[illegible]

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. 567.

AN ACT to amend the prison law, in relation to commutation of sentences of convicts.

Became a law May 4, 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 forty-two 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," as amended by chapter three hundred and fifty-eight of the laws of nineteen hundred and sixteen, is hereby amended to read as follows:

§ 242. Power of governor to grant compensation or commutation. The governor, upon receipt of the report recommending the allowance of diminution of sentences of convicts as provided for in this article, may, in his discretion, allow the same, in whole or in part, as to any or all of such convicts. He shall place the names of all convicts whose sentences he may determine to reduce who are subject to the jurisdiction of the parole board upon a list, prepared in duplicate, each of which shall have his written order annexed thereto directing such reduction and specifying the date of expiration of the minimum term as reduced. He shall place the names of all other convicts so reported whose sentences he may determine to reduce upon his warrant for their discharge, specifying the date of discharge in each case. Such warrant shall be directed to the agent and warden of the state prison, or the warden or superintendent of the penitentiary wherein such convicts may be confined. One copy of any such list of convicts subject to the jurisdiction of the parole board, with the accompanying order, shall be transmitted by the governor to the parole board and one copy to the agent and warden of the prison in which the convicts named in the list are confined. The agent and warden shall given immediate written notice thereof to each convict whose minimum term is thereby reduced. Any such warrant for the release of other convicts shall be transmitted to the officer to whom it is directed, who shall thereupon proceed to execute such warrant by releasing the convicts mentioned therein on the date fixed for their release. Such convicts shall thereupon be allowed to go on parole outside of said prison walls and inclosure upon such terms and conditions as the board of parole for state prisons shall prescribe, but to remain while so on parole in the legal custody and under the control of the agent and warden of the state prison from which he is so released until the expiration of the term of his sentence subject to the provisions of article eight hereof, excepting section two hundred and eighteen thereof.

§ 2. Section two hundred and forty-three of such chapter, as last amended by chapter three hundred and fifty-eight of the laws of nineteen hundred and sixteen, is hereby amended to read as follows:

§ 243. Governor to annex condition to discharge; return of convict to prison for violation. The governor shall, in reducing the sentences of convicts not subject to the jurisdiction of the board of parole, annex a condition that such convict shall live and remain at liberty without violating the law, and be subject to the jurisdiction and control of the board of parole for state prisons as provided in article eight hereof excepting section two hundred and eighteen thereof, and also a condition to the effect that if any such convict shall, during the period between the date of his discharge by reason thereof and the date of the expiration of the full term for which he was sentenced, be convicted of any felony, committed in the interval as aforesaid, he shall, in addition to the sentence which may be imposed for such felony and before beginning the service of such sentence be compelled to serve in the prison or penitentiary in which he may be confined for the felony for which he is so convicted, the remainder of the term without commutation which he would have been compelled to serve but for the commutation of his sentence as provided for in this article, but he may, however, earn compensation in reduction of the remainder of such term.

§ 3. 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. 568.

AN ACT to provide a more uniform retirement plan for state employees, under the provision of the New York state employees' retirement system, and to repeal certain acts and parts of acts providing for other retirement systems.

Became a law May 4, 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. All state employees, except teachers in the State College for Teachers and the State Normal schools who shall be considered as teachers subject to the provisions of article forty-three-b of the education law, and, except such state employees as are otherwise provided for by the insanity law and the prison law, who are included under the provisions of any law repealed by section six of this act, who elect to become members of the New York State Employees' Retirement System on or before January first, nineteen hundred and twenty-two, shall become members of such system and shall be subject to all the provisions of law relative to such system with the exception that they shall be entitled to credit for prior service as defined by section fifty-three of article four of the civil service law, including service as a grand jury stenographer, up to and including July first, nineteen hundred and twenty-one. All war veterans now in state service, entitled to benefit under the provisions of section twenty-one-a of the civil service law or subdivision eight of section three of the public buildings law are also given the right to elect to become members of the New York State Employees' Retirement System, and to be covered by all of the provisions of law relative thereto.

§ 2. All contributions which have been made by employees in active service on June thirtieth, nineteen hundred and twenty-one, who are included under the provisions of any law repealed by section six of this act, shall be returned to them and paid out of the funds accumulated under such laws.

§ 3. The pensions of all pensioners drawing pensions under the provisions of any law repealed by section six of this act, on June thirtieth of the year in which such law is repealed by this act shall be continued and paid out of any funds accumulated under such law and not returned to employees as provided in section two of this act. The amount required in addition to continue the pensions of such pensioners shall be paid by the state of New York by annual appropriations made therefor from the general fund.

§ 4. Any cash or securities which may have been accumulated under the provisions of any law repealed by section six of this act which may be in excess of the amount required to make the payments directed by sections two and three of this act shall be credited and returned to the source from which they were derived.

§ 5. The comptroller of the state of New York is hereby directed, authorized and empowered to carry out the provisions of this act and all officers and employees of the state of New York having custody of any or all records of funds under the provision of any act repealed by the provisions of section six of this act, are authorized and directed to deliver to said comptroller all of any records which he may request and to furnish such information relative thereto, as he may require in the discharge of his duty and, at such time, or times, as the comptroller shall stipulate, they shall deliver to him or his authorized agent, all moneys, securities or other assets which may be in their possession or subject to their disposition on account of the laws hereby repealed.

§ 6. The following acts are hereby repealed: chapter four hundred and forty-one of the laws of nineteen hundred and ten; chapter one hundred and eighty-five of the laws of nineteen hundred and thirteen; chapter five hundred and eleven and section sixteen of chapter three hundred and sixty-nine of the laws of nineteen hundred and fourteen; chapters five hundred [illegible] and six hundred [illegible]

[illegible]

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

AN ACT to [illegible] tax law, in relation to the ascertainment of gain or loss [illegible]

Became a law May [illegible], 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 fifty-three of chapter sixty-two of the laws of nineteen hundred and nine, entitled "An act in relation to taxation, constituting chapter sixty of the consolidated laws," as added by chapter six hundred and twenty-seven of the laws of nineteen hundred and nineteen, is hereby amended to read as follows:

§ 353. Ascertainment of gain and loss. 1. For the purpose of ascertaining the gain derived or loss sustained from the sale or other disposition of property, real, personal or mixed, the basis shall be, in case of property acquired on or after January first, nineteen hundred and nineteen, the cost thereof, or the inventory value if the inventory is made in accordance with this article.

2. In case of property acquired prior to January first, nineteen hundred and nineteen, and disposed of thereafter,

(a) No profit shall be deemed to have been derived if either the cost or the fair market price or value on January first, nineteen hundred and nineteen, exceeds the value realized.

(b) No loss shall be deemed to have been sustained if either the cost or the fair market price or value on January first, nineteen hundred and nineteen, is less than the value realized.

(c) Where both the cost and the fair market price or value on January first nineteen hundred and nineteen, are less than the value realized, the basis for computing profit shall be the cost or the fair market price or value on January first, nineteen hundred and nineteen, whichever is higher.

(d) Where both the cost and the fair market price or value on January first, nineteen hundred and nineteen, are in excess of the value received, the basis for computing loss shall be the cost or the fair market price or value on January first, nineteen hundred and nineteen, whichever is lower.

§ 2. This act shall take effect immediately and its provisions shall apply to returns for the taxable year nineteen hundred and twenty and each year thereafter.

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. 577.

AN ACT to amend the membership corporations law, in relation to the certificate of a change in the number of directors and the holding of annual meetings without the state.

Became a law May 5, 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 fourteen of chapter forty of the laws of nineteen hundred and nine, entitled "An act relating to membership corporations, constituting chapter thirty-five of the consolidated laws," is hereby amended to read as follows:

§ 14. Changing number of directors. A membership corporation, created under or by a general or special law, may by vote of the majority of its members present at an annual meeting, or at any special meeting duly called for that purpose and so specified in the notice of the said meeting, determine to change the number of its directors to any number which a corporation created under this chapter for the same purpose is authorized to have. Notice of such special meeting shall be given as provided by section twenty-six of the stock corporation law, or by publication thereof once in each week, for three successive weeks next preceding the time when such special meeting is to be held, in at least two newspapers within the county where such special meeting is to be held. On such determination, the president and secretary of the meeting shall sign, acknowledge and file an amended certificate specifying such reduction or increase; and thereupon the number of directors shall be the number stated in such certificate. Each director then in office shall serve until his term expires, and there shall be no election of directors, until the number of directors is less than the number specified in the certificate.

§ 2. Section forty-eight of such chapter, as added by chapter one hundred and sixty-nine of the laws of nineteen hundred and nine, is her by amended to read as follows:

§ 48. Annual meetings of certain corporations may be held without the state. A membership corporation, organized for benevolent, charitable or missionary purposes, a part of whose membership consists of delegates chosen by churches, societies or other organizations, which are located in other states and which contribute to the funds of such corporation, may hold its annual meeting without the state. A membership corporation created under or by a general or special law, which has a membership of at least one thousand members, may hold its annual meeting without the state in any state or territory of the United States in which any of its members reside, provided that such corporation shall make and file with the secretary of state, a written designation under its corporate seal, and the signature of its president, vice president, or other acting head, of some person being a resident of the state upon whom process may be served within the state. The designation must specify the residence of the person so designated and if it is within a city, the street and number, if any, or other suitable designation of the particular locality. Such designation shall be accompanied with the written consent of the person designated and shall continue in force until revoked by an instrument in writing, designating in like manner some other person upon whom process against the corporation may be served in this state or until the filing, in the same office, of a written revocation of said consent executed by the person so designated. If the person so designated dies, or ceases to be a resident of the state, or files such revocation of his consent, and the corporation does not within thirty days after such death, or the ceasing of such person to be a resident of the state, or the revocation of consent, designate in like manner, another person upon whom process against it may be served within the state, process may be served upon the secretary of state. At the time of such service the party making the same shall pay to the secretary of state, two dollars, to be included in his taxable costs and disbursements, and the secretary of state shall forthwith mail a copy of such process to such corporation if its address, or the address of any officer thereof is known to him. Service of summons or any process or other paper for the commencement of a civil special proceeding, against such corporation, in any court, or before any officer, if made as herein provided, shall be of the same effect as if made upon such corporation. Authority is hereby conferred upon the board of directors or an executive committee of such board of any such corporation, to choose the person to be designated as herein provided.

§ 3. 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. [illegible]

AN ACT to appropriate the miscellaneous receipts for the purpose of furnishing proper terminals and facilities for barge canal traffic under chapter seven hundred and forty-six of the laws of nineteen hundred and eleven and acts amendatory thereof and supplemental thereto.

Became a law May 5, 1921, with the approval of the [illegible]

[illegible]

[illegible] Section 1. Paragraphs e, f, g and h of [illegible] 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," such chapter having been [illegible] by chapter one hundred and forty of the laws of nineteen hundred and ten and such section added by chapter six hundred and forty-five of the laws of nineteen hundred and nineteen and amended by chapter six hundred and eighty of the laws of nineteen hundred and twenty, are hereby amended, to read as follows:

(e) In other union free school districts maintaining academic departments, three hundred and fifty dollars.

(f) In each other school district employing more than one teacher, three hundred dollars.

(g) In each other school district employing but one teacher and having an assessed valuation exceeding one hundred thousand dollars, two hundred dollars.

(h) In each other school district employing but one teacher and having an assessed valuation of one hundred thousand dollars or less, two hundred dollars and in addition thereto the sum of three dollars for each entire thousand dollars that the assessed valuation of such district is less than one hundred thousand dollars.

§ 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. [illegible]

AN ACT to amend the education law, relating to equalization of school taxes within joint districts.

Became a law May 5, 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 fourteen 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 to read as follows:

§ 414. Equalization within joint districts. When a district embraces parts of two or more towns, the trustee, trustees, or board of education of such district, may upon their own motion and shall upon the written request of three or more persons liable to pay taxes upon real property in such district secure from the last completed town assessment-rolls a statement of the assessed valuation of each parcel of real property and of all personal property subject to taxation for school purposes in such district and shall deliver such statement to the district superintendent of the supervisory district in which the schoolhouse of such district is located. Such district superintendent shall immediately secure from the state tax commission a statement of the rates of equalization fixed by the commission for the towns in which such district is situated and shall determine the full valuation of the real property of each part of a town included in such district by dividing the total assessed valuation of such real property in such part of a town by the rate of equalization fixed by the commission for such town and shall add to such full valuation the amount of all assessments of personal property liable to taxation for school purposes in such part of a town. Such district superintendent shall also determine what proportion of any tax thereafter to be levied in such district for school purposes shall be levied upon each part of a town included in such district by dividing the sum of the full valuation of real property and the assessed valuation of personal property in such part of a town by the total of all such valuations of real property and assessed valuations of personal property in such school district. Such proportions should be expressed in the nearest exact hundredths and the trustee or trustees of such school district shall thereafter levy such a proportion of any tax to be raised in the district upon each part of a town included in such district as shall have been determined by the district superintendent, until a new determination shall have been made in accordance with the provisions of this section.

§ 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. 589.

AN ACT to amend the military law, in relation to compensation of state and municipal officers and employees returning from military or naval duty.

Became a law May 5, 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 forty-five of chapter forty-one of the laws of nineteen hundred and nine, entitled "An act in relation to the militia, constituting chapter thirty-six of the consolidated laws," as last amended by chapter six hundred and thirty of the laws of nineteen hundred and twenty, is hereby amended by inserting therein a new subdivision to be subdivision three, to read as follows:

3. Wherever during the absence of an officer or employee of the state or of a municipal corporation or of any other political subdivision, thereof in the performance of military or naval duty in the service of the United States, examinations for promotion, in which he was entitled to participate, shall have been held of promotions to positions, to which he would have become eligible upon qualifying at such examinations, shall have been made, he shall be given an examination, alone or with others in the same department similarly situated, for advancement to the highest grade for which such examinations were held or such promotions were made during his absence and, upon passing such examination, he or any other person who while in the military or naval service of the United States took and passed such examination and thereafter entered the military or naval service of the United States, shall be placed upon the eligible list of such grade, his salary shall be fixed at the medium amount prescribed for such grade and he shall be preferred for any appointment or promotion thereafter made in such grade in the department in which he shall be employed. Whenever the position held is in the classified service and is ungraded, and when either a new appointment was made at a larger salary or an increase in salary was given to another during his absence on military or naval duty in the service of the United States, his salary shall be fixed at not less than the medium amount as determined by the salaries actually being paid others having the same position or title. No person shall be given a preference hereunder over an honorably discharged soldier, sailor or marine who served as such in the army or navy of the United States in the late civil war, or in the late war with Spain, or during the incidental insurrection in the Philippines prior to July fourth, nineteen hundred and two, or in the world war.

§ 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. [illegible]

AN ACT to amend the military law, in relation to [illegible]

[illegible]

[illegible] and shall be paid such part of the salary [illegible] compensation paid to him for the performance of his duty in the military, naval or marine service described in this section, notwithstanding his failure to procure such consent of the governor.

§ 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. 592.

AN ACT to amend the highway law, in relation to registration and number plates for manufacturers and dealers in trailers.

Became a law May 6, 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 eighty-four of chapter thirty of the laws of nineteen hundred and nine, entitled "An act relating to highways, constituting chapter twenty-five of the consolidated laws," as added by chapter three hundred and seventy-four of the laws of nineteen hundred and ten and last amended by chapter one hundred and seventy-four of the laws of nineteen hundred and seventeen, is hereby amended by inserting therein, after subdivision three, a new division, to be subdivision four, to read as follows:

4. The provisions of this section shall apply to trailers and to manufacturers thereof and dealers therein; and for the purpose of applying such provisions, a trailer shall be deemed to be a motor vehicle.

§ 2. The existing subdivision four of such section is hereby renumbered subdivision five.

§ 3. Section two hundred and eighty-four-a of such chapter, as added by chapter one hundred and seventyfour of the laws of nineteen hundred and seventeen, is hereby amended to read as follows:

§ 284-a. Limited use of dealer's number plates by vendee. Upon the sale of a motor vehicle by a registered dealer, the vendee shall be allowed to operate the same upon the public highways for the period of five days after taking possession thereof, without carrying number plates issued upon a registration under section two hundred and eighty-two, if the motor vehicle shall have attached thereto and displayed thereon, in the manner provided in section two hundred and eighty-three, a set of dealer's number plates issued to such dealer under section two hundred and eightyfour, and if a proper application for registration and number plates for such vehicle under the provisions of section two hundred and eighty-two shall have been mailed or presented to the secretary of state, accompanied with payment of the required fee, within twenty-four hours after he has taken possession thereof.

No person shall operate or drive upon the public highways any motor vehicle on which is fastened or displayed any such dealer's number plates after a sale of such vehicle by the dealer except in compliance with the foregoing provisions.

A dealer who sells a motor vehicle shall not deliver to or permit to be taken by the vendee any such number plates without first mailing to the tax commission a verified statement, upon a blank to be furnished by it, setting forth the following facts: A description, by general and distinctive numbers and characters thereon, of the plates and certificate to be loaned; the name and residence, including county and business address, of the vendee of the motor vehicle; a brief description of the motor vehicle sold, including the name of the manufacturer and factory number, the character and amount of motive power stated in figures of horse power in accordance with the rating established by the Society of Automobile Engineers, or, if it be an auto truck, the combined weight of the truck and carrying capacity. The dealer shall also state whether he has knowledge or is informed that the motor vehicle is to be used as an omnibus, and if he states that he has knowledge or information that it is to be so used he shall also specify the seating capacity of the motor vehicle sold.

A vendee to whom number plates are delivered or by whom they are held under the provisions of this section shall return the same, and the accompanying registration certificate, to the dealer before the expiration of six days after he took possession of the motor vehicle purchased. If number plates so delivered or held, or such certificate, are not returned within the time above limited, the dealer shall immediately notify the tax commission of that fact by mail, describing the plates according to the general and distinctive numbers and characters thereon.

The provisions of this section shall apply also to the sale of a trailer and to the use by the vendee of dealer's number plates on the trailer sold; and for the purpose of applying such provisions a trailer shall be deemed a motor vehicle.

§ 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. 610.

AN ACT to confer jurisdiction upon the court of claims to hear, audit and determine claims against the state for damages for or on account of the appropriation of property in connection with the construction of improved canals and canal terminals, and by reason of change of grade of highways on streets caused by changing the bridges and approaches thereto, and to render judgment therefor.

Became a law May 6, 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. The court of claims shall have jurisdiction of and may hear, audit and determine any claim for damages against the state, heretofore or hereafter sustained for or on account of the appropriation or use by the state of any lands, structures, waters, franchises, rights, easements, or other property or by reason of change of grade of any highway or street caused by building new bridges and approaches thereto in connection with the enlargement and improvement of the Erie, Champlain and Oswego canals, as provided by chapter one hundred and forty-seven of the laws of nineteen hundred and three, and acts amendatory thereof and supplemental thereto, the Cayuga and Seneca canal, as provided by chapter three hundred and ninety-one of the laws of nineteen hundred and nine, and acts amendatory thereof and supplemental thereto, and for the purpose of furnishing proper terminals and facilities for barge canal traffic, as provided for by chapter seven hundred and forty-six of the laws of nineteen hundred and eleven, and acts amendatory thereof and supplemental thereto. The damages so sustained shall be deemed just and legal claims against the state and the said court of claims shall have jurisdiction to hear, audit and determine all such claims whether any land was appropriated or not and the court of claims may make an award for damages suffered and render judgment therefor in favor of any claimant for the amount justly and equitably found to have been suffered by any claimant. Except as provided in section two of this act such a claim shall be filed with the court of claims within one year after such damages shall have accrued.

§ 2. A claim for damages heretofore [illegible]

[illegible]

[illegible] executive officers, constituting chapter eighteen of the consolidated laws, is hereby amended to read as follows:

§ [illegible]. Publication at Albany of certain public notices. The secretary of state, comptroller and treasurer shall, on or before the first of January in each year, designate a daily newspaper, published in the city of Albany, to be known as the state paper, in which shall be published during the following year, all appointments of terms of the supreme court; the rules of practice adopted from time to time by the judges of the court of appeals and a convention constituted pursuant to the judiciary law; the laws of the state; and notices and advertisements required to be published in a newspaper by state officers, or by a department, board, bureau or commission of the state, or in actions against foreign corporations. The publication of such notices and advertisements shall be additional to their publication in other newspapers.

§ 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. 640.

AN ACT to amend chapter four hundred and forty-one of the laws of eighteen hundred and ninety-nine, in relation to appointment and compensation of all employees.

Became a law May 6, 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 six of chapter four hundred and forty-one of the laws of eighteen hundred and ninety-nine, entitled "An act to create a commissioner of jurors in the several counties of this state," as amended by chapter two hundred and twenty-two of the laws of nineteen hundred and six, is hereby amended to read as follows:

§ 6. A commissioner of jurors in a county of more than sixty-five thousand population according to the last preceding state or federal census, shall appoint one assistant commissioner of jurors whose compensation shall be fixed by the board appointing the commissioner, and one clerk, and in a county of more than four hundred and fifty thousand population, two clerks, one jury notice server, and one stenographer additional, whose compensation shall be fixed in the same manner; such compensation shall be paid by the county in equal monthly installments and an assistant commissioner of jurors may be designated by the commissioner appointing him to perform any of the duties of a commissioner of jurors in his absence. A commissioner of jurors, or an assistant whom he designates for the purpose by a certificate filed in the office of the county clerk, may administer an oath or affirmation in relation to any matter embraced within the provisions of this act.

§ 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. 648.

AN ACT to incorporate the State Veterans Relief Fund, for the amelioration of the condition of disabled residents of this state who were in the military or naval service of the United States during the world war, and their dependents.

Became a law May 6, 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. The following named persons, and their successors, are hereby created a body corporate by the name "State Veterans Relief Fund."

1. Andrews, Lincoln C.
2. Aronowitz, Samuel.
3. Bacon, Elliot C.
4. Blackwell, James M.
5. Blake, Joseph S.
6. Blakeslee, Charles G.
7. Buxton, Henry W.
8. Breckinridge, Lucian S.
9. Debevoise, Charles L.
10. Deegan, William F.
11. Delafield, Edward C.
12. Derby, Richard
13. Donovan, William
14. Duell, Holland S.
15. Duncan, Butler
16. Evans, Frank E.
17. Euchner, Perry
18. Gallivan, James
19. Goodrich, David M.
20. Goodyear, Conger
21. King, Chester H.
22. Kingsley, Darwin P.
23. Kountze, deLancey
24. McMurtry, George G.
25. Murphy, Grayson, M. P.
26. O'Ryan, John F.
27. Pierce, Thomas L.
28. Robbins, Francis L.
29. Wade, H. Hayes
30. Spencer, Lorillard
31. Sterne, Henry Root
32. Stimson, Henry L.
33. Thacher, Archibald G.
34. Wainwright, J. Mayhew
35. Whittlesey, Charles W.
36. Wingate, George A.
37. Woods, Arthur

for the following purposes, viz:

(a) To provide for the establishment, maintenance, administration, distribution and disposition of a fund to be used by this corporation for the amelioration of the condition of those persons, male or female, who were enlisted, inducted, warranted or commissioned, and who served honorably on active duty in the military or naval service of the United States, at any time between the sixth day of April, nineteen hundred and seventeen, and the eleventh day of November, nineteen hundred and eighteen, who, during any part of said period were residents of this state and of those dependent upon such persons and upon such of them as have died or may die, and for the benefit of such other persons who have served honorably on active duty in the military or naval service of the United States in time of war as the trustees of the corporation hereby created may, from time to time, decide and determine.

(b) To provide assistance, care, aid and support for such persons described in sub-paragraph (a) hereof who, by reason of death, disability, age, unemployment or otherwise, shall be deemed by the trustees of this corporation, entitled to assistance and aid from said fund, on such terms and conditions, however, as such corporation may, from time to time, approve and adopt.

(c) In general, to do and perform all things necessary and appropriate to a corporation created for the purpose of ameliorating the condition of, providing assistance, care, aid and support to those persons who have served honorably in the military or naval service of the United States in time of war and those dependent on them, and for other similar purposes.

(d) To receive for the use of said fund, by assignment, gift or otherwise, any bonus, pension, gratuity or other payment or any interest in or part thereof, which heretofore may have been granted or which hereafter may be granted, allowed or created by the United States of America or by any state, territory, or dependency thereof as a recognition, reward, compensation, payment or otherwise to or for the benefit of those who, at any time, have served in the military or naval service of the United States or for the families or dependents of such persons.

(e) It shall be within the purposes of said corporation to use any means to the foregoing ends which, from time to time, shall seem expedient to its members or trustees, including the establishment and maintenance of any appropriate activities, agencies or institutions now or hereafter established for like or similar purposes.

§ 2. The corporation hereby formed shall have power to receive, take and hold by bequest, devise, gift, purchase or lease, either absolutely or in trust for any of its purposes, any property, real or personal, without limitation as to amount or value, except such limitations, if any, as may be imposed by law, to convey such property, and to invest and reinvest any principal and deal with and expend the principal and [illegible]

[illegible]

§ 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. [illegible]

AN ACT to amend the stock corporation law, in relation to corporations having shares of capital stock without nominal or par value, and the amendment of certificates of incorporation to permit the issuance of such shares.

Became a law May [illegible], 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 nineteen of chapter sixty-one of the laws of nineteen hundred and nine, entitled "An act relating to stock corporations, constituting chapter fifty-nine of the consolidated laws," as added by chapter three hundred and fifty-one of the laws of nineteen hundred and twelve and last amended by chapter six hundred and eight of the laws of nineteen hundred and twenty, is hereby amended to read as follows:

§ 19. Issuance of shares of stock without nominal or par value. Upon the formation of any stock corporation, other than a moneyed corporation, provision may be made for the issuance of the shares of stock of such corporation of any one or more classes, without any nominal or par value, by stating in the certificate of incorporation:

(1) The number of shares with a nominal or par value and the number of shares without a nominal or par value that may be issued by the corporation and the classes if any into which such shares are to be divided, together with a statement of the distinguishing preferences, rights, privileges and restrictions of each class;

(2) The nominal or par value (which shall be the same for all shares of the same class) of shares other than shares which it is stated are to have nominal or par value:

(3) Either

a. The amount of stated capital with which the corporation will begin business which amount shall not be less than five hundred dollars; and that the corporation will carry on business with a stated capital which shall not be less than the aggregate amount of the preference to which all issued and outstanding stock having a preference as to principal is entitled, and in addition thereto an amount therein stated in respect to every share of stock issued and outstanding other than stock having a preference as to principal, which amount shall not be less than five dollars for each share, and such additional amount as from time to time may by resolution of the board of directors of the corporation be transferred thereto; or

b. The amount of stated capital with which the corporation will begin business which in no event shall be less than five hundred dollars; and that the corporation will carry on business with a stated capital consisting of the aggregate of the amounts received by it as consideration for the issuance of its shares with no nominal or par value the aggregate par value of all issued and outstanding shares, if any, having a nominal or par value, and such additional amounts as from time to time may by resolution of the board of directors of the corporation be transferred thereto.

Such statements in the certificate shall be in lieu of any statements prescribed by the law under which the corporation shall have been formed as to the amount or the maximum amount of its capital stock or the number of shares into which the same shall be divided, or of the amount or the par value of such shares.

Subject to the preferences, rights, limitations, privileges and restrictions lawfully granted or imposed with respect to any stock or class thereof, each share of such stock with no nominal or par value shall be equal to every other share of such stock. Every certificate for such shares without nominal or par value shall have plainly written or printed upon its face the number of such shares which it represents, and no such certificate shall express any nominal or par value of such shares or express any rate of dividend in terms of percentage of any nominal or par value. The certificates for preferred shares shall state the amount, if any, which the holders of each of such preferred shares shall be entitled to receive on account of principal from the assets of the corporation in preference to the holders of other shares, and shall state briefly any other rights of preference given to the holders of such shares.

Subject to laws creating and defining the duties of the public service commission and the transit commission, such corporation may issue and may sell its authorized shares without nominal or par value from time to time, for such consideration as may be prescribed in the certificate of incorporation, or for such consideration as shall be the fair market value of such shares, and, in the absence of fraud in the transaction, the judgment of the board of directors as to such value shall be conclusive; or, in the absence of fraud in the transaction for such consideration as, from time to time, may be fixed by the board of directors pursuant to authority conferred in such certificate of incorporation; or for such consideration as shall be consented to or approved by the holders of a majority of shares then outstanding at any meeting called in the manner prescribed by the by-laws, provided the call for such meeting shall contain notice of such purpose. Any and all shares issued as permitted by this section shall be deemed fully paid and non-assessable and the holder of such shares shall not be liable to the corporation or to its creditors in respect thereof.

§ 2. Section twenty of such chapter, as added by chapter three hundred and fifty-one of the laws of nineteen hundred and twelve and amended by chapter six hundred and six of the laws of nineteen hundred and twenty, is hereby amended to read as follows:

§ 20. Commencement of business; authorized debts. No corporation authorized to issue shares with no nominal or par value shall begin business until the amount of capital with which it will begin business as stated in the certificate of incorporation shall have been fully paid in, nor [illegible] any such corporation until the capital with which it will carry on business as stated in the certificate of incorporation shall have been fully paid in, incur any debts in excess of the amount of stated capital paid in at the time such debts are contracted. In case of an increase of the stated capital with which the corporation will carry on business such increase of stated capital shall be deemed paid in to the extent of the amount of the assets which the corporation has in money and property in excess of the former stated capital. The directors of the corporation assenting to the creation of any debt in violation of this section shall be liable jointly and severally for the debts of such corporation but no action shall be brought under the foregoing provision of this section unless within one year after the debt shall have been incurred the creditor shall have served upon the director written notice of intention to hold him personally liable for such debt. Any director who, because of any such liability under this section, shall pay any debts of the corporation, shall be subrogated to all rights of the creditor in respect thereof against the corporation and its property and also shall be entitled to contribution from all other directors of the corporation similarly liable for the debt and the personal representatives of any such director who shall have died before making such contribution.

No such corporation shall declare or pay any dividend which shall reduce the amount of its stated capital. In case any such dividend shall be declared, the directors in whose administration the same shall have been declared, except those who may have caused their dissent therefrom to be entered upon the minutes of such meetings of directors at the time, or who were not present when such action was taken, shall be liable jointly and severally to such corporation and to the creditors thereof to the full amount of any loss sustained by such corporation or by its creditors respectively by reason of such dividend.

§ 3. Section twenty-one of such chapter, as added by chapter three hundred and fifty-one of the laws of nineteen hundred and twelve and [illegible] of nineteen hundred and [illegible] is hereby amended to read as follows:

§ 21. Taxation. The tax [illegible] section two hundred and [illegible] tax law in respect of any [illegible]