[illegible] in behalf [illegible] void [illegible] to fill the vacancy [illegible] supply such [illegible] by making [illegible] with the proper officer a certificate [illegible] the cause of the vacancy, the nature of the defect, the name of the new candidate, the title of the office for which he is nominated, the name of the original candidate, the name of the political party or other nominating body which was inscribed on the original certificate, and such further information as is required to be given by an original certificate of nomination; except where a certificate is filed pursuant to this section to fill a vacancy, it shall be lawful to select a new name or emblem, but the name and emblem shall serve to distinguish the candidate nominated by the original certificate shall be used to distinguish the candidate nominated as provided by this section.

§ 21. Section one hundred and [illegible] of such chapter, as last amended by chapter eight hundred and seventy-[illegible] of the laws of nineteen hundred and twenty, is hereby amended to read as follows:

§ 136. Certificates of new nomination. The certificate so made shall be subscribed and acknowledged by a majority of the members of the committee, or such number as are authorized by the chapter to fill a vacancy, and the members of the committee subscribing the same shall make oath before the officer before whom they shall acknowledge the execution of the certificate that the matters therein stated are true to the best of their information and belief. Except in a case provided for in section one hundred and thirty-[illegible] the said certificate, or a certificate of nomination to fill a vacancy by the committee provided for in section [illegible] shall be filed in the office in which the original certificate was filed, or in the office provided for in section ninety-[illegible] the case may be, as follows: If the nomination for a city office to be filled at a city election held at a time different from the general election, or for a nomination for a village office or for a [illegible] office to be filled at a town meeting held at a time different from the general election, at least eight days before the election; if for an independent nomination for an office to be filled at a town meeting held at the time of a general election, not later than the second [illegible] day before the election; if for a party nomination for an office to be filled at a town meeting held at the time of a general election, not later than the [illegible] Tuesday before the election; if for a party nomination to fill a vacancy in a nomination made by a state or judicial district convention, not later than the fifth Tuesday before the election; in any other case, not later than twenty-five days before the election. Upon being so filed such certificate shall have the same force and effect as an original certificate of nomination. When a new certificate of nomination is filed with the secretary of state, he shall, in certifying the nomination to the various boards and officers insert the name of the person who has been thus nominated, instead of that of the candidate nominated originally, or, if he has already sent forward his certificate, he shall forthwith certify to such board and other officers the name of the person newly nominated, and such other facts as are required to be stated in such certificate.

§ 22. Section one hundred and thirty-seven of such chapter, as last amended by chapter eight hundred and twenty-one of the laws of nineteen hundred and thirteen, is hereby amended to read as follows:

§ 137. Death of candidate after printing of ballots, official pasters. In case of the death of a candidate before election day the vacancy may be filled by filing the proper certificate of nomination of a candidate to fill such vacancy, with the officer or board with whom the original certificate was filed, or by whom it was issued, and if filed with the secretary of state, the secretary of state shall immediately give the necessary notification. If such certificate be filed or such notification from the secretary of state be received after the official ballots have been printed, it shall be the duty of the officer or board furnishing the official ballots to prepare and furnish to the inspectors of election in the election districts affected adhesive pasters containing the name of the candidate nominated to fill the vacancy. The pasters shall be of plain white paper, printed in plain black ink and in the same kind of type as that used in printing the names of the candidates upon the official ballots, and shall be of a size as large as and no larger than the space occupied upon the official ballot by the name of the candidate in whose place the candidate named upon the paster has been nominated. If, however, the deceased shall be the candidate of several parties or bodies, and they shall not all nominate the same candidate as his successor, a paster shall be prepared which shall contain the entire matter to be contained in the section on which such deceased candidate's name appears, and shall be pasted over the whole section and shall supersede it.

Whenever such pasters are provided the officer or board furnishing them shall certify to the inspectors of election in the election district affected by the vacancy, the name of the original candidate, the name of the new nominee, the title of the office for which the nomination is made, and the name of the political party or independent body making the nomination, and shall state the number of pasters furnished which number shall be equal to the number of official ballots furnished for such district. Upon the delivery of said pasters, the inspectors of election shall sign a receipt for the same, which receipt shall be retained by the officer or board furnishing the pasters, and shall be part of the records of his or their office. The inspectors shall deliver the pasters to the ballot clerks, who are required to affix one of such pasters in the proper place and in a proper manner upon each official ballot before said ballot shall be delivered to a voter. When so affixed to the official ballot, the pasters shall be part of the official ballot. The ballot clerks shall include in their statement of ballots a statement showing the number of pasters received by them, the number of pasters affixed to official ballots and the number of unused pasters returned by them, the unused pasters to be inclosed in the package of ballots not delivered to voters.

The use of any paster upon the official ballot otherwise than as herein provided is hereby declared a felony, punishable by imprisonment in a state prison for not less than one nor more than five years.

§ 23. 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. 480.

AN ACT to amend the education law, relative to bonds of supervisors of school district officers.

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 twelve of chapter twenty-one of the laws of nineteen hundred and nine, entitled "An act relating to education, constituting chapter sixteen of the consolidated laws," as amended by chapter one hundred and forty of the laws of nineteen hundred and ten, is hereby amended by adding thereto a new section, to be known as section three hundred and sixty-six, to read as follows:

366. Penalties of certain bonds. Whenever the supervisor of the town or [illegible] school district officer is required to furnish a bond under the provisions of this chapter in the penalty of double the amount of moneys apportioned or to be received, and such supervisor or district officer furnishes the bond of a surety or bonding company authorized by law to transact business in this state and to execute such bond, the penalty thereof may be fixed at the amount of moneys so apportioned or to be received, in lieu of the double penalty herein prescribed.

§ 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. 481.

AN ACT to amend the judiciary law, in relation to compensation of stenographers and confidential clerks appointed by justices of the appellate division in the third and fourth departments.

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: [illegible] hundred [illegible] ty, is hereby amended to read as follows:

§ 91. Compensation of stenographers and confidential clerks [illegible] of the appellate [illegible] stenographers appointed by the [illegible] appellate division of the [illegible] court [illegible] for each part [illegible] term of the supreme court and for the appellate division [illegible] pursuant to section one hundred and nine of this chapter shall receive an annual salary of four thousand two hundred dollars, payable in equal monthly installments. The compensation of each stenographer or confidential clerk appointed by justices of the appellate division of the third and fourth departments shall exceed twenty-five hundred dollars a year, such compensation to be paid by the comptroller of the state upon the certificate of the justice by whom he is employed.

§ 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. 482.

AN ACT to amend the judiciary law, in relation to compensation of interpreters.

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 three hundred and eighty-eight of chapter thirty-five of the laws of nineteen hundred and nine, entitled "An act in relation to the administration of justice, constituting chapter thirty of the consolidated laws," as added by chapter one hundred and twenty of the laws of nineteen hundred and twelve, is hereby amended to read as follows:

§ 388. Temporary appointment of interpreters. If the services of an interpreter be required in any court of record other than a local city court and there be no unemployed official interpreter to act therein, the court may appoint an interpreter to act temporarily in such court. Such interpreter shall before entering upon his duties file with the clerk of the court the constitutional oath of office. The court shall fix the compensation of such interpreter at not more than ten dollars per day for each day's actual attendance by direction of the presiding judge or justice and such compensation shall be paid from the court fund of the county upon the order of the court.

§ 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. 319.

AN ACT to amend the election law, in relation to the use of school houses or other public buildings as registration and polling places.

Became a law April 22, 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 hundred and ninety-nine of chapter twenty-two of the laws of nineteen hundred and nine, entitled "An act in relation to the elections, constituting chapter seventeen of the consolidated laws," as such subdivision was amended by chapter three hundred and twenty-three of the laws of nineteen hundred and thirteen, is hereby amended to read as follows:

3. A school-house or other public building shall be designated, if the use of the same as a registration and polling place shall not interfere with their customary use and if such school-house or other public building be so situated as to be convenient to the electors residing in the election district. The expense, if any, incidental to their use under such designation shall be paid like the expense of other registration and polling places. Whenever a school or other public building is located in an election district and the registration and polling place of such district is not located in a school or other public building, a statement of the reason for not designating such building must be entered by the board or officer charged with the duty of making such designations in the minutes or other record making the designation.

§ 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. 320.

AN ACT to amend the public health law, in relation to the use of radium emanation provided for the state institute for the study of malignant disease.

Became a law April 22, 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 three hundred and forty-seven of chapter forty-nine of the laws of nineteen hundred and nine, entitled "An act in relation to the public health, constituting chapter forty-five of the consolidated laws," as added by chapter one hundred and twenty-eight of the laws of nineteen hundred and eleven, is hereby amended to read as follows:

§ 347. Director of the institute. A director of the institute shall be appointed by the board of trustees and shall serve until his successor shall have been duly appointed and qualified. He shall be a skilled scientist and shall have sole executive direction of the work of the institute. He shall appoint all members of the staff, subject to the approval of the board of trustees, and he shall appoint and dismiss at will all other employees of the institute. The board of trustees, in its discretion, may furnish, at cost, to any member of the staff radium emanation when not required for research purposes of the institute, for the treatment of private patients, under rules and regulations to be prescribed by the board of trustees.

§ 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. 483.

AN ACT to amend the prison law and the mental deficiency law, in relation to converting the Eastern New York Reformatory into a state institution for mental defectives.

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 two hundred and eighty and two hundred and eighty-one of chapter forty-seven of the laws of nineteen hundred and nine, entitled "An act relating to prisons, constituting chapter forty-three of the consolidated laws," are hereby amended to read as follows:

§ 280. Name and location of state reformatory. The state reformatory at Elmira is continued, and shall be known as the New York state reformatory.

§ 281. Board of managers of state reformatory. There shall be a board of managers of the New York state reformatory, consisting of seven members who shall be appointed by the governor, by and with the advice and consent of the senate. The full term of office of each manager hereafter appointed shall be seven years. The state board of managers of reformatories, as constituted at the time this section as hereby amended takes effect, shall constitute the board of managers of the New York state reformatory, and its members are hereby continued in office until the expiration of their terms, unless sooner removed for cause as provided by law. The said board of managers shall elect from their number a president, a secretary and a treasurer. Such managers shall receive no compensation for their services, but shall receive their reasonable traveling and other official expenses.

§ 2. Section two hundred and eighty-[illegible] of such chapter is hereby repealed.

§ 3. Section two hundred and eighty-[illegible] of such chapter is hereby amended to read as follows:

§ 284. Management and control of state [illegible] reformatory [illegible] amended to read as follows:

§ 284. General powers and duties of board of managers. The board of managers of such reformatory shall:

1. Have the general superintendence, management and control of such reformatory, of the grounds and buildings, officers and employees thereof, of the prisoners therein, and of all matters relating to the government, discipline, contracts and fiscal concerns thereof.

2. Make rules, not inconsistent with law, for the proper government of such reformatory and of the officers and employees thereof, and for the employment, discipline, education, transfer, parole and discharge of prisoners sentenced thereto.

3. Investigate the affairs of such reformatory, inquire into any improper conduct alleged to have been committed by any officer or employee, and require reports from the superintendent and other officers thereof in relation to the discipline, labor and government of such reformatory and have power to take proof under oath in any such investigation or inquiry.

4. Meet at least once in each month for the purpose of performing the several duties prescribed in this article.

5. Examine, monthly or quarterly, all the accounts, expenditures and vouchers relating to the business of such reformatory, and certify their approval or disapproval thereof to the comptroller.

6. Report to the legislature, annually, on or before the tenth day of January, for the year ending with the last day of the next preceding June, the condition of such reformatory, the amount of money received and expended by them during such year with a detailed statement thereof; their proceedings in regard to the prisoners therein, and such other matters as they may deem proper, or as the legislature may require.

§ 5. Section two hundred and eighty-five of such chapter is hereby repealed.

§ 6. Sections two hundred and eighty-six and two hundred and eighty-seven of such chapter are hereby amended to read as follows:

§ 286. Superintendent; appointment; powers and duties. Said state board of managers shall appoint a superintendent of such reformatory, and may remove him for cause after an opportunity to be heard. The superintendent of reformatories in office when this section as hereby amended takes effect shall continue in office as superintendent of such reformatory, subject to removal as above provided. Said superintendent shall have general oversight of such reformatory, and, subject to the approval of said board of managers, shall appoint all other officers and employees of said institution, and be possessed with all the powers and perform all the duties prescribed in this article. There shall be an assistant superintendent for said institution who shall be authorized to exercise the powers and duties of the superintendent in case of his absence or inability to perform such duties, and to exercise such powers and perform such other duties as may be prescribed by said board of managers or by the superintendent.

§ 287. General duties of superintendent. The superintendent, subject to the direction and control of the board of managers, shall:

1. Have the general supervision and control of such reformatory, of the grounds and buildings, subordinate officers and employees thereof, the prisoners therein, and of all matters relating to the government and discipline thereof.

2. Make such rules and orders, not inconsistent with law, or with the rules and directions of the said board of managers, as he may deem proper or necessary for the government of such reformatory and of the officers and employees thereof, and for the employment, discipline and education of the prisoners sentenced thereto.

3. Annually report to the said board of managers, on or before the first day of December, all such matters as are required by the said board of managers.

4. Exercise such other powers and perform such other duties as the said board of managers may lawfully prescribe.

§ 7. Section two hundred and eighty-eight of such chapter is hereby repealed.

§ 8. Section two hundred and eighty-nine of such chapter, as last amended by chapter five hundred and thirteen of the laws of nineteen hundred and twenty, is hereby amended to read as follows:

§ 289. Compensation of officers and employees in state reformatory. Except as provided in this section the annual compensation of the several officers, keepers and employees, of said institution, shall be fixed by the board of managers, within the amounts of appropriations therefor. The chief guard, guards, storekeepers, trade instructors and bookkeepers employed in such institution shall receive the same compensation allowed by law to guards in the state prisons, as provided by section one hundred and fourteen of this chapter. Maintenance and supplies may be allowed to such officers, guards, keepers and employees in the discretion of the board of managers as a part of said compensation.

§ 9. Section two hundred and ninety of such chapter is hereby repealed.

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

§ 292. General duties of chaplains. The chaplain of said reformatory shall, under the rules of the board of managers

1. Hold religious services in the reformatory, and attend to the spiritual wants of the prisoners.

2. Personally communicate with the prisoners for the purpose of giving them religious and moral instruction.

3. Visit daily the sick in the hospital.

4. Perform such other duties, consistent with his calling and profession, as the said board of managers may direct.

§ 293. General duties of physicians. The physician of said reformatory shall:

1. Have charge of the hospital of the reformatory, under the direction of the board of managers, and keep a daily record of all admissions thereto, in such form as the said board of managers may prescribe.

2. Attend to the medical needs and prescribe the diet of the sick prisoners in the hospital or cells.

3. Examine daily, and as often as required by the superintendent, all prisoners undergoing punishment by solitary confinement or otherwise, and prescribe the allowance of food to each prisoner so confined.

4. Make such reports to the said board of managers, as to the sanitary condition of the reformatory and the general health of the prisoners, as he may see fit, and such other reports as may be required by the said board of managers, the superintendent of the reformatory or the state commission of prisons.

5. Hold himself in readiness at all times to discharge his duties as such physician, as prescribed by statute and the rules of the said board of managers, whenever directed by the superintendent.

6. Perform such other duties as may be prescribed by the rules of the said board of managers.

§ 294. Powers and duties of treasurer. The treasurer of said reformatory shall:

1. Have custody of all moneys received from the comptroller on account of estimates made by the superintendent and revised and approved by the comptroller and keep an accurate account thereof.

2. Collect and receive all moneys due the reformatory from any source.

3. Deposit all such money in a bank designated by the comptroller, conveniently near the reformatory, in his name as treasurer, and send each month to the comptroller a statement showing the amount so received and deposited, and from whom and for what received, and when such deposits were made. Such statement of deposits shall be certified by the proper officer or the bank receiving such deposit. The treasurer shall attach to such statement an affidavit to the effect that the sum so deposited is all the money received by him from any source since making the last statement. A bank designated by the comptroller to receive such deposits shall, before any deposit is made, execute a bond to the people of the state, in a sum and with sureties approved by the comptroller, conditioned for the safe-keeping of the funds deposited.

4. Pay out money deposited for the uses of the reformatory, upon the vouchers of the superintendent, in accordance with the estimates made by the superintendent and revised and approved by the comptroller.

5. Cause to be kept full and accurate accounts of all receipts and expenditures in the manner and form prescribed by the comptroller.

§ 295. Transportation of convicts to reformatory. Upon the receipt, by the superintendent of the reformatory, of notice of the sentence of a convict to such reformatory, an officer of the reformatory shall proceed to the place of conviction, and the sheriff or keeper of the prison having custody of the convict [illegible]

[illegible] order of transfer [illegible] shall appear to the board [illegible] that said reformatory is [illegible] or that any prisoner is convicted [illegible]

1. Was, at the time of his conviction, more than thirty years of age or

2. Has been previously convicted of a felony or

3. While in the reformatory, is incorrigible and that his presence therein is seriously detrimental to the welfare of the institution; an application may be made to a justice of the supreme court of the judicial district in which such reformatory is located, for an order transferring the prisoner named therein to a state prison. Such application shall be by written petition signed by the president or secretary of the board and shall state the causes for seeking such transfer and due notice of such application with a copy of the petition shall be served personally or by mail at least eight days before the hearing on the superintendent of state prisons, who shall specify the institution to which such prisoner shall be transferred, in case the order shall be made. Such justice shall grant such order of transfer, on such hearing as he may prescribe, if it appears to his satisfaction that the facts alleged are true and that such transfer should be made. A prisoner so transferred shall be confined in such institution as under an indeterminate sentence, commencing with his imprisonment in the reformatory with a minimum of one year and a maximum fixed by law for the crime of which the prisoner was convicted and sentenced; and may be released on parole or absolutely discharged as are other prisoners confined under an indeterminate sentence. Such prisoner may be returned at any time to the reformatory in the discretion of the superintendent of state prisons, and with the consent of the said board of managers.

§ 297. Transfer of convicts from state prisons to reformatory. Whenever there is unoccupied room in said reformatory, the board of managers may make a requisition upon the superintendent of state prisons for a sufficient number of well-behaved and most promising convicts under thirty years of age who are confined in a state prison because of first offense, and the superintendent of state prisons shall transfer such convicts to such reformatory for education and treatment under the rules thereof. The said board of managers shall receive and detain the prisoners so transferred for the terms of their sentences, if such sentences are for fixed terms, less the commutation of imprisonment if earned, that would have been allowed to them for good conduct if they had completed their terms in the state prisons from which they were transferred. If such prisoners are confined under an indeterminate sentence, they may be paroled and discharged as are prisoners confined in a state prison, except that the said board of managers shall constitute a board of parole for the purpose of paroling and discharging such prisoners, and such board shall make rules for such parole and discharge not inconsistent with law and in general conformity with the rules made by the parole boards of the state prisons.

§ 298. Control and discipline of prisoners at reformatory. The board of managers shall maintain such control over all prisoners committed to their custody, as shall prevent them from committing crime, best secure their self-support and accomplish their reformation. The discipline to be observed shall be reformative, and the board of managers may use such means of reformation consistent with the security and improvement of the prisoners, as they may deem expedient. The prisoners may be employed in agricultural or mechanical labor as a means of securing their support and reformation.

§ 299. Register of prisoners at reformatory. The board of managers shall cause to be entered in a register the date of the admission of each prisoner received in said reformatory, the name, age, nativity and nationality of such prisoner, and also such other ascertainable facts relating to parentage and early social influences as seem to indicate the constitutional and acquired defects and tendencies of the prisoner, and based upon these, an estimate of the then present condition of the prisoner and the best probable plan of treatment. There shall also be entered upon such register, quarterly or oftener, minutes of observed improved or deteriorated character, notes as to methods of treatment employed, all orders or alterations affecting the standing or situation of such prisoner, the circumstances of his final release and any subsequent facts relating to his personal history which may be brought to their knowledge.

§ 300. Parole of prisoners at reformatory. The board of managers may allow any prisoner confined in said reformatory to go upon parole outside of the reformatory buildings and inclosures, pursuant to the rules of the board of managers. A person so paroled shall remain in the legal custody and under the control of the board, until his absolute discharge, as provided by law. No personal appearances before the board shall be permitted in behalf of the parole or discharge of any prisoner.

§ 301. Retaking of paroled prisoners of reformatory. If the board of managers has reasonable cause to believe that a paroled prisoner has violated the conditions of his parole, the board may issue its warrant certified by its secretary, for the retaking of such prisoner at any time prior to his absolute discharge. The time within which the prisoner must be retaken shall be specified in the warrant. Such warrant may be issued to an officer of the reformatory or to any peace officer of the state, who shall execute the same by taking such prisoner into custody within the time specified in the warrant. Thereupon such officer shall return such prisoner to the reformatory, where he may be retained for the remainder of the maximum term provided by law.

§ 302. Rules of reformatory. The board of managers shall make rules, not inconsistent with law:

1. Prescribing the conditions under which prisoners may be paroled or conditionally released.

2. Regulating the retaking and re-imprisonment of such prisoners.

3. Providing for the employment, discipline, instruction and education of the prisoners. Such rules shall be adopted by the resolution of the board of managers, passed at a meeting thereof, at which a majority of its members shall be present. All rules adopted and in force shall be printed and a copy thereof distributed to each officer, employee and prisoner in said reformatory.

§ 303. Marks for good conduct at reformatory; records filed with the secretary of state. The board of managers shall adopt a uniform system of marks by means of which shall determined the number of marks or credits to be earned by each prisoner sentenced to said reformatory, as the condition of increased privileges, or of release from its control, which system shall be subject to revision from time to time. Each prisoner shall be credited for good personal demeanor, diligence in labor and study, and for results accomplished, and be charged for dereliction, negligence and offenses. Each prisoner's account of marks or credits shall be made known to him as often as once in each month. The said board of managers shall make rules by which each prisoner shall be permitted to see and converse with some member of the board of managers at stated periods. An abstract of the record in the case of each prisoner confined in said reformatory shall be made semi-annually, showing the date of admission, the age, the crime, place of conviction, court or judge by whom sentenced, the situation at the time of making such abstract, whether in a reformatory, or state prison, the hospital for insane criminals or elsewhere, whether any and how much progress or improvement has been made, and the reason for release or continued custody or transfer as the case may be, the names of those deceased during said period, with cause of death. Such abstract shall be considered by the said board of managers at a regular meeting and filed with the secretary of state.

§ 304. Absolute release from imprisonment from reformatory; discharge. When it appears to the board of managers that there is strong or reasonable probability that any prisoner will remain at liberty without violating the law, and that his release is not incompatible with the welfare of society, they shall issue to such prisoner an absolute release or discharge from imprisonment. Nothing herein contained shall be construed to impair the power of the governor to grant a pardon or commutation in any case.

§ 305. Sentences for a definite period to reformatory. If, through oversight or otherwise, a person be sentenced to imprisonment in said reformatory for a definite period of time, such sentence shall not, for that reason, be void, but the person so sentenced shall be entitled to the benefits and subject to the liabilities of this article, in the same manner and to the same extent as if such sentence had been made for an indefinite period of time in the manner provided by the penal law.

[illegible] may be paid a reasonable compensation for their services and expenses, which shall be a charge upon and paid from the funds of said reformatory.

§ 11. Section three hundred and seven of such chapter, as amended by chapter eight hundred and forty-eight of the laws of nineteen hundred and twenty, is hereby amended to read as follows:

§ 307. Sentence to reformatory. Any person who shall be convicted of an offense punishable by imprisonment in said reformatory, and who, upon such conviction, shall be sentenced to imprisonment therein, shall be imprisoned according to this article, and not otherwise. The term of such imprisonment of any person so convicted and sentenced shall be terminated by the state board of managers, as authorized by this article; but such imprisonment shall not exceed the maximum term provided by law for the crime for which the prisoner was convicted and sentenced, except that in the case of persons convicted of misdemeanors the term of imprisonment shall be for a period not to exceed three years.

§ 12. Sections three hundred and seven-a, three hundred and seven-b, three hundred and seven-c of such chapter, as added by chapter eight hundred and forty-eight of the laws of nineteen hundred and twenty, are hereby amended to read as follows:

§ 307-a. Persons in reformatory convicted of misdemeanors. Any person convicted of a misdemeanor and confined in a reformatory shall be confined under the same conditions as a person convicted of a felony and confined therein, and shall be entitled to the same clothing, donation and railroad transportation on discharge. The state shall pay all expenses of transportation to and confinement of such person in the reformatory.

§ 307-b. Return of inmates improperly committed. Whenever it shall appear to the satisfaction of the board of managers that any person committed to such reformatory, or, heretofore committed to the Eastern New York reformatory and transferred to the New York state reformatory, is not of proper age to be so committed, or is not properly committed, or is insane or mentally or physically incapable of being materially benefited by the discipline of the reformatory, such board of managers shall cause the return of such person to the county from which he was so committed. Such person shall be so returned in the custody of one of the persons employed by the said board of managers to convey to the said institution prisoners committed thereto, who shall deliver him into the custody of the sheriff of the county from which he was committed. The sheriff shall take such prisoner before the court making the commitment, or some other court having equal jurisdiction in such county, to be resentenced by such court for the offense for which he was committed to any such reformatory, and to be dealt with in all respects as though he had not been so committed. Such person shall not, however, be so returned to the county from which he was committed after the expiration of sixty days subsequent to his admission to the reformatory, unless such prior return or transfer be dangerous to the life or health of such person. The cost and expense of the return of such person necessarily incurred and paid by such board of managers shall be charged against the county from which such person was committed, to be paid by such county to such board of managers in the same manner as other county charges are collected.

§ 307-c. Persons not to be committed when reformatory overcrowded. If at any time there shall be as many inmates in the reformatory as can be properly cared for therein, the board of managers may direct the superintendent to proceed as hereinafter provided. If subsequent to such direction and before the revocation thereof a person be committed to the said reformatory and the superintendent be so notified in accordance with the law, such superintendent shall advise the committing court that there are as many inmates in the reformatory as can be properly cared for therein. The committing court may thereupon resentence such person for the offense for which he was sentenced, to any other institution in accordance with the law.

§ 13. Section three hundred and eight of such chapter is hereby amended to read as follows:

§ 308. State to pay expenses of trial of convict commiting crime in reformatory. Whenever any convict in said reformatory shall be indicted and tried for any offense committed by such convict during the time of his imprisonment in a reformatory in this state, the expenses of such trial, and in case of conviction for murder in the first degree, the expenses of executing the judgment or sentence of the court, shall be paid by the state, and sections seventeen and eighteen of this chapter relating to the statement of the expenses incurred and the payment of the same are applicable thereto.

§ 14. Chapter six hundred and thirty-three of the laws of nineteen hundred and nineteen, entitled "An act in relation to mental defectives, constituting chapter seventy-one of the consolidated laws," is hereby amended by inserting therein after section twenty-two-a a new section, to be section twenty-two-b, to read as follows:

§ 22-b. Reformatory at Napanoch converted into a state institution for mental defectives. The institution now and heretofore known as the Eastern New York Reformatory at Napanoch, with its grounds, buildings, materials, supplies, stocks and equipments, shall hereafter be under the supervision, control and direction of the commission for mental defectives and used for the care, training and treatment of mental defectives over sixteen years of age charged with, arraigned for or convicted of criminal offenses. The commission shall have, with respect to such institution, all the powers of boards of managers as prescribed in section nineteen of this chapter. The fiscal supervisor of state charities shall continue to have fiscal supervision of such institution. The commission, by order filed in its office, of which a duplicate shall be filed in the office of the state comptroller, shall adopt a name for such institution, to be descriptive of its objects and purpose.

§ 15. Section twenty-four of such chapter is hereby amended to read as follows:

§ 24. Procedure for commitment of mentally defective persons. A judge of a court of record of the city or county, or of a children's court, or a justice of the supreme court of the judicial district in which an alleged mental defective, who is not a person over sixteen years of age in confinement on a criminal charge, resides or may be, adjudging such person to be mentally defective, may order as provided in this article his commitment to an institution for the care, training and custody of mental defectives, or to the guardianship of a relative. In the case of an alleged mentally defective person over sixteen years of age charged with a misdemeanor the judge or justice may, if satisfied that the alleged mental defective is mentally defective, order his commitment to one of the state institutions for mental defectives. Such order shall be made upon a verified petition therefor and the certificate of mental defect made by two qualified examiners, or upon such petition and certificate and after a hearing to determine such question as provided in this article. A mental defective who is not a person over sixteen years of age in confinement on a criminal charge shall be committed only to a state institution for mental defectives or a private institution duly licensed to care for mental defectives or to the guardianship of a relative or other person or persons designated by the court.

No mental defective, unless also insane, shall be committed to or confined in a state hospital for the insane but any mental defective becoming insane may be committed as an insane person to a state hospital for care, treatment and custody and may be confined therein during the duration of such insanity.

§ 16. Such chapter is hereby amended by inserting therein, after section twenty-four-a thereof, six new sections, to be sections twenty-four-b, twenty-four-c, twenty-four-d, twenty-four-e, twenty-four-f and twenty-four-g, to read as follows:

§ 24-b. Persons who may be committed to the institution at Napanoch. A male mental defective over sixteen years of age charged with, arraigned for or convicted of a criminal offense may be committed to the state institution at Napanoch established pursuant to section twenty-two-b. A male over sixteen years of age convicted of a misdemeanor and confined therefor in a penitentiary, reformatory or other penal or correctional institution, who is found to be a mental defective, may be transferred by the superintendent or other officer in charge thereof to such institution at Napanoch, for care, treatment, training and custody, with the consent and upon the order of the commission, made upon the application of such superintendent or other officer and upon a certificate of mental defect by two qualified examiners made after an examination of the prisoner. A mentally defective male prisoner confined in a state prison, penitentiary or reformatory and sentenced thereto for a felony, other than murder in the first degree, may be transferred to such institution as provided in the ensuing provisions of this [illegible]

[illegible] such warden or superintendent [illegible] certify the commission [illegible] mission shall cause [illegible] examined as provided [illegible] If such prisoner is found to be [illegible] defective, the warden [illegible] shall cause such prisoner to be transferred to the institution at [illegible] and delivered to the superintendent thereof. Such superintendent shall receive such prisoner into such institution and retain him there until legally discharged. The warden or superintendent, before transferring such prisoner, shall see that he is in a state of bodily cleanliness, and is provided with a new suit of clothing similar to that furnished to convicts on their discharge from prison. At the time of such transfer, there shall be transmitted to the superintendent of such institution at Napanoch the original certificate of conviction and the certificate of mental defect executed by the physician and the examiners which shall be filed in the office of such superintendent who shall file a notice of such transfer in the office of the superintendent of state prisons. The convicts referred to in sections twenty-four-d to twenty-four-g are described in this section.

§ 24-d. Retention of mental defective convicts after expiration of their terms. When the term of a convict confined in the institution at Napanoch has expired, and, in the opinion of the superintendent thereof, such convict continues a mental defective, the superintendent shall apply to a judge of a court of record to cause an examination to be made of such person, by two qualified examiners, other than a physician connected with such institution. Such examiners shall be designated by the judge to whom application is made. Such examiners, if satisfied, after a personal examination, that such convict is a mental defective, shall make a certificate to that effect in the form and manner prescribed by this chapter. Such superintendent shall apply to a judge of a court of record for an order authorizing him to retain such convict at the institution, accompanying such application with such certificate of mental defect. Such judge, if satisfied that such convict continues a mental defective, shall issue an order of retention, and such superintendent shall thereupon retain the convict at the institution until discharged as provided by law. The certificate and order of retention shall be kept by the superintendent in his office and a copy thereof shall be filed in the office of the commission. The costs necessarily incurred in determining the question of mental deficiency, including the fees of the examiners, shall be a charge upon the amount appropriated for the support and maintenance of such institution, and be paid in the same manner as are other expenses of the institution.

§ 24-e. Discharge of mental defective convicts after expirations of terms. The superintendent of the institution at Napanoch may discharge or deliver any such convict whose sentence has expired, and who is still a mental defective, but who, in the opinion of the superintendent, is reasonably safe to be at large, to his relatives or friends who are able and willing to comfortably maintain him, without further public charge; and such patient may, in the discretion of the superintendent, be provided with the whole or a portion of such allowances as are granted to convicts, on their discharge, by the provisions of the prison law. Any such convict in such institution, whose term of imprisonment has expired by commutation or otherwise, and who is still a mental defective may, upon an order of the commission, be transferred to any institution for mental defectives.

§ 24-f. Convicts to be transferred to prison. Whenever any such convict, who shall have been confined in such institution as a mental defective person, shall have been found to be a person dangerous, or otherwise unfit or unsuitable to be cared for in such an institution before the expiration of his sentence, and the commission shall so certify in writing to the warden or superintendent of the institution from which such convict was received, or to which the superintendent of state prisons may direct that he be transferred, such convict shall forthwith be transferred to the institution from which he came, by the superintendent of the institution at Napanoch, or, if received from one of the state prisons, to such state prison as the superintendent of state prisons may direct; and the warden or superintendent of such institution shall receive such convict into such institution and shall in all respects treat him as when originally sentenced to imprisonment.

§ 24-g. Certificate of conviction to be delivered and copy filed. Whenever a convict is transferred to the institution at Napanoch, the warden or superintendent in charge of the prison, penitentiary or reformatory from which such convict is transferred shall cause a copy of the original certificate of conviction of such convict to be filed in the office of such warden or superintendent, and shall deliver the original certificate to the superintendent of such institution at Napanoch; and whenever any such convict shall be transferred to any penal institution from such institution at Napanoch, the superintendent shall deliver to the warden or superintendent in charge of such penal institution such original certificate, which shall be filed in the clerk's office of the same.

§ 17. Section thirty-five of such chapter is hereby amended to read as follows:

§ 35. Habeas corpus. Anyone in custody as a mentally defective person is entitled to a writ of habeas corpus upon a proper application as provided by the code of civil procedure or civil practice act. The history of the patient as it appears in the case records may be given in evidence, and the superintendent or medical officer in charge of the institution wherein such person is held in custody, or any other proper person, shall be sworn touching the mental condition of such person. Where a second or subsequent application is made for the discharge from custody of the same person, any party to the proceeding may introduce in evidence any testimony in relation to the mental condition of such patient received upon any former hearing or trial, together with all the exhibits introduced in evidence upon such hearing or trial in connection with such testimony without calling the witnesses who gave such testimony; such evidence to have the same force and effect as if such witnesses had been called.

§ 18. Section thirty-seven of such chapter is hereby amended to read as follows:

§ 37. Discharge of state institution inmates and payment of expenses. 1. Any inmate may be discharged from the institution by the superintendent with the consent of the board of managers at one of their regular meetings and after the presentation to them of reasons for such discharge and as soon as possible thereafter and the statement of the physical, mental and moral condition of the inmate, shall be reported to the state commission for mental defectives. When the managers shall direct an inmate to be discharged from a state institution, the superintendent thereof may return him to the county from which he was sent, and the superintendent of the poor or county commissioner of charities of such county shall audit and pay the actual and reasonable expenses of such return. If any town, county or person is legally liable for the support of such inmate, such expenses may be recovered by action in the name of the county by such superintendent of the poor or county commissioner of charities. If such official neglect or refuse to pay such expenses on demand, the treasurer of the institution may pay the same and charge the amount to the county; and the treasurer of the county shall pay the same with interest after thirty days out of any fund in his hands not otherwise appropriated; and the supervisors shall raise the amount so paid as other county charges.

2. A mental defective who has been arraigned, convicted or is in custody on a criminal charge shall not be discharged under the foregoing provisions, except as otherwise provided in this chapter, before he might have been discharged from another institution, if any, to which he was originally committed or before he would have been discharged if he had been committed to a reformatory or penal institution under a similar charge.

3. If a male person above the age of sixteen years confined in a penitentiary, reformatory or other correctional or penal institution, upon conviction for a misdemeanor, shall have been transferred pursuant to section twenty-four-b to the institution at Napanoch and it is found, before the expiration of the term for which he was sentenced to such penitentiary, reformatory or penal or correctional institution, that his confinement in an institution for mental defectives is unsuitable, and the commission shall so certify in writing to the officer in charge of the institution from which such person was received, such person shall be forthwith returned to the institution from which he came, by the superintendent of the institution at Napanoch. If an inmate of such institution at Napanoch was received therein otherwise than by transfer from a state prison, penitentiary, reformatory or any penal or correctional institution, but was, at the time of his admission, held upon an order of a court or judge in a criminal proceeding, and it be found that his confinement in an institution for mental defectives is unsuitable and the commission shall so certify in writing, he shall be discharged, if the certificate be approved by such court or judge.

§ 19. Section thirty-eight of such chapter is hereby amended to read as follows:

§ 38. Paroles. Where an inmate is paroled to a relative, legal guardian or other person, such relative, legal guardian or other person must be of the [illegible] factory to the superintendent or of the board of managers or to the commission that the parole terminate, such inmate must be returned to the institution. Every parent, relative or legal guardian to whom such inmate shall be paroled shall report the physical and moral and mental condition of the inmate to the superintendent either in person or by writing as often and as fully as he may require and subject to such rules and regulations as the commission may determine and in case of failure to so report on request the inmate shall be returned to the institution. At any time during the parole the inmate shall be accessible to the parole agent of the institution. The institution paroling a patient shall not be liable in any manner whatsoever for such patient while on parole. Such liability shall devolve upon the parent, legal guardian, relative, or persons to whose care the inmate is paroled or the proper poor official of the municipality in which he may have found domicile. A mental defective who has been arraigned, convicted or in custody on a criminal charge shall not be paroled before he might have been paroled from another institution, if any, to which he was originally committed or before he would have been paroled if he had been committed to a reformatory or penal institution under a similar charge.

§ 20. The superintendent of reformatories shall proceed immediately to transfer to the New York State Reformatory at Elmira all prisoners in the Eastern New York Reformatory, at Napanoch. He shall complete such transfer on or before June first, nineteen hundred and twenty-one. Upon the completion of such transfer, such institution at Napanoch shall be discontinued as a reformatory. The offices and positions of persons employed at or for such institution at Napanoch, and their respective salaries for the fiscal year ending June thirtieth, nineteen hundred and twenty-one, shall not be affected by the passage of this act, except that on and after June first, nineteen hundred and twenty-one, such persons, other than officers and employees heretofore having duties in connection with the New York state reformatory and whose salaries are apportioned by existing appropriation acts to both such institutions, shall be subject to the supervision, direction and control of the state commission for mental defectives; provided, however, that nothing herein contained shall prevent the discharge of any such person as an employee of such institution pursuant to section twenty-one of the mental deficiency law. If, however, the employment of any such person shall cease because of the abolition of his position, or for reason other than his discharge for cause, he or she shall be deemed suspended without pay and shall be entitled to a preference for reinstatement to fill any vacancy in such institution in a corresponding or similar position therein occurring within the period of five years following such suspension. If so reinstated, he shall be credited, for the purpose of retirement and pension, with all services before suspension and after reinstatement. Nothing herein contained shall impair the preference of any such person for reinstatement in any other branch of the state service during the two years following his suspension under the provisions of section twenty-two of the civil service law. On or before June first, nineteen hundred and twenty-one, such superintendent shall turn over to such commission the grounds, buildings, supplies, stock on hand, equipment and property of the Eastern New York reformatory.

§ 21. The unexpended balances of moneys appropriated for construction or repairs at the Eastern New York reformatory at Napanoch shall continue to be available, but after June first, nineteen hundred and twenty-one, they shall be expended under the direction of the state commission for mental defectives and paid out on its certificate. The unexpended balance of moneys appropriated for maintenance and operation of the Eastern New York reformatory, including personal service, for the fiscal year ending June thirtieth, nineteen hundred and twenty-one, shall continue to be available, but salaries and expenses for the month of June, nineteen hundred and twenty-one, shall be paid therefrom on the certificate of such commission, except salaries of persons heretofore having duties in connection with both the New York state reformatory and the Eastern New York reformatory and which are apportioned by existing appropriation acts to both such institutions, which salaries last mentioned shall be paid out in the same manner as salaries of other employees of the New York state reformatory.

§ 22. The two preceding sections of this act shall take effect immediately, but in other respects this act shall take effect June 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. 485.

AN ACT to amend the state charities law, in relation to the superintendent of the New York State Reformatory for Women at Bedford.

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 two hundred and twenty-three of chapter fifty-seven of the laws of nineteen hundred and nine, entitled "An act relating to state charities, constituting chapter fifty-five of the consolidated laws," as amended by chapter one hundred and forty-nine of the laws of nineteen hundred and nin[illegible], is hereby amended to read as follows:

§ 223. Appointment and removal of officers and employees; compensation. The board of managers of each such institution shall appoint from among its members a president, secretary and treasurer, who shall hold office for such length of time as such board may determine. They shall appoint a superintendent, who shall hold office during the pleasure of the board. The board of managers of the New York State Reformatory for Women at Bedford shall appoint a superintendent, who shall be a physician in good standing, a graduate of an incorporated medical school and of at least five years experience in the actual practice of his or her profession and such superintendent shall hold office during the pleasure of the board. Such boards of managers shall fix the compensation of the officers and employees of the institution under their charge in the manner provided in section seventeen of the state finance law.

§ 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. 487.

AN ACT to amend the public health law, in relation to compensation of secretary of county mosquito extermination commission.

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 four hundred and seven of chapter forty-nine of the laws of nineteen hundred and nine, entitled "An act in relation to the public health, constituting chapter forty-five of the consolidated laws," as added by chapter four hundred and eight of the laws of nineteen hundred and sixteen, is hereby amended to read as follows:

§ 407. Secretary of commission; salary. The commission may appoint a secretary, whose compensation shall be fixed by such commission, by and with the approval of the board of supervisors.

§ 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. 488.

AN ACT to amend the insurance law, in relation to investments.

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 one hundred of chapter thirty-three of the laws of nineteen hundred and nine, entitled "An act in relation to insurance corporations, constituting chapter twenty-eight of the consolidated laws," as last amended by chapter three hundred and [illegible] of the laws of nineteen hundred and [illegible], is hereby amended to read as follows:

§ 100. Investments. No domestic insurance corporation, whether incorporated by special act or under a general law, shall invest in or loan upon [illegible]