the penalty if an inhabitant of another state or county shall vote or offer to vote at any general or special town or charter election?

He shall be imprisoned in the state prison not exceeding one year, at the discretion of the court.

## TOWN SUPERINTENDENTS.

What officer is elected in each town according to the law of 1843?

A town superintendent.

What officers are there in each ward in the city of New York?

Two commissioners from each ward, forming the Board of Education; two inspectors, and five trustees, in each ward.

## INSPECTION LAWS.

What alteration was made in the inspection of flour and meal in 1843?

The penalties for selling without inspection were abolished.

## REGENTS OF THE UNIVERSITY.

What officer has been added to the Board of Regents of the University of the State of New York?

The Secretary of State.

What salary shall be allowed to the Secretary of State in the capacity of superintendent of common schools?

Seven hundred and fifty dollars per annum.

How much for additional clerk hire?

Six hundred dollars.

SAXTON & MILES' PUBLICATIONS.

THE  
**REVISED STATUTES**  
OF THE  
**STATE OF NEW YORK,**

Reduced to Questions and Answers, for the use of  
**SCHOOLS AND FAMILIES.**

BY WILLIAM B. WEDGWOOD, A. M.,  
MEMBER OF THE NEW YORK BAR.

**NOTICES OF THE PRESS.**

*From the Catskill Messenger, Catskill.*

The necessity of general information respecting the Constitution and Laws of the State, led the late Superintendent of Common Schools to remark, in his report to the Legislature, that "every scholar ought to have an opportunity in the schools of becoming acquainted with the principles of our Constitution and Laws, and be enabled to understand something of our State and National Government." The above work has been prepared to carry into practical operation the views of the Superintendent, and in no way can it be more effectually done than by the introduction of the work into all our Common Schools.

*From the Hamilton Palladium, July 7, 1843.*

Another admirable school book, strictly national in its design and execution. The value of such a book will be readily appreciated by every enlightened freeman, who, in the discharge of his civil and political duties, has felt how important to himself was an acquaintance with the Constitution and Laws. Long since impressed with the necessity of a suitable work of this kind, we are glad that it has fallen into competent hands. Mr. Wedgwood has indeed been eminently successful in the accomplishment of a difficult task, and left nothing to be desired in his little book in respect either to simplicity, perspicuity, or completeness. We earnestly commend it to the attention of parents and teachers.

*From the Columbia Republican and Advertiser.*

This little work will undoubtedly be introduced into primary schools, giving, as it does, a lucid synopsis of the Statutes of our State, which are, as it were, a sealed volume to all except gentlemen of the legal profession. It is a book every class of our citizens, old and young, male and female, will find instructive, and as such we earnestly recommend it to the patronage of the public.

*From the True Sun.*

This is one of the most useful books that has been published for the people.

## SAXTON AND MILES' PUBLICATIONS.

*From the Ithaca Chronicle.*

REVISED STATUTES of the State of New York, reduced to questions and answers, for the use of Schools and Families. By William B. Wedgwood, of the New York Bar. New York: published by Saxton and Miles.

The laws of the State are almost inaccessible to the people. The Revised Statutes are published in expensive volumes, and are in the hands of very few besides magistrates and lawyers. The session laws, from year to year, are published in *one paper*, at Albany, which comparatively few of the population receive, and in volumes, which the people generally never see. Abundant and expensive provisions are made for enacting laws; very little is done to make them generally known when they are enacted. And yet the people are to be bound by them, and "ignorance of the law excuses no man." To disseminate a knowledge of the Constitution and the laws of the State, in a cheap and popular form, must therefore be rendering a great service to the people. In this brief work we have, for the small sum of two shillings, a plain and familiar synopsis of the Constitution and statutes of the State: which, if it does not extend to all their minute particulars, gives a general view of their provisions, and indeed a more particular detail than we should have supposed could be condensed into so small a compass.

---

## RECOMMENDATIONS.

The following is from Thomas Jeremiah, President of the Board of Education of the city of New York.

NEW YORK, SEPT. 16, 1843.

*William B. Wedgwood, Esq.*

DEAR SIR—I have examined the book recently published, of which you are the author, entitled 'The Revised Statutes of the State of New York, reduced to Questions and Answers, for the use of Schools and Families,' and I entertain not the smallest doubt that it will form a valuable part of the system of instruction gradually perfecting in our public schools.

It affords me much gratification that your attention has been directed to this subject, and that you have adopted a plan so well calculated to aid the memory of the student.

Yours respectfully,

THOMAS JEREMIAH,

*President of the Board of Education of the City of New York.*

SAXTON AND MILES' PUBLICATIONS.

From Dr. King, chairman of the State convention of county superintendents, held at Albany in May last.

BROOKLYN, SEPT. 15, 1843.

MESSRS. SAXTON AND MILES,

GENTLEMEN—I am half inclined to think that the old adage, 'Good wine needs no bush,' will apply to the 'Revised Statutes,' published by you, and that the public will discover its merits without a recommendation from any source whatever.

I have examined the work carefully myself; but fearing, as it was matter belonging to the legal profession, that I might be mistaken, I submitted it to several legal friends, prior to recommending it to the different school districts in our county. The result was favorable to the work; and it has since been adopted by the Board of Education of the city of Brooklyn, as one of the standard text books. As far as my present experience goes, we shall have no reason to regret its introduction, as both master and scholar are satisfied, and, if continued, *will be the means of conveying to every fireside* a knowledge of the Constitution and Laws of our State, and enable the rising generation to enter upon the duties of citizenship with a knowledge of their respective rights and obligations.

T. F. KING,

Sup. of Com. Schools, Kings Co., N. Y.

MESSRS. SAXTON AND MILES,

The 'Revised Statutes,' published by you, should be introduced into every school and family in the State. You have my best wishes for your success in publishing so valuable a work; and whatever I can do towards promoting the circulation of it shall be done with pleasure.

Respectfully yours,

F. B. SPRAGUE,

Sup. of Com. Schools, Fulton Co., N. Y.

Dated Kingsboro', Sept. 6, 1843.





14 DAY USE  
RETURN TO DESK FROM WHICH BORROWED  
**LOAN DEPT.**

This book is due on the last date stamped below, or  
on the date to which renewed.  
Renewed books are subject to immediate recall.

REC'D LD

JAN 22 1963

YC131673

M111776

JK 3429  
L3W4

THE UNIVERSITY OF CALIFORNIA LIBRARY

