SESSION LAWS SECTION

THE ANDOVER NEWS

STATE LAWS—No. 5. ANDOVER, ALLEGANY COUNTY, N. Y., FRIDAY, OCTOBER [illegible]

LAWS OF NEW YORK.—By Authority. CHAP. [illegible]

AN ACT to amend the county law and the legislative law, in relation to eliminating the publication of session laws in newspapers.

Became a law May 2, 1921, with the approval of the Governor. Passed, three-fifths being present.

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

Section 1. Section twenty of chapter sixteen of the laws of nineteen hundred and nine, entitled "An act in relation to counties, constituting chapter eleven of the consolidated laws," is hereby amended to read as follows:

§ 20. Designation of newspapers for publication of concurrent resolutions. The members of the board of supervisors in each county representing, respectively, each of the two principal political parties into which the people of the county are divided or a majority of such members representing, respectively, each of such parties, shall designate in writing a paper fairly representing the political party to which they respectively belong, regard being had to the advocacy by such paper of the principles of its party and its support of the state and national nominees thereof, and to its regular and general circulation in the towns of the county, to publish the concurrent resolutions of the legislature required by law to be published, which designation shall be signed by the members making it and filed with the clerk of the board of supervisors. If a majority of the members of the board representing either of such parties cannot agree upon a paper or shall fail to make a designation of a paper or papers as above provided, then and in such case, the paper or papers last previously designated in behalf of the party or parties whose representatives, or a majority of them, have failed to agree shall be held to be duly designated to publish the concurrent resolutions for that year, and any designation of a paper or papers made contrary to the provisions of this section shall be void. If there shall be but one paper published in the county, then, in that case, such resolutions shall be published in that paper. If either of the two principal parties into which the people of the county are divided shall have no representative among the members of the board of supervisors, then, and in that event, the newspaper last legally designated in behalf of such party, not having a representative among the members of the board of supervisors, shall be held to be duly designated to publish the concurrent resolutions for that year. The clerk of each board of supervisors as soon as such designation is made shall forward to the secretary of state a notice stating the name and address of such newspapers as have been selected for the publication within the county of the concurrent resolutions of the legislature, or if there is but one newspaper in such county he shall before the first day of January in each year, forward to the secretary of state a notice stating the name and address of such newspaper, and that it is the only newspaper published in the county.

§ 2. Section twenty-one of such chapter is hereby repealed.

§ 3. Section forty-eight of chapter thirty-seven of the laws of nineteen hundred and nine, entitled "An act in relation to legislation, constituting chapter thirty-two of the consolidated laws," as last amended by chapter six hundred and twenty of the laws of nineteen hundred and nineteen, is hereby repealed.

§ 4. Such chapter is hereby amended by inserting therein a new section, to be section forty-eight, to read as follows:

§ 48. Publication of concurrent resolutions. The secretary of state shall send to each newspaper designated pursuant to law, in the order in which they are passed, and as soon as the slips are printed, copies of such concurrent resolutions as are required to be published. Concurrent resolutions proposing amendments to the constitution shall be published in such newspapers, at the times specified by the election law, under the direction of the secretary of state, at the expense of the state, in such manner, by the use of italics and brackets, as to indicate the new matter added and the old matter eliminated. The charge for such publication shall be paid by the treasurer of the state on the warrant of the comptroller, after certification by the secretary of state that the said publication has been regularly made as provided in this section, at the rate prescribed by law, specifying such rate. The charge for such publication outside of a city shall be at the fixed rate of thirty cents for each folio of one hundred words. The charge for such publication within any city shall be at the rate prescribed by statute for the publication of a summons, notice, order or citation in the same city. Provided, that in any county containing wholly within its boundaries a city of the second class, the charge for the publication of such resolutions in such newspapers shall be at the rate of six cents per agate line of a column width not less than twelve and one-half ems for each insertion; and provided further, that in any county containing wholly within its boundaries a city of the first class, the charge for the publication of such resolutions in such newspapers shall be at the rate of eight cents per agate line of a column width not less than twelve and one-half ems for each insertion.

§ 5. This act shall take effect December first, nineteen hundred and twenty-one.

State of New York, Office of the Secretary of State, ss:

I have compared the preceding with the original law on file in this office, and do hereby certify that the same is a correct transcript therefrom and of the whole of said original law.

JOHN J. LYONS,
Secretary of State.

LAWS OF NEW YORK.—By Authority. CHAP. 469.

AN ACT to amend the general municipal law and the state finance law, in relation to the awarding of contracts.

Became a law May 2, 1921, with the approval of the Governor. Passed, three-fifths being present.

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

Section 1. Article five of chapter twenty-nine of the laws of nineteen hundred and nine, entitled "An act relating to municipal corporations, constituting chapter twenty-four of the consolidated laws," is hereby amended by adding at the end a new section, to be section eighty-eight, to read as follows:

§ 88. Separate specifications for certain contract work. Every officer, board, department, commission or commissions, charged with the duty of preparing specifications or awarding or entering into contracts for the erection, construction or alteration of buildings in any county or city, or the borough of any city, when the entire cost of such work shall exceed twenty-five thousand dollars, must have prepared separate specifications for each of the following branches of work to be performed:

1. Plumbing and gas fitting.
2. Steam heating, hot water and ventilating apparatus.

Such specifications must be so drawn as to permit separate and independent bidding upon each of the classes of work enumerated in the above subdivisions. All contracts hereafter awarded by any county, city or borough, or a department, board, commission or commissioner, or officer thereof, for the erection, construction or alteration of buildings, or any part thereof, shall award the respective work specified in the above subdivisions separately to responsible and reliable persons, firms or corporations. Nothing in this section shall be construed to prevent the authorities in charge of any county or municipal building from performing any such branches of work by or through their regular employees, or in the case of public institutions, by the inmates thereof.

§ 2. Article two of chapter fifty-eight of the laws of nineteen hundred and nine, entitled "An act relating to state finance, constituting chapter fifty-six of the consolidated laws," is hereby amended by adding at the end thereof a new section, to be section [illegible], to read as follows:

§ [illegible] [illegible] enumerated in the above subdivisions. All contracts hereafter awarded by the state or a department, board, commissioner or officer thereof, for the erection, construction or alteration of buildings or any part thereof, shall award the respective work specified in the above subdivisions separately to responsible and reliable persons, firms or corporations. Nothing in this section shall be construed to prevent the authorities in charge of any state building from performing any such branches of work by or through their regular employees, or in the case of public institutions, by the inmates thereof.

§ 3. This act shall take effect September first, nineteen hundred and twenty-one.

State of New York, Office of the Secretary of State, ss:

I have compared the preceding with the original law on file in this office, and do hereby certify that the same is a correct transcript therefrom and of the whole of said original law.

JOHN J. LYONS,
Secretary of State.

LAWS OF NEW YORK.—By Authority. CHAP. 471.

AN ACT making an appropriation to refund to the estate of Roberty E. Kelly moneys erroneously paid into the state treasury as an inheritance tax.

Became a law May 2, 1921, with the approval of the Governor. Passed by two-thirds vote.

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

Section 1. There is hereby appropriated out of any money in the state treasury not otherwise appropriated the sum of eight hundred and fourteen dollars and ninety-five cents ($814.95), for the purpose of refunding to the estate of Robert E. Kelly who died April twenty-second, eighteen hundred and ninety-one, a resident of the republic of France, an amount erroneously paid into the state treasury as an inheritance tax under an order of the surrogate's court of the county of New York bearing date of March twenty-eighth, eighteen hundred and ninety-two, such order being void and thereafter vacated by such surrogate. The sum hereby appropriated shall be paid to the executor of such estate by the treasurer on the warrant of the comptroller.

§ 2. This act shall take effect immediately.

State of New York, Office of the Secretary of State, ss:

I have compared the preceding with the original law on file in this office, and do hereby certify that the same is a correct transcript therefrom and of the whole of said original law.

JOHN J. LYONS,
Secretary of State.

LAWS OF NEW YORK.—By Authority. CHAP. 472.

AN ACT making an appropriation to refund to the estate of John Carow moneys erroneously paid into the state treasury as an inheritance tax.

Became a law May 2, 1921, with the approval of the Governor. Passed by two-thirds vote.

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

Section 1. There is hereby appropriated out of any money in the state treasury not otherwise appropriated the sum of fifteen hundred twenty-one dollars and fifty-one cents ($1521.51), for the purpose of refunding to the estate of John Carow who died April eleventh, eighteen hundred and ninety-two, a resident of England, an amount erroneously paid into the state treasury as an inheritance tax under an order of the surrogate's court of the county of New York bearing date of February second, eighteen hundred and ninety-three, such order being void and thereafter vacated by such surrogate. The sum hereby appropriated shall be paid to the executor of such estate by the treasurer on the warrant of the comptroller.

§ 2. This act shall take effect immediately.

State of New York, Office of the Secretary of State, ss:

I have compared the preceding with the original law on file in this office, and do hereby certify that the same is a correct transcript therefrom and of the whole of said original law.

JOHN J. LYONS,
Secretary of State.

LAWS OF NEW YORK.—By Authority. CHAP. 473.

AN ACT making an appropriation to refund to the estate of Caesar J. Kaskel moneys erroneously paid into the state treasury as an inheritance tax.

Became a law May 2, 1921, with the approval of the Governor. Passed by two-thirds vote.

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

Section 1. There is hereby appropriated out of any money in the state treasury not otherwise appropriated the sum of six hundred and fifteen dollars and forty-four cents ($615.44), for the purpose of refunding to the estate of Caesar J. Kaskel, who died March thirtieth, eighteen hundred and ninety-two, a resident of Germany, an amount erroneously paid into the state treasury as an inheritance tax under an order of the surrogate's court of the county of New York, bearing date of November twenty-eight, eighteen hundred and ninety-two, such order being void and thereafter vacated by such surrogate. The sum hereby appropriated shall be paid to the executor of such estate by the treasurer on the warrant of the comptroller.

§ 2. This act shall take effect immediately.

State of New York, Office of the Secretary of State, ss:

I have compared the preceding with the original law on file in this office, and do hereby certify that the same is a correct transcript therefrom and of the whole of said original law.

JOHN J. LYONS,
Secretary of State.

LAWS OF NEW YORK.—By Authority. CHAP. 474.

AN ACT to amend the court of claims act, generally.

Became a law May 2, 1921, with the approval of the Governor. Passed, three-fifths being present.

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

Section 1. Sections four, eight, fifteen, and twenty-one of the court of claims act are hereby amended respectively to read as follows:

§ 4. Prohibition as to judges. A judge shall not during his term of office practice the profession of law, or act as referee in any action or proceeding in any court of this state. A judge shall not hold any other office or public trust to which any salary or compensation is attached.

§ 8. Salaries and compensation of court officers. Each officer of the court of claims shall receive an annual salary, payable monthly, and other compensation as follows:

1. The clerk, four thousand two hundred and fifty dollars.
2. The court stenographers, who shall also be deputy clerks, three thousand six hundred dollars and five cents a folio for copies of minutes and testimony furnished at the request of the claimant.
3. The stenographer to the judges, who shall also act as relief court stenographer, three thousand six hundred dollars.
4. The clerk and court stenographers and the stenographer to the judges and relief court stenographer shall be paid their actual expenses while in the discharge of their respective duties, elsewhere than in the city of Albany, to be audited by the court and paid from the contingent fund. No charge shall be made against the state by the clerk or the stenographers for copies of minutes, testimony or papers, furnished to the attorney-general or to the court, or filed in the office of the clerk.

§ 15. Notice of claim. No claim other than for the appropriation of land shall be maintained against the state unless the claimant shall within six months after such claim shall have accrued, file [illegible]

[illegible]

title or interest in and to such land as disclosed by the abstract of title and certificate of search as to incumbrances required by section twenty-four of this act, as disclosed by a certificate of the attorney general after examination by him of the title to such land. The court or judge or a judge thereof or such referee shall have jurisdiction and power to, and shall, order such parties to be brought in and made parties to the proceeding pending in such court or before such referee whenever it appears or is made to appear to the court or a judge thereof or such referee necessary to a complete determination of the controversy; or the determination of a liability. Such parties shall be brought in by order of such court or a judge thereof or such referee, which shall be served personally or by publication in like manner as is provided for the service of a citation in surrogate's court, except that publication in one newspaper published in the county where such land is located once in each of four successive weeks shall be sufficient publication unless otherwise ordered by such court, judge or referee. Within three months from the time a party is so brought in he may file a claim with respect to the land involved in such proceeding, independently of the claim to which he has been made a party. If he fails so to do, he may not thereafter file such an independent claim notwithstanding any other provision of law allowing a longer period of time within which to file a claim.

§ 3. Such act is hereby further amended by adding thereto a new section, to be section twenty-eight-a, to read as follows:

§ 28-a. Disposition of amount of award deposited. If the amount awarded is deposited, as provided by section twenty-eight of this act, any person claiming an interest in the fund may apply to the supreme court in and for the county of Albany, for an order of distribution. Such application shall be made by verified petition setting forth the rights of any and all persons who may have, or claim to have, any interest in or lien or encumbrance on, the property so appropriated and the award therefor, and the names and addresses of such persons, if known. Thereupon, such court shall make an order, describing the property so appropriated, directed to the attorney-general of the state of New York and to all such persons and to any others who may be unknown, who have or claim to have, any right, title, interest, claim or demand in or to said appropriated property or said award, requiring them to appear before such court and to present their claims or demands on account of such appropriation, at a time and place stated in the order, in the city of Albany, not less than thirty days after service of such order, and show cause why a final order of distribution should not be made. If any such persons appear by such petition to be residents of the state of New York, the order shall require personal service of the order thereon. If the petition states that any are non-residents of the state or that the names or addresses are unknown, the order shall require the service of the order by publication as provided by section twenty-one of this act. The court may on the return day hear all persons interested and make final order of distribution or refer any claim to a referee to hear, try and report. The court may likewise on the confirmation of a report of a referee, after eight days' notice to those who appeared on the return day, make a final order of distribution. The determination of the court and final order of distribution shall, unless set aside or reversed on appeal, be final and conclusive upon the owners or other persons claiming any interest in or lien or encumbrance on the property so appropriated and the award therefor.

§ 4. This act shall take effect immediately.

State of New York, Office of the Secretary of State, ss:

I have compared the preceding with the original law on file in this office, and do hereby certify that the same is a correct transcript therefrom and of the whole of said original law.

JOHN J. LYONS,
Secretary of State.

LAWS OF NEW YORK.—By Authority. CHAP. 475.

AN ACT to amend the farms and markets law, in relation to establishing the office of commissioner of farms and markets, and defining his powers and duties and the powers and duties of the council.

Became a law May 2, 1921, with the approval of the Governor. Passed, three-fifths being present.

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

Section 1. Subdivision three of section two of chapter eight hundred and two of the laws of nineteen hundred and seventeen, entitled "An act in relation to farms and markets, constituting chapter sixty-nine of the consolidated laws," is hereby amended to read as follows:

3. "Commissioner" means the commissioner of farms and markets.

§ 2. Section ten of such chapter is hereby amended to read as follows:

§ 10. Department of farms and markets. There shall be a department of farms and markets, which shall consist of two divisions: the division of agriculture and the division of foods and markets. The head of such department shall be the commissioner of farms and markets.

§ 3. Such chapter is hereby amended by inserting therein a new section, to be section fourteen-a, to read as follows:

§ 14-a. Powers and duties of council. In addition to the powers and duties specifically prescribed by this chapter, the council shall consider all matters submitted to it by the commissioner in reference to his powers and duties or the general policy of the department, and advise the commissioner with respect thereto. It may also in an advisory capacity make such suggestions to the commissioner with respect to the exercise of his powers or the performance of his duties, or in respect of the affairs of the department, as it deems advisable.

§ 4. Sections fifteen, eighteen, nineteen, twenty-two, twenty-three, twenty-four, twenty-six, twenty-seven, twenty-eight, and twenty-nine of such chapter are hereby amended to read as follows:

§ 15. Delegation of powers. The commissioner, by order entered in the department, may delegate any of his powers to, or direct any of his duties to be performed by, the commissioner of agriculture or by the commissioner of foods and markets acting with one or more directors of bureaus.

§ 18. Offices of department. The principal office of the department shall be in the city of Albany in rooms to be designated by the trustees of public buildings as provided by law. Branch offices shall be established and maintained by the department in such places as the commissioner may determine. The offices shall be supplied with all necessary books, stationery, office equipment and furniture, to be furnished and paid for in the manner provided by law.

§ 19. Seal of department. The department shall have an official seal, to be prepared and furnished by the secretary of state, as provided by law. Such seal shall be used for the authentication of the orders and proceedings of the commissioner and for such other purposes as the commissioner may prescribe.

§ 22. Commissioner of farms and markets. The council of farms and markets shall appoint a commissioner of farms and markets, who shall be a person qualified by experience and training for the duties of his office. Such commissioner shall hold office during the pleasure of the council. The commissioner of farms and markets shall be the chief executive officer of the department of farms and markets, and, subject to the provisions of this chapter, shall be responsible for the enforcement or carrying into effect of the laws, rules and orders pertaining to the matters which are assigned to the department of farms and markets as provided in this chapter. He shall have the supervision and control of all officers and employees of the department and of the affairs of the department and of each of the divisions and bureaus. Except as provided in this chapter he shall appoint all officers and [illegible]

§ 23. Counsel and secretary. There [illegible]

[illegible] Such oaths shall be filed in the office of the secretary of state.

§ 24. Bureaus in divisions. Existing bureaus in the department are continued until consolidated or abolished pursuant to this section. The commissioner may establish such bureaus in each division as may be necessary for the administration and operation of the department and the proper exercise of its powers and the performance of its duties under this chapter, and may consolidate or abolish such bureaus, and assign existing bureaus to the appropriate divisions. The commissioner may determine the official functions of the bureaus in each division.

§ 27. Officers and employees. There shall be a commissioner of agriculture and a commissioner of foods and markets in the department who shall be appointed by the commissioner, and shall be removable at the pleasure of the commissioner. The commissioner of agriculture shall be the head of the division of agriculture and the commissioner of foods and markets shall be head of the division of foods and markets. There shall be in each division such inspectors, chemists, experts, statisticians, accountants and other assistants and employees, as the commissioner shall deem necessary for the exercise of the powers and the performance of the duties of such divisions, under this chapter. There shall be a director of each bureau, who shall be deemed to occupy a confidential position to the commissioner, and may therefore be appointed without competitive examination.

The director of each bureau and the officers and employees in each division shall be appointed by the commissioner.

The commissioner may transfer officers or employees from their position to other positions in the department, or abolish or consolidate such positions. The commissioner may remove from office any officer or employee.

§ 28. Salaries of commissioner and officers; expenses. The annual salary of the commissioner of farms and markets shall be ten thousand dollars. The annual salaries and compensation of the commissioner of agriculture, the commissioner of foods and markets, the counsel, secretary and all other officers and employees of the department shall be fixed by the commissioner within the limits of appropriations made therefor.

The reasonable and necessary traveling and other expenses of the commissioner, commissioner of agriculture, commissioner of foods and markets, secretary, counsel and other officers and employees of the department, while actually engaged in the performance of their duties, outside of the city of Albany, or if any such officer or employee be in charge of or regularly employed at a branch office of the department, the reasonable and necessary traveling and other expenses outside of the place in which such branch office is located, shall be paid by the state treasurer upon the audit of the comptroller, upon vouchers approved by the commissioner.

§ 29. Powers and duties of commissioners. A commissioner in charge of a division shall be responsible, primarily, for the enforcement and carrying into effect of the laws, rules and orders pertaining to the powers and duties assigned to such division. Each shall within his division (1) execute and carry into effect the recommendations, orders and directions of the commissioner, (2) formulate, inaugurate and carry out the policies determined upon by the commissioner, and (3) conduct such investigations or inquiries as may be directed by the commissioner, or as may be required under the provisions of this chapter and the rules of the department.

The commissioner shall assign the work of the department to such divisions and determine the powers to be exercised and the duties to be performed by such divisions.

§ 5. The paragraph preceding subdivision one and subdivisions one, six, seven, nine, fifteen, seventeen, eighteen and nineteen of section thirty of such chapter are hereby amended to read as follows:

§ 30. General powers and duties of department. The department through the commissioner and the appropriate divisions shall have power to:

1. Execute and carry into effect the laws of the state and the rules of the department, relative to agriculture, horticulture, farm and dairy products, and the production, transportation, storage, marketing and distribution of food; enforce and carry into effect the provisions of the laws of the state relative to weights and measures.

6. Investigate and recommend useful methods of co-operative production, marketing and distribution of foods within the state and recommend to the legislature such remedial legislation as in the judgment of the commissioner is required by the public interests for the control and supervision thereof.

7. Aid in the organization and operation of co-operative associations and corporations among producers and consumers for the purpose of securing more direct business relations and of facilitating exchange between them, and also aid in and, on terms prescribed by the commissioner, sanction the organization and operation of co-operative associations, corporations or other agencies for the purpose of increasing the production, improving the quality, grading and bringing together of farm products for wholesale marketing.

9. Acquire and disseminate accurate information as to market prices of food products in the markets of the state and any other markets, when in the judgment of the commissioner such information will be valuable to the producers or consumers of the state.

15. Advise and co-operate in establishing local markets, and warehouses for assembling, grading, packing and storing food or farm products, whenever in the judgment of the commissioner the public interests require such establishment.

17. Investigate and report to the legislature what plan in the judgment of the commissioner should be established by law for the purpose of securing an ample supply of pure milk in centers of population upon an economic basis of distribution and to aid in the accomplishment of such purpose within the provisions of existing law.

18. Ascertain the names and addresses of producers, manufacturers, importers and distributors of food, the kind of food produced, manufactured, imported or distributed by such persons, and to publish the same whenever in the judgment of the commissioner public interests require or, upon request, when in the public interest, supply lists of such persons.

19. Make such recommendations as in the judgment of the commissioner will stimulate and increase the production of food and co-operate with public or private agencies for that purpose.

§ 6. Sections thirty-one, thirty-two and thirty-three of such chapter are hereby amended to read as follows:

§ 31. Rules of department. Subject and in conformity to the constitution and laws of the state, the commissioner may adopt, amend and repeal necessary rules which shall

1. Regulate and control the transaction of business by the department, provide for the exercise of the powers and the performance of the duties of the department and prescribe the powers and duties of the divisions of the department, of the bureaus of such divisions and of the directors and other officers and employees thereof;

2. Provide for carrying into effect the provisions of this chapter and of the laws of the state in respect of food and food traffic:

3. Regulate the conduct of investigations, inquiries and hearings authorized by this chapter and prescribe necessary forms and notices;

4. Provide generally for the exercise of the powers and performance of the duties of the department as prescribed in this chapter and the laws of the state and for the enforcement of the provisions and the provisions of the rules enacted as herein provided.

The rules of the council in force at the time this section as amended takes effect shall continue as the rules of the department, until amended or repealed by the commissioner.

§ 32. Enactment and publication of rules. Every rule or amendment or repeal of a rule affecting the [illegible]

[illegible] and twenty-three of the laws of [illegible] amended to read as follows:

§ 34. Powers and duties of counsel. The counsel of the department [illegible] counsel and appear for the [illegible] in all actions and proceedings [illegible] any question under this chapter [illegible] in the jurisdiction of the department [illegible] der any general or special law [illegible] or in reference to any act, order or proceeding of or before the commissioner [illegible] the commissioner of agriculture, or the commissioner of foods and markets [illegible] shall, when directed [illegible] sible, in behalf of the [illegible] action or proceeding involving or relating to any matter within the [illegible] of powers of the department [illegible] prescribed, except that the attorney general of the state shall continue to have direct charge of such actions [illegible] actions as he may deem necessary [illegible] any and all violations [illegible] the consolidated laws [illegible] in relation to agriculture and the laws amendatory thereof and supplemental thereto. The said counsel shall also act as counsel for any officer of the department in the conduct of a hearing, investigation or inquiry instituted under authority of the department or as provided in this chapter. He shall advise the commissioner or any officer of the department, when so requested, in regard to all matters in connection with their powers and duties, and perform generally all duties and services as counsel of the department which may reasonably be required of him.

§ 8. Sections thirty-five, thirty-six, thirty-seven, thirty-eight, thirty-nine, fifty, fifty-one, fifty-two, fifty-three, fifty-four, fifty-five, fifty-six and fifty-seven of such chapter are hereby amended to read as follows:

§ 35. Records, documents and papers of department. All proceedings, documents, papers and records filed or deposited with the department relating to matters within its jurisdiction and powers shall be public records; except such portions thereof as are received and accepted by the commissioner, as being of a confidential nature which when so received and accepted shall not be subject to subpoena. Copies of all official documents and orders so filed or deposited, certified by the secretary under the seal of the department to be true copies of the originals, shall be evidence in like manner as the originals.

§ 36. Publication of department bulletins, publications and reports. There may be published by the department from time to time bulletins or other publications and reports containing accurate data, statistics and information

1. As to agriculture, agricultural production, agricultural labor and the agricultural conditions of the state, and the development and improvement thereof with a view of increasing farm production and values;
2. As to the sources, supply and prices of foods, their storage and accumulation at different places, and the quantities and location of the available supply thereof;
3. As to the market prices of foods;
4. As to facilities afforded for transportation, marketing, and distribution of foods within the state;
5. As to matters pertaining generally to the production of foods, the actual food value of articles used as foods, and the sale and distribution thereof to the consumers, which in the opinion of the commissioner will prove valuable or of interest to the public.
6. As to investigations, hearings and inquiries conducted as provided in this chapter, the conclusions reached as to the matters involved therein, and the orders and recommendations made as a result thereof.
7. As to any other matter which the commissioner deems proper.

Such bulletins, publications and reports and the information contained therein shall be published and distributed in such manner deemed best by the commissioner for the dissemination of knowledge [illegible] lications and reports shall be paid in the same manner as other expenses of the department out of appropriations made therefor, copies of any such publication and reports of the department may be sold to the public at the estimated cost thereof, in accordance with a schedule of charges which the commissioner is hereby authorized to adopt.

§ 37. Annual reports; reports of investigations and proceedings. The commissioner shall cause to be prepared and submitted to the legislature each year, a report of the transactions of the department, including such part of the acts and proceedings of the department as he deems advisable to include therein, together with such information, data and statistics in the possession of the department as the commissioner shall deem of value to the legislature and the people of the state. Such report shall contain a general review of the work of the department and of the divisions thereof, and abstracts of investigations and hearings and copies of decisions and orders rendered or issued by the commissioner. The commissioner of agriculture and the commissioner of foods and markets shall each report to the commissioner or annually, and at such other times as the commissioner may prescribe, as to the proceedings and work of his division, and all of such reports, or such portions thereof as the commissioner may designate, shall be included in the report of the department to the legislature.

Such report to the legislature shall also contain a statement in detail of the expenditures of moneys appropriated to the state fair commission, the New York State Agricultural Society, agricultural societies for the promotion of agriculture under article twenty-five of this chapter and the New York state agricultural experiment station and other agricultural purposes. The commissioner may require the State Agricultural Society and all other agricultural societies receiving money from the state to make reports to the department, and may prescribe the form of such reports.

§ 38. Access to place of business. The members of the council, the commissioner, the commissioner of agriculture, the commissioner of foods and markets, and the directors, counsel, experts, chemists, agents and other officers and employees of the department shall have full access to all places of business, factories, farms, buildings, carriages, cars, and vessels used in the production, manufacture, storage, sale or transportation within the state of any dairy products or any imitation thereof, or of any article or product with respect of which any authority is conferred by this chapter on the department. They may examine and open any package or container of any kind containing or believed to contain any article or product, which may be manufactured, sold or exposed for sale in violation of the provisions of this chapter, or of the rules of the department, and may inspect the contents therein and take therefrom samples for analysis.

§ 39. Power to administer oaths and compel testimony. A member of the council, the commissioner, the commissioner of agriculture, the commissioner of foods and markets, the secretary, counsel of the department, or any other officer or employee duly authorized by the commissioner, may administer oaths and take affidavits in relation to any matter or proceeding in the exercise of the powers and duties of the department under this chapter. The commissioner, the commissioner of agriculture, the commissioner of foods and markets [illegible] subpoenas and require the attendance of witnesses and the production of books, papers and documents pertaining to investigations and inquiries which the officer is authorized to conduct, and examine them in relation to any matter to be investigated by them and issue commissions for the examination of witnesses who are out of the state or unable to attend or excused from attendance.

Any person who shall testify falsely to any material matter pending in an investigation or proceeding under this chapter shall be guilty of and be punished for perjury. An officer who [illegible]

§ 50. Investigations [illegible]

[illegible] association or person upon the written complaint of any person or corporation aggrieved complaining of practices in the production, sale, transportation, purchase, storage, marketing and distribution of food, in violation of any provision of law or the rules of the department or of the terms of an order issued pursuant to law by the commissioner, under the provisions of this chapter or of any other law the enforcement of which is within the jurisdiction of the department, or the rules of the department, made in conformity therewith.

2. Upon the presentation of such complaint the commissioner may cause inquiries to be made as to the matters alleged therein and if such complaint appears to present a sufficient cause for investigation a copy of such complaint shall be forwarded to the person, association or corporation complained of and answer may be made thereto in accordance with the rules of the department.

4. The commissioner shall thereupon cause the charges presented by such complaint to be investigated as herein provided, and such action shall be taken as the facts justify and as may be authorized by law.

§ 52. Practice on hearings; attendance and examination of witnesses. 1. The practice on all investigations and hearings conducted or instituted as provided in this chapter shall be governed by the rules of the department, and in all such hearings or investigations where testimony is taken, the commissioner, or other officer conducting the same, shall not be bound by the technical rules of evidence.

2. All subpoenas shall be signed and issued by the secretary of the department and may be served by any person of full age. The fees of witnesses shall be audited and paid in the same manner as other expenses of the department. Whenever a subpoena is issued at the instance of a complainant, respondent or other party to the proceeding, the cost of the service thereof and the fees of the witness shall be borne by the party at whose instance the witness is subpoenaed. A subpoena issued as herein provided shall be served in the same manner as a subpoena issued out of a court of record.

3. If a person subpoenaed to attend before the commissioner or other officer of the department, fails to obey the command of such subpoena, without reasonable cause, or if a person in attendance upon an investigation or hearing shall without reasonable cause, refuse to be sworn or to be examined or to answer a question or to produce a book or paper, when ordered so to do by the officer or officers conducting such investigation or hearing, or to subscribe and swear to his deposition after it has been correctly reduced to writing, if required so to do, he shall be guilty of a misdemeanor and may be prosecuted therefor in any court of competent criminal jurisdiction.

4. If a person in attendance upon an investigation or hearing refuses without reasonable cause to be examined or to answer a legal and pertinent question or produce a book or paper, when ordered so to do by the officer or officers conducting such investigation or hearing, the commissioner may apply to any justice of the supreme court upon proof by affidavit of the facts for an order returnable in not less than two nor more than five days directing such person to show cause before the justice who made the order or any other justice of the supreme court, why he should not be committed to jail; upon the return of such order the justice before whom the matter shall come on for hearing shall examine under oath such person whose testimony may be relevant, and such person shall be given an opportunity to be heard; and if the justice determine that such person has refused without reasonable cause or legal excuse to be examined, or to answer a legal and pertinent question, or to produce a book or paper which he was ordered to bring, he may forthwith, by warrant, commit the offender to jail, there to remain until he submits to do the act which he was so required to do or is discharged according to law.

§ 53. Proceedings in court. If it appears after an investigation or hearing conducted as herein provided that any person, association or corporation is guilty of a violation of the provisions of this chapter or of any other act the enforcement of which is within the jurisdiction of the department, an action or proceeding may be instituted in a court of competent jurisdiction by the commissioner to recover a penalty for such violation or to compel a compliance with such provisions, or prevent a continuance of such violations.

§ 54. Orders and service thereof. 1. If it be ascertained after an investigation or hearing conducted as herein provided, that any person, association or corporation has failed to comply with or is guilty of a violation of the provisions of this chapter or of a rule of the department, or of any other general or special law relative to any matter within the jurisdiction of the department, an order may be executed by the commissioner, under the seal of the department, compelling a compliance with such law or rule.

2. Every such order shall be served upon every person, association or corporation affected thereby, either by personal delivery of a certified copy thereof, or by mailing a certified copy thereof with postage prepaid to the person affected thereby, or in case of a corporation or association, to an officer or agent thereof, upon whom a summons may be served in accordance with the provisions of the code of civil procedure or civil practice act.

3. It shall be the duty of the person, association or corporation upon whom such order is so served to notify the department forthwith, in writing, of the receipt of such order, and in the case of an association or corporation such notification must be signed and acknowledged by a person or officer duly authorized by such association or corporation to admit service. Within a time specified in the order, every person, association or corporation upon whom it is served must, if so required in the order, notify the department in like manner whether the terms of the order are accepted and will be obeyed.

4. Every such order shall take effect at a time therein specified, and shall continue in force either for a period to be designated therein or until changed or abrogated by the commissioner.

5. If such hearing is held before the commissioner of agriculture or the commissioner of foods and markets, a report shall be made upon the termination of the hearing to the commissioner, with recommendations as to the determination which should be made as to the issues raised on such hearing. If the commissioner find upon such report or upon a hearing conducted by him, that the rule or order complained of is reasonable and valid he shall render his decision ratifying or confirming such rule or order; if he find that such rule or order is unreasonable or invalid, he shall revoke or modify it, or substitute a new rule or order in its place. If such modified or new rule or order is substantially different from the rule or order complained of, the parties affected thereby may bring before the commissioner, by a new petition, in the manner above provided, objections to its reasonableness or validity.

6. The decision of the commissioner shall be final, unless within thirty days after its issuance one of the parties shall institute a proceeding for the review thereof, as provided in the next section.

§ 55. Review of rules or orders by commissioner. 1. Any person, association or corporation claiming to be adversely affected by a rule or order of the commissioner enacted or executed under this chapter may, at any time, apply to the department by verified petition for a review of the reasonableness or validity of such rule or order.

2. Such petition shall be filed with the department and shall set forth in detail: (a) the rule or order upon which the hearing is desired and in what respects it is claimed to be unreasonable or invalid, and (b) the issues to be considered on the hearing.

3. The commissioner shall, if necessary to determine the issues raised, direct that a hearing be had before himself. If in the opinion of the commissioner the issues have been considered adequately in a prior proceeding under this chapter, the commissioner may confirm the previous determination without a hearing. The commissioner may direct that all petitions challenging the reasonableness or invalidity of the same or substantially similar rules or orders be joined in one proceeding. Notice of the time and place of hearing shall be given to the petitioners and to such other persons as are found to be interested directly in the issue to be determined such [illegible]

[illegible] trict of the county of [illegible] have established a branc[illegible] proceeding shall be institu[illegible] commissioner as responde[illegible] and on such notice as [illegible] prescribe. If reasonable [illegible] shown for a review of su[illegible] court shall direct that [illegible] fixed time a return be filed [illegible] of the court, containing [illegible] of the testimony taken [illegible] ing before the commiss[illegible] with copies of all papers, [illegible] records used therein [illegible] sought to be reviewed [illegible] hearing on the ground [illegible] have been determined in [illegible] ing, such return shall in[illegible] copy of the records of [illegible] ceeding. The court may [illegible] tion or upon motion of [illegible] the rule or order sought [illegible] during the pendency of [illegible] unless so suspended the [illegible] shall remain in full force [illegible]

The court shall there[illegible] the issues raised from [illegible] made and it may, whe[illegible] fact arise which were no[illegible] posed of upon the hear[illegible] tional evidence as to [illegible] volved in the proceedi[illegible] may refer any issue aris[illegible] ceeding to the commissi[illegible] consideration. At any t[illegible] proceeding the party ap[illegible] view of the commissione[illegible] apply to the court, wit[illegible] an order directing all q[illegible] arising upon one or more [illegible] to be tried and determine[illegible] the court shall thereu[illegible] questions to be plainly [illegible] and the findings of the [illegible] questions shall be concl[illegible] ceeding.

A proceeding institute[illegible] this section shall have [illegible] other actions and pro[illegible] same court to the same [illegible] ject to the same conditi[illegible] or special proceeding [illegible] against the people of t[illegible]

Appeals from the supr[illegible] appellate division of th[illegible] and to the court of appe[illegible] in such cases and sub[illegible] limitations as in other [illegible]

§ 57. When injunctio[illegible] ed. In an action in t[illegible] for the recovery of a[illegible] feiture incurred for the [illegible] of the provisions of th[illegible] any other law the enfo[illegible] is within the jurisdicti[illegible] ment, or of the rules o[illegible] an application may be [illegible] of the people to the co[illegible] thereof for an injuncti[illegible] defendant, his agents a[illegible] the further violation o[illegible] [illegible]

§ 9. Section fifty-ei[illegible] as amended by cha[illegible] and seventy-seven of [illegible] teen hundred and t[illegible] amended to read as [illegible]

§ 58. Penalties for [illegible] or other laws. Eve[illegible] any of the provisions [illegible] of any other law t[illegible] which is within the [illegible] department shall, e[illegible] penalties are prescri[illegible] [illegible]

§ 18. Sections fifty[illegible] two and sixty-three [illegible] hereby amended to [illegible]

§ 59. Penalty for [illegible] [illegible]

§ 60. Violation o[illegible] misdemeanor. A pe[illegible] [illegible]

§ 61. Prosecution [illegible] Whenever the comm[illegible] have reason to beli[illegible] [illegible]