
THE RAPID TRANSIT ACT,

1891.

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The Rapid Transit Act.

1891.

CHAP. 4.

AN ACT to provide for rapid transit railways in cities of over one million inhabitants.

APPROVED by the Governor January 31, 1891, Passed, three-fifths being present.

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

SECTION 1. In cities having over one million of inhabitants, according to the last preceeding national or state census, where rapid transit commissioners shall have been appointed since the first day of December, eighteen hundred and ninety under the provisions of chapter six hundred and six of the laws of eighteen hundred and seventy-five, and the amendments thereto, by the mayor of any such city, said commissioners shall become commissioners of rapid transit under the provisions of this act. If no such commissioners have been appointed since the first day of December, eighteen hundred and ninety, and the date of the passage of this act in any city in this state containing a population of over one million inhabitants, according to the last preceeding national or state census, then the mayor of such city may at any time after the passage of this act, appoint five persons who shall be residents of such city, who shall be commissioners of rapid transit under the provisions of this act. The commissioners thus appointed are hereby constituted a board of rapid transit railroad commissioners, in and for the city in which they are appointed. They shall have and exercise the specific authority and

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powers hereinafter conferred, and also such other and necessary powers as may be requisite to the efficient performance of the duties imposed upon the said board by this act. If a vacancy shall at any time occur in any such board of rapid transit railroad commissioners, such vacancy shall be filled by the mayor of the city in which said board exists, by the appointment of a citizen of said city, who shall belong to the same political party as did the commissioner whom such appointee succeeds.

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§ 2. Within twenty days after the passage of this act, in the case of commissioners who become such by its terms, and within twenty days after their appointment in the case of commissioners appointed under its provisions, each of the said commissioners shall take and subscribe an oath faithfully to perform the duties of his office, which oath shall be filed in the office of the clerk of the county within which said board is appointed.

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§ 3. Within thirty days after the passage of this act, in the case of commissioners who become such by its terms, and within twenty days after their appointment, in the case of commissioners appointed under its provisions, the said commissioners shall meet and organize as a board. The board when so organized, may frame and adopt by-laws not inconsistent with this act, and establish suitable rules and regulations for the proper exercise of the powers and duties hereby conferred and imposed, and may from time to time amend the same. Four members of the board shall constitute a quorum for the transaction of business, but a less number may adjourn meetings. The said board shall adopt a seal and keep a record of its proceedings, which shall be a public record and be open to inspection at all reasonable times.

§ 4. The said board upon its own motion may proceed, from time to time, to consider and determine whether it is for the interest of the public and of the city in which it is appointed, that a rapid transit railway or railways for the conveyance and transportation of persons and property should be established therein, and upon the request in writing of the local authorities of any such city at any time, the said board shall proceed forthwith to consider and determine the same questions, and in each case the said

board shall conduct such an inquest and investigation as may be deemed necessary in the premises. If, after such consideration and inquest, the said board shall determine that a rapid transit railway or railways, in addition to any already existing, are necessary for the interest of the public and such city, it shall proceed to determine and establish the route or routes thereof and the general plan of construction. Such general plan shall show the general mode of operation and contain such details as to manner of construction as may be necessary to show the extent to which any street, avenue or other public place is to be encroached upon and the property abutting thereon affected, and the concurrent votes of at least four members of the board shall be necessary for the purpose of determining and establishing such route or routes and plan of construction. The said board, from time to time, may locate the route or routes of such railway or railways over, under, upon, through and across any streets, avenues and lands within such city, including blocks between streets or avenues or, partly over, under, upon, through and across any streets, avenues and lands within such city and partly through blocks between streets or avenues; provided that the consent of the owners of one-half in value of the property bounded on and the consent also of the local authorities having control of that portion of a street or highway upon which it is proposed to construct or operate such railway or railways be first obtained, or in case the consent of such property owners can not be obtained, that the determination of three commissioners appointed by the general term of the supreme court in the district of the proposed construction, given after due hearing of all parties interested, and confirmed by the court, that such railway or railways ought to be constructed or operated, be taken in lieu of the consent of such property owners; except that no public park nor any lands or places, lawfully set apart for, or occupied by, any public building of any city or county, or of the state of New York, or of the United States, nor those portions of Grand, Classon, Franklin avenues and Downing street in the city of Brooklyn, lying between the southerly line of Lexington avenue and northerly line of Atlantic avenue, nor that

portion of Classon avenue in said city lying between the northerly line of Lexington avenue and southerly line of Park avenue, nor that portion of Washington avenue in said city lying between Park and Atlantic avenues, nor DeBevoise place, Irving place and Leffert's place, Lee avenue; Nostrand avenue, Waverly avenue, Vanderbilt avenue and Clinton avenue in said city of Brooklyn, nor that portion of the city of Buffalo lying between Michigan and Main streets, nor any part of Fifth avenue in the city of New York, nor that portion of any street or avenue which is now actually occupied by any elevated railroad structure, shall be occupied by any corporation to be organized under the provisions of this act for the purpose of constructing a railway in or upon any of such public parks, lands or places, or upon or along either of the said excepted streets or avenues. It shall be lawful for said commissioners to locate the route of a railway or railways, by tunnel under any such public parks, lands or places and to locate the route of any railway to be built, under this act, across any of the streets and avenues now occupied by an elevated railroad structure in the city of New York or across any of the streets or avenues excepted in this act at any point at which, in its discretion, the board of rapid transit railroad commissioners may deem necessary in the location of any route or routes. Nothing in this act shall authorize the construction of an elevated railway on Broadway south of Thirty-third street, nor on Madison avenue in the city of New York. It shall not be lawful to grant, use or occupy, for the purposes of an elevated railroad, except for the purpose of crossing the same, any portion of the following named streets and places in the city of New York, that is to say: Second avenue below Twenty-third street; Nassau street; Printing House square, so called, south of Frankfort street; Park Row, south of Tryon row; Broad street and Wall street.

§ 5. After any determination by said board of any such route or routes and of any general plan of construction of said railway or railways, the said board shall transmit to the common council of said city a copy of said plans and conclusions as adopted. It shall be the duty of such common council upon receiving such copy of plans and con-

clusions to appoint a day not less than one week nor more than ten days after the receipt thereof for the consideration of such plans and conclusions, and the said common council shall, on the day so fixed, proceed with the consideration thereof and may continue and adjourn such consideration, from time to time, until a final vote shall be taken thereon, as hereinafter provided. Within four weeks after the copy of such plans and conclusions adopted by the board of rapid transit railroad commissioners shall have first been received by said common council, a final vote shall be taken thereon, by ayes and nays, in the form of a vote upon a resolution to approve such plans and conclusions, and to consent to the construction of a railway or railways in accordance therewith. Upon the adoption of such resolution* a majority vote of all the members of the common council and the approval of the mayor, and in the case of the refusal or failure of the mayor to approve such resolution, then by a two-thirds vote of all of the members of the common council, the said plans and conclusions shall be deemed to have been finally consented to and adopted, and such consent shall be deemed to be the consent of the local authorities of such city; provided, that where in any such city the exclusive control of any street, road, highway or avenue which is to be used or occupied by any railway or railways constructed under the provisions of this act, is by law vested in any local authority other than the common council of such city, the approval of the aforesaid plans and conclusions and the consent to the construction of a railway thereunder shall be given by such local authority in place of and if required in addition to such approval and consent by said common council and with like effect. Upon obtaining the approval and consent of the local authorities, as above provided, the said board of rapid transit railroad commissioners shall take the necessary steps to obtain, if possible, the said consents of the property owners along the line of the said route or routes. For the purposes of this act the value of the property bounded on that portion of any street or highway in, upon, over or under which it is proposed to construct or operate such railway or railways, or any part thereof, shall be ascertained and determined from the assessment-roll of the city in

* So in the original.

which the said property is situated, confirmed or completed last before the local authorities shall have given their consent as above provided. If such consents of property owners can not be obtained, the said board may, in its own name, make application to the general term of the supreme court in the judicial district in which such railway is to be constructed for the appointment of three commissioners to determine and report after due hearing whether such railway ought to be constructed and operated. Two weeks' notice of such application shall be given by daily publication thereof in six daily newspapers published in the city where such proposed railway is to be constructed, if there be so many newspapers published in said city, and if not then in all the daily newspapers published in said city. The newspapers in which said publication shall be made, shall be designated by the general term of the supreme court to which such application is to be made on the application of the commissioners without notice. The said general term, upon due proof of the publication aforesaid, shall appoint three disinterested persons who shall act as commissioners, and such commissioners within ten days after their appointment shall cause public notice to be given in the manner directed by the said general term, of their first sitting and may adjourn from time to time until all their business is completed. Vacancies in such commission may be filled by said general term after such notice to persons interested as the general term may deem proper, and the evidence taken before as well as after such vacancy occurred shall be deemed to be properly before such commissioners. The said commissioners shall determine after public hearing of all parties interested whether such railroad ought to be constructed and operated and shall report the evidence taken to said general term, together with a report of their determination whether such road ought to be constructed and operated, which report if in favor of the construction and operation of such road shall, when confirmed by said court, be taken in lieu of the consent of the property owners above mentioned. Such report shall be made within sixty days after the appointment of said commissioners, unless the said court or a judge thereof shall extend such time.

X § 6. When the consents of the local authorities and the property owners, or in lieu thereof, the authorization of the said supreme court upon the report of commissioners, shall have been obtained, the board of rapid transit railroad commissioners shall at once proceed to prepare detailed plans and specifications for the construction of such rapid transit railway or railways, including all devices and appurtenances deemed by it necessary to secure the greatest efficiency, public convenience and safety, including plans and specifications for suitable support, turnouts, switches, sidings, connections, landing places, buildings, platforms, stairways, elevators, telegraph and signal devices and other suitable appliances incidental and requisite to what the said board may approve as the best and most efficient system of rapid transit in view of the public needs and requirements, and the said board may in its discretion include in said plans provisions for subways or tunnels, for sewer, gas or water pipes, electric wires and other conductors proper to be placed under ground, whenever necessary so to do in order to permit of the proper construction of any railway herein provided for in accordance with the plans and specifications of the said board. Whenever the construction of any railway, depressed way, subway or tunnel under the provisions of this act shall interfere with, disturb or endanger any sewer, water pipe, gas pipe or other duly authorized subsurface structure, the work of construction at such points shall be conducted in the city of New York, in accordance with the reasonable requirements and under the supervision of the commissioner of public works, and in other cities in accordance with the reasonable requirements and under the supervision of the officer or local authority having the care of and the jurisdiction or control over such subsurface structures so interfered with, disturbed or endangered. All expenses incidental to such supervision and to the work of reconstructing, readjusting and supporting any such sewer, water pipe, gas pipe or other duly authorized subsurface structure shall be borne and paid by the company constructing any such railway, depressed way, subway or tunnel.

X § 7. The said board after having secured the necessary consents and after having prepared such detailed plans and

specifications as are by this act provided for, shall sell at public auction in the city where said railway or railways are to be built and for the account and benefit of said city the right, privilege and franchise to construct, maintain and and operate such railway or railways. Notice of the time and place of such sale shall be published three times a week for at least six successive weeks in at least three daily newspapers published in said city. The board may prescribe all such terms and conditions of sale as it may deem to be for the interest of the public and of the city in which the railway or railways are to be constructed. The advertisement of sale shall contain only so much of the said terms, plans and specifications for the construction as the board may think proper, but such advertisement must state at what place the full terms, plans and specifications may be examined, and they shall be subject to examination under such reasonable rules and regulations as the board may prescribe. The terms of sale shall provide for the construction of the railway or railways under the supervision of the board, and for the approval of an engineer or engineers to be appointed from time to time by the board, and the corporation or corporations to be organized for the purpose of constructing and operating such railway or railways as in this act provided shall pay such engineer or engineers such salary as may, from time to time, be fixed by the said board of rapid transit railroad commissioners. Such engineer or engineers shall hold their office at the pleasure of the said board. The terms of sale shall require the successful bidder to deposit with the comptroller or chief fiscal officer of the city, in cash or approved securities, such amount as the board may deem sufficient to constitute a guarantee of full compliance with the terms of sale by the purchaser and by the corporation to be formed for the purpose of building and operating said railway as hereinafter provided. Said bids and all rights which may have been acquired thereunder shall become null and void and of no effect, at the option of said board, should there be a failure to organize a corporation to exercise such rights, privileges and franchises as required by said terms of sale and this act, or for any violation of any of the requirements of said terms of sale which should be com-

plied with before such corporation is organized, and thereupon any deposit which may have been made pursuant to such terms of sale shall be paid into the treasury of such city upon a certificate being made and filed by said board with the public officer with whom such deposit shall have been made, that said bid and all rights which may have been acquired thereunder have become null and void and of no effect; and said rights, privileges and franchises shall be again sold by said board, subject to all the provisions of this act regulating such sales. The terms of sale shall require the construction of the road to be begun within a time to be specified in said terms of sale, and to be finished within a certain time thereafter to be specified therein and may prescribe the time within which portions of the same shall be begun and finished. The said terms of sale may reserve to the board the power to extend the times for the commencement and completion of the construction of said railway or of portions of the same if in its discretion the said board deem such extension to be for the best interests of the city. In case the corporation formed for the purpose of constructing said railway shall fail to begin or finish the construction within the the* times for those purposes respectively limited, all rights, privileges and franchises of such corporation to maintain and operate said railway shall be forfeited, and upon such forfeiture being adjudged by the court in a suit brought for that purpose in the name of the people, or by said board of rapid transit railroad commissioners, then the said board shall have power to advertise and resell said rights, privileges and franchises and so much of the road as shall have been constructed by such corporation; such suit shall have preference over all other cases in all courts; and the proceeds of such resale shall be applied first to the payment of the expenses of the resale, and then to the discharge of any liens which may have been created upon such property, and the balance shall be paid over to the said corporation. The terms of sale must provide for the organization by the purchaser or purchasers of such rights, privileges and franchises of a corporation to exercise the same, and to construct, maintain and operate such rapid transit railway or railways with the powers and subject to the duties and

* So in the original.

liabilities granted or imposed by this act. The said terms of sale must also specify the amount of the capital of any such corporation, and number of shares of capital stock which such corporation shall be authorized to issue, the percentage to be paid in cash by the subscribers on subscribing for such shares, the maximum amount of the bonded indebtedness which such corporation be authorized to incur, and which may be secured by mortgage upon its property and franchises, and the maximum rates of fares and freight which such corporation may charge and collect for the carriage of persons and property. The said board may, if it considers that the public interest requires it to do so, reject all all* bids and readvertise the said rights, privileges and franchises for sale, with the same or different terms of sale, as often as it may deem necessary in the interest of such city, and shall finally accept that bid, which under all circumstances in its opinion is most advantageous to the public and such city; and no bid shall be accepted without the concurrent vote of four members of the board. The terms of sale on any such resale must contain all the provisions required by this act to be inserted in the original terms of sale. Such sale may be adjourned from time to time at the discretion of the board. All sales of such rights, privileges and franchises shall be made for a definite term of years, but the expiration of the term, if sold for a term of years, shall not impair any mortgage or other lien upon the property of such corporation or the rights of any creditor or creditors of such corporation; provided, however, that nothing herein contained shall be so construed as to extend the term for which such rights, privileges and franchises are sold.

§ 8. Within one year, and not less than six months, prior to the expiration of any term for which such rights, privileges and franchises shall have been sold, said board shall proceed to resell the right to maintain and operate the said railway. Such sale shall be made in the manner prescribed for the original sale, and the board is empowered to make suitable provisions for securing to the corporation then operating such railway or railways suitable compensation for the railroad structure and appurtenances, and

* So in the original.

for any other property, real or personal, which the said corporation may own or of which it may be vested at the expiration of the term for which such rights, privileges and franchises were sold. Any corporation theretofore organized under the provisions of this act may be a purchaser on such resale; but if no such corporation be the purchaser, a new corporation shall be formed to maintain and operate said road in the manner prescribed for the organization of a corporation on the original sale, except that the plans and specifications according to which said railway has been constructed need not be set out at large, but may be referred to as forming part of the articles of association of said new corporation.

§ 9. The said board, by the concurrent vote of four members thereof may rent such offices and employ such engineers, attorneys and other persons, from time to time, as it may, in its discretion, deem necessary to the proper performance by it of its duties as in this act prescribed.

§ 10. The board of estimate and apportionment, or other board or public body on which is imposed the duty and in which is vested the power of making appropriations of public moneys for the purposes of the city government in any city in which it is proposed to construct such railway or railways, shall, from time to time, on requisition duly made by the board of rapid transit railroad commissioners, appropriate such sum or sums of money as may be requisite and necessary to properly enable it to do and perform or cause to be done and performed the duties herein prescribed. And such appropriation shall be made forthwith upon presentation of a requisition from the board of rapid transit railroad commissioners, which shall state the purposes for which such moneys are required by the said board. In case the said board of estimate and apportionment or such other board or public body fail to appropriate such amount as the board of rapid transit railroad commissioners deem requisite and necessary, the said board of rapid transit railroad commissioners may apply to the general term of the supreme court, in the department in which the railway is to be or has been constructed, on notice to the board of estimate and apportionment or such other board or public body aforesaid, to determine what amount shall

be appropriated for the purposes required by this section, and the decision of said general term shall be final and conclusive. And no city shall be liable for any indebtedness incurred by the said board of rapid transit railroad commissioners in excess of such appropriation or appropriations. It shall be the duty of the auditor and comptroller of any such city, after such appropriations shall have been duly made, to audit and pay the proper expenditures of said commissioners upon vouchers therefor, to be furnished by the said commissioners, which payments shall be made in like manner as payments are now made by the auditor, comptroller or other public officers of claims against and demands upon such city; and for the purpose of providing funds with which to pay the said sums, the comptroller of said city is hereby authorized and directed to issue and sell revenue bonds of such city in anticipation of receipt of taxes and out of the proceeds of such bonds to make the payments in this section required to be made. And the amount necessary to pay the principal and interest of such bonds shall be included in the estimates of moneys necessary to be raised by taxation to carry on the business of said city, and shall be made a part of the tax levy for the year next following the year in which such appropriations are made. All expenses of the said board of rapid transit railroad commissioners so incurred and paid by any city as in this section provided, and for which any city shall be liable, shall be repaid with interest by the bidder or bidders at the public sale of the rights, privileges and franchises as in this act provided whose bid shall be accepted by the board of rapid transit railroad commissioners, and the terms of such sale shall specify the time when such payment shall be made, as well as the amount thereof. The commissioners shall be paid a reasonable compensation for the duties performed by them in relation to each railway located by them under the provisions of this act. The amount of such compensation shall be determined by the general term of the supreme court in the department in which the railway is to be located upon application by the board of rapid transit railroad commissioners after notice to the mayor of the city in which the railway is to be built. The amount of such compensation shall be stated in the terms of sale and shall be paid by the purchaser.

§ 11. A corporation or corporations to construct and operate such rapid transit railway or railways, and to enjoy and exercise the rights, privileges and franchises in this act provided for shall be created and organized in the manner following: Articles of association shall be duly signed and acknowledged by not less than twenty-five persons, and such articles shall set forth the name of the proposed corporation and duration thereof. Said articles must also state that they are made and filed under and in pursuance of this act for the purpose of taking and exercising the rights, privileges and franchises so purchased as aforesaid, according to the terms of sale; and such terms of sale and all plans and specifications must be made a part of said articles, annexed thereto and filed therewith. The said articles must also contain such other provisions as the said board may deem requisite and necessary, not inconsistent with the terms of sale or with this act. The said articles must be approved by said board, by the concurrent vote of four members, and its approval must be endorsed thereon and attested by the seal of the board and the signature of its presiding officer, and must then be filed in the office of the secretary of state, and a duly certified copy, or a duplicate thereof, must be filed in the office of the clerk of the county in which such railway or railways are to be constructed. Immediately after the articles of association shall have been so made, approved and filed, the board of rapid transit railroad commissioners shall cause books of subscription to the capital stock of any such corporation to be opened, and shall give public notice of the opening of such books and of the time and place at which subscriptions will be received; and when the full amount of such capital stock shall have been subscribed by not less than fifty persons, and such percentage of the amount subscribed as may have been fixed by the board in the terms of sale shall have been paid in, in cash, to such bank or trust company as the board may select, the said board shall call a meeting of the subscribers for the purpose of organizing the corporation, serving upon or mailing to each subscriber a notice of such meeting at least ten days before the time appointed for holding the same; and the person or persons whose bid shall have been

accepted by the said board of rapid transit railroad commissioners shall, if they elect to become subscribers to the capital stock of such corporation, be entitled to a preference for themselves and their associates in subscribing for, and in the allotment of the shares of capital stock of such corporation.

§ 12. At such meeting of subscribers thirteen directors of the corporation shall be elected, each of whom shall be a holder in his own right of at least one hundred shares of the capital stock of the corporation, and the board of rapid transit railroad commissioners shall appoint the the* inspectors of the first election. Each share of stock shall entitle the holder to one vote for each director. The directors so selected shall hold office for one year and until others are elected in their places. At such meeting by-laws must be adopted not inconsistent with this act, which by-laws shall, among other things, provide for :

1. The term of office of the directors elected at any subsequent meeting of stockholders, which term shall not exceed one year.

2. The manner of filling any vacancy which may occur in any office or in the board of directors.

3. The time and place of the annual meeting of stockholders.

4. The manner of calling and holding special meetings of stockholders.

5. The number of stockholders who shall attend either in person or by proxy, at any stockholders' meeting in order to constitute a quorum:

6. The officers of the corporation, the manner of their election by the directors, and their duties and powers, and among which officers there shall be included a president, a secretary and a treasurer.

7. The manner of electing or appointing inspectors of election.

8. The manner of amending the by-laws.

The by-laws may also provide for the forfeiture of shares for the nonpayment of calls and for such other matters as may be deemed proper by the board of rapid transit rail-

* So in the original.

road commissioners and they must be approved by a resolution of said board.

§ 13. Within ten days after the said subscribers' meeting a record of the proceedings thereof, containing a copy of the subscription list, a copy of the by-laws adopted, and the names of the directors chosen, shall be prepared and duly certified by the person presiding over, and person acting as secretary of said meeting. There shall be attached thereto a certificate of the board of rapid transit railroad commissioners, attested by its seal and the signature of its presiding officer, that said board has approved the by-laws adopted at the subscribers' meeting, and that said corporation has been organized in accordance with the provisions of this act. The said record and certificate shall be filed by said board in the office of the secretary of state, and a duly certified copy or duplicate thereof shall be filed in the office of the clerk of the county in which said railway or railways are to be built, and thereupon and upon the payment to the state treasurer of a tax of one-eighth of one per centum of the par value of the capital stock of said corporation, such corporation shall be deemed to be fully organized. A copy of said certificate, duly certified by the secretary of state, or by the county clerk in whose office it is filed, shall be presumptive evidence of the due organization of such corporation in all courts and proceedings. Upon the production of the certified copy of said certificate, and upon the order of such corporation, the bank or trust company in which the percentage of subscriptions to the capital stock shall have been deposited, shall pay over to any such corporation the amount of such deposit, and said corporation shall repay to the purchaser or purchasers at the sale provided for in section seven of this act, the expenses paid by him or them to the city pursuant to the provisions of the terms of sale, with interest to the date of such re-payment.

§ 14. The said board of rapid transit railroad commissioners, if, in their judgment, the public interest requires, may, at any time after the full organization of any such corporation, by the concurrent vote of four members, authorize such corporation to alter or add to the detailed plans and specifications contained in its articles of associa-

tion, provided the plans and specifications as so modified do not change the route or routes of said railway and be not inconsistent with the general plan of construction, adopted under the provisions of section four of this act, and provided also such modifications be first approved by a vote of two-thirds of the directors of said corporation present and voting at any special meeting duly called for the purpose, by written notice stating the nature of the business to be transacted at said meeting. When such authorization by the board of rapid transit railroad commissioners shall have been given, a certificate shall be prepared, and acknowledged by the president and a majority of the directors of said corporation, stating the nature of the modification, and that the same has been approved by the board of directors in the manner above set forth, to which certificate there shall be attached a copy of so much of the original plans and specifications as are to be affected by the modification, and also the plans and specifications as modified. There shall also be contained in such certificate a declaration of the approval of said board of rapid transit railroad commissioners, attested in the same manner as the certificate of full organization. The said certificate, plans and specifications shall then be filed in the office of the secretary of state, and a certified copy or duplicate thereof shall be filed in the office of the clerk in which the articles of association are filed. And thereupon said corporation shall be authorized to construct its railway or railways and appurtenances in accordance with such modified plans and specifications.

§ 15. Every corporation organized under this act shall have its principal office and be taxed on its property in the city where its railway or railways are situated.

§ 16. The affairs of said corporation shall be managed by a board of thirteen directors, who shall be chosen annually, by a majority of the votes of the stockholders voting at such election, in such manner as may be prescribed in the by-laws of the corporation, and they may and shall continue to be directors until others are elected in their places. In the election of directors, each stockholder shall be entitled to one vote for each share of stock held by him. Vacancies in the board of directors shall be filled in such

manner as shall be prescribed by the by-laws of the corporation. No person shall be a director unless he shall be a stockholder owning one hundred shares of stock absolutely in his own right, and qualified to vote for directors at the election at which he shall be chosen. At every election of directors the books and papers of such corporation shall be exhibited to the meeting, provided a majority of the stockholders present shall require it.

§ 17. The directors shall require the subscribers to the capital stock of the company to pay the amount by them respectively subscribed in money at such times and in such instalments as they may deem proper, not inconsistent with the by-laws and the articles of association.

§ 18. Each stockholder of any corporation formed under this act shall be individually liable to the creditors of such corporation, to an amount equal to the amount unpaid on the stock held by him, for all the debts and liabilities of such corporation, until the whole amount of the capital stock so held by him shall have been paid to the corporation; and all the stockholders of any such corporation shall be jointly and severally liable for the debts due or owing to any of its laborers and servants, other than contractors, for personal services, for thirty days' service performed for such corporation, but shall not be liable to an action therefor before an execution or executions shall be returned unsatisfied in whole or in part against the corporation, and the amount due on such execution or executions shall be the amount recoverable, with costs, against such stockholders; before such laborer or servant shall charge such stockholder for such thirty days' service, he shall give him notice in writing within twenty days after the performance of such service, that he intends so to hold him liable, and he shall commence such action therefor within thirty days after the return of such execution unsatisfied, as above mentioned; and every such stockholder against whom any such recovery by such laborer or servant shall have been had, shall have a right to recover the same of the other stockholders in said corporation, in ratable proportion to the amount of the stock they shall respectively hold.

§ 19. The stock of every corporation formed under this act shall be deemed personal estate, and shall be transfer-

able in the manner prescribed by the by-laws of the company, but no share shall be transferable until all previous calls thereon shall have been fully paid in.

§ 20. Any corporation formed under this act may increase or reduce its capital stock from time to time upon obtaining the approval of the board of rapid transit railroad commissioners by a concurrent vote of four members thereof. Such increase or reduction must be approved by a vote in person, or by proxy, of two-thirds in amount of all the stockholders of the corporation, at a meeting of such stockholders called by the directors of the corporation for that purpose, by a notice in writing to each stockholder, to be served on him in the manner provided for service of the notice of the subscribers' meetings provided for in section eleven of this act. Such notice shall state the time and place of the meeting, and its object, and the amount to which it is proposed to increase or reduce the capital stock. A statement of the increase or reduction shall be signed by the president and a majority of the directors and shall be filed in the office of the secretary of state and of the clerk of the county in which the original articles of association are filed. There must be attached thereto a certificate of the approval of said board of rapid transit railroad commissioners attested in the same manner as the certificate of full organization.

§ 21. No person holding stock in any such corporation, as executor, administrator, guardian or trustee, and no person holding such stock as collateral security, shall be personally subject to any liability as a stockholder of such corporation; but the person pledging such stock shall be considered as holding the same, and shall be liable as a stockholder accordingly; and the estate and funds in the hands of such executor, administrator, guardian or trustee shall be liable in like manner, and to the same extent, as the testator or intestate or the ward or person interested in such trust fund would have been if he had been living and competent to act, and held the same stock in his own name.

§ 22. As often as any contractor for the construction of any part of a railway, which is in progress of construction under the provisions of this act, shall be indebted to any

laborer for thirty or any less number of days' labor performed in constructing said road, such laborer may give notice of such indebtedness to said corporation in the manner herein provided; and said corporation shall thereupon become liable to pay such laborer the amount so due him for such labor, and an action may be maintained against said corporation therefor. Such notice shall be given by said laborer to said corporation within twenty days after the performance of the number of days' labor for which the claim is made. Such notice shall be in writing, and shall state the amount and number of days' labor, and the time when the same was performed and the name of the contractor from whom due, and shall be signed by such laborer or his attorney, and shall be served on an engineer, agent or superintendent employed by such corporation having charge of the section of the road on which such labor was performed personally, or by leaving the same at the office or usual place of business of such engineer, agent or superintendent with some person of suitable age. But no action shall be maintained against any corporation under the provisions of this section, unless the same be commenced within thirty days after notice is given to such company by such laborer as above provided.

§ 23. Every such corporation shall have the right to acquire and hold such real estate or easement or other interest therein, or rights appertaining thereto, as may be necessary to enable it to construct, maintain and operate the said railway, or railways, and such as may be necessary for stations, depots, engine-house, car-houses, machine-shops, and other appurtenances specified in the articles of association; and in case any such corporation can not agree with the owner or owners of such property it shall have the right to acquire title to the same in pursuance of the terms of and in the manner prescribed in title one of chapter twenty-three of the Code of Civil Procedure, known as the condemnation law.

§ 24. Every corporation formed under this act shall have power :

1. To take and hold such voluntary grants of real estate and other property as shall be made to it, to aid in the construction, maintenance and accommodation of its rail-

way or railways, but the real estate received by voluntary grant shall be held and used for the purposes of such grant only.

2. To purchase, hold and use all such real estate and other property as may be necessary for the construction and maintenance of its railway or railways and the stations and other accommodations necessary to accomplish the objects of its incorporation; but nothing herein contained shall be held as repealing or in any way affecting the act entitled "An act authorizing the construction of railroads upon Indian lands," passed May twelve, eighteen hundred and thirty-six.

3. To cross, intersect, join and unite its railway or railways with any other railway before constructed at any point on its route, and upon the grounds of such other railway company, with the necessary turnouts, sidings and switches and other conveniences in furtherance of the objects of its connections. And every corporation whose railway is or shall be hereafter intersected by any new railway shall unite with the owners of such new railway in forming such intersertions and connections, and grant the facilities aforesaid; and if the two corporations can not agree upon the amount of compensation to be made therefor the same shall be ascertained and determined by commissioners to be appointed by the court, in the manner provided in this act in respect to acquiring title to real estate. And if the two corporations can not agree upon the points and manner of such crossings and connections, the board of rapid transit railroad commissioners shall determine the same on the application of either corporation.

4. To take and convey persons and property on its railway or railways by the power or force of steam, or by any motor other than animal power, and to receive compensation therefor not inconsistent with the provisions of this act and the terms of sale under which the said corporation shall have acquired its rights, privileges, and franchises.

5. To enter upon and underneath the several streets, avenues public places and lands designated by the said board of rapid transit railroad commissioners, and enter into and upon the soil of the same; to construct, maintain, operate and use, in accordance with the plan adopted by said board

a railway or railways upon the route or routes and to the points decided upon, and to secure the necessary foundations and erect the columns, piers and other structures which may be required to secure safety and stability in the construction and maintainance of the railways constructed upon the plan adopted by the said board and which may be necessary for operating the same; except that nothing in this act shall authorize the construction of a railway crossing the track of any steam railway now in actual operation at the grade thereof, or the erection of piers or supports for any elevated railway upon a railway track now actually in use in any street or avenue; and it shall be lawful to make such excavations and openings along the route through such railway or railways shall be constructed as shall be necessary from time to time; in all cases the surface of said streets around such foundations, piers and columns shall be restored to the condition in which they were before such excavations were made, as near as may be and under the direction of the proper local authorities, and in all cases the use of the streets, avenues, places and lands designated by the said board, and the right of way through the same, for the purpose of a railway or railways, as herein authorized and provided, shall be considered, and is hereby declared, to be a public use, consistent with the uses for which the roads, streets, avenues and public places are publicly held; but no such corporation shall have the right to acquire the use or occupancy of public parks or squares in such county, or the use or occupancy of any of the streets or avenues, except such as may have been designated for the route or routes of such railway, and except such temporary privileges as the proper authorities may grant to such corporations to facilitate such construction.

6. From time to time to borrow such sums of money as may be necessary for completing and finishing or operating their railroad, and to issue and dispose of their bonds for any amount so borrowed, but the amount of such bonds outstanding at any one time shall not exceed the amount limited by the articles of association.

§ 25. Every conductor, baggage master, engineer, brakeman or other servant of any railroad corporation employed in a passenger train, or at stations for passengers, shall

wear upon his hat or cap a badge, which shall indicate his office, and the initial letter of the style of the corporation by which he is employed. No conductor or collector, without such badge, shall be entitled to demand or receive from any passenger any fare or ticket, or to exercise any of the powers of his office; and no officer or servant without such badge shall have authority to meddle or interfere with any passenger, his baggage or property.

§ 26. Any such corporation shall, when applied to by the postmaster-general, convey the mails of the United States on their road or roads respectively; and in case the parties cannot agree as to the rate of transportation therefor, and as to the time, rate of speed, manner and conditions of carrying the same, it shall be lawful for the governor of this state to appoint three commissioners, who, or a majority of them, after fifteen days' notice in writing of the time and place of meeting to the corporation, shall determine and fix the prices, terms and conditions aforesaid; but such price shall not be less for carrying said mails in the regular passenger trains than the amount which such corporation would receive as freight on a like weight of merchandise transported in their merchandise trains, and a fair compensation for the post-office car. And in case the postmaster-general shall require the mail to be carried at other hours, or at a higher speed than the passenger trains are run, the corporation shall furnish an extra train for the mail, and be allowed an extra compensation for the expenses and wear and tear thereof, and for the service to be fixed as aforesaid.

§ 27. If any passenger shall refuse to pay his fare, it shall be lawful for the conductor of the train and the servants of the corporation to put him and his baggage out of the cars, using no unnecessary force, at any usual stopping place, on stopping the train.

§ 28. Every such corporation shall start and run its cars for the transportation of passengers and property at regular times, to be fixed by public notice; and shall furnish sufficient accommodations for the transportation of all such passengers and property as shall, within a reasonable time previous thereto, be offered for transportation at the place of starting and the junction of other railroads, and at

usual stopping places established for receiving and discharging way passengers and freight for that train; and shall take, transport and discharge such passengers and property at, from and to such places, on the due payment of the freight or fare legally authorized therefor; and shall be liable to the party aggrieved in an action for damages, for any neglect or refusal in the premises.

§ 29. If any person shall, while in charge of a locomotive engine running upon the railway of any such corporation, or while acting as the conductor of a car or train of cars on any such railroad, be intoxicated, he shall be deemed guilty of a misdemeanor.

§ 30. If any person or persons shall willfully do, or cause to be done, any act or acts whatever, whereby any building, construction or work of any railway corporation, or any engine, machine or structure, or any matter or thing appertaining to the same, shall be stopped, obstructed, impaired, weakened, injured or destroyed, the person or persons so offending shall be guilty of a misdemeanor, and shall forfeit and pay to the said corporation treble the amount of damages sustained in consequence of such offense.

§ 31. The legislature may, at any time, annul or dissolve any corporation formed under this act; but such dissolution shall not take away or impair any remedy given against any such corporation, its stockholders or officers, for any liability which shall have been previously incurred.

§ 32. The said board of rapid transit railroad commissioners may also from time to time, upon application of any railway corporation owning or actually operating a railroad wholly or in part within the limits of any city in which the said board has power to act, if in the judgment of said board the public interests so demand, by the concurrent vote of all the members of said board fix and determine the route or routes by which any such railway company may connect with other steam railways, or the stations thereof, or with steam ferries, or may extend its lines within said city and may authorize any such railway company to lay an additional track or tracks on, above, under or contiguous to a portion or the whole of the route or routes of its railway or railways within said city and to acquire terminal or

other facilities necessary for the accommodation of the traveling public on any street or place except the place now known as Battery park on which said railway shall be located; and the said board shall fix and determine the locations and plans of construction of the railways upon such route or routes and of such tracks and facilities, the times within which they shall be respectively constructed, the compensation to be made therefor to the city by said railway company, and such other terms, conditions and requirements as to the said board may appear just and proper. A certificate shall be prepared by the said board, attested by its seal and the signatures of its presiding officer, setting forth in detail the action taken by the said board with respect to such connecting or extended route or routes and such tracks and facilities, and the terms, conditions and requirements aforesaid. Such certificates shall be delivered to said railway corporation upon the receipt by said board of a written acceptance of said terms, conditions and requirements, duly executed by said railway corporation, so as to entitle it to be recorded. The said certificate shall be filed in the office of the secretary of state, and a duly certified copy thereof shall be filed in the office of the clerk of the county in which the railways of said railway corporation are situated, and thereupon, and upon fulfillment by such railway corporation, so far as it relates to such connections, additional track or tracks, or facilities, of such of the requirements and conditions as are necessary to be fulfilled in such cases, under section eighteen of article three of the constitution of this state, and upon fulfillment by such railway corporation of such other terms, conditions and requirements enumerated in said certificate, as the said board may require to be fulfilled as a condition precedent to commencing said work, said railway company shall in such cases possess in addition to existing franchises all the powers conferred by this act upon corporations specially formed thereunder, with respect to its railways authorized to be constructed as aforesaid, and when any route or routes, additional track or tracks, or terminal or other facilities, shall be so fixed and determined, and a certificate as aforesaid shall have been duly filed, such railway company may construct the same with all the rights, and

with like effect as though the same had been a part of the original route of its railway then in actual operation. But the construction and operation of such connections, extensions, additional track or tracks, or facilities, are hereby authorized only upon the condition that the consent of the owners of one-half in value of the property bounded on, and the consent also of the local authorities having the control of that portion of a street or highway upon, above or under which it is proposed to construct or operate the same, be first obtained, or in case the consent of such property owners cannot be obtained, the general term of the supreme court in the district in which they are proposed to be constructed, may, upon application, in the same manner and on the same notice specified in section five of this act, appoint three commissioners, who shall determine after a hearing of all parties interested, whether the same ought to be constructed or operated, and their determination, confirmed by the court, may be taken in lieu of the consent of the property owners.

§ 33. Wherever the route selected by the said board of rapid transit railroad commissioners for the construction of such railway shall intersect, cross or coincide with any railway track or tracks occupying the surface of any street or avenues, any corporation organized under this act is hereby authorized, for the purpose of constructing the said work, to remove the track or tracks of any such surface railway or railways, but the same shall be done in such manner as to interfere as little as possible with the practical operation or workings of such surface railway or railways, and upon the construction of such railway built under and in conformity with the provisions of this act, where such removals or changes have been made, the same shall be restored, as nearly as may be, to the condition in which they were previous to the construction of any such railway built under the provisions of this act, and any damage which such company or companies may sustain, shall be ascertained by a commission to be appointed the same as in the case where lands are taken for the purposes of a railway route or routes as hereinbefore provided in this act. All such removals and restorations shall be made at the proper cost and charge of such corporation as may

have entered upon the occupancy of such street or streets. Nothing contained in this act shall authorize any corporation formed thereunder to use the tracks of any horse railway.

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§ 34. This act shall not be construed to repeal or in any manner affect chapter six hundred and six of the laws of eighteen hundred and seventy-five, entitled "An act to further provide for the construction and operation of a steam railway or railways in the counties of this state," or the acts amendatory thereof or supplementary thereto, or article five of chapter five hundred and sixty-five of the laws of eighteen hundred and ninety, known as the railroad law, except so far as the said acts, or either of them, would if this act had not been passed, authorize the appointment hereafter of any commissioners applied for as provided in section one of said act of eighteen hundred and seventy-five, or in section one hundred and twenty of said act of eighteen hundred and ninety, in any city or cities containing a population of over one million inhabitants, according to the last preceding national or state census or authorize any commissioners already appointed pursuant to the provisions of such act or acts in any such city or cities, to fix, determine or locate any new route or routes, pursuant to the provisions of either of said acts. This act shall not be construed in any manner to affect the exercise or enjoyment at any time, and from time to time hereafter, of any right or rights heretofore acquired, exercised or enjoyed by any corporation heretofore duly incorporated and organized or deriving powers and rights under the laws of this state. This act shall not affect or impair the exercise or enjoyment of any right or rights now possessed or heretofore acquired or heretofore authorized to be acquired, exercised or enjoyed by any street surface railroad corporation, except as herein otherwise expressly provided, and this act shall not be construed to repeal or in any manner affect chapter one hundred and forty of the laws of eighteen hundred and fifty, entitled "An act to authorize the formation of railroad corporations, and to regulate the same," or either of the several acts amendatory thereof or supplementary thereto. This act shall not be construed to repeal or in any manner affect chapter five hundred and sixty-

five of the laws of eighteen hundred and ninety, known as the railroad law, except hereinabove expressly provided, or except so far as the provisions of the same conflict with the provisions of this act.

65 § 35. No railroad shall be constructed or operated upon the surface of any street, avenue or highway in the city of New York under the provisions or authority of this act.

66 § 36. All acts and parts of acts local or general inconsistent with this act are hereby repealed.

67 § 37. 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.

FRANK RICE,
Secretary of State.

Whereas, On the 23d day of December, 1890, application was made to me, Hugh J. Grant, Mayor of the City of New York, by George P. Read and others, being more than fifty reputable householders and taxpayers of the City and County of New York, which said application was duly verified upon oath before a justice of the Supreme Court, by which it appears that there is need in the City and County of New York of a steam railway or railways for the transportation of passengers, mails and freight, and by which I am requested in pursuance of the provisions of Chapter 606 of the Laws of 1875, and the several acts amendatory thereof to appoint five commissioners, who shall be residents of the said City and County of New York, and who shall have full power and authority to do and provide all that they are directed to do and provide by the said Act of 1875; and

Whereas, It is provided in and by the first section of the said Chapter 606 of the Laws of 1875, that upon the presentation of such an application to the mayor of any city in this State whenever a proposed railway shall be wholly within the limits of the said city, such mayor shall appoint such commissioners.

Now, therefore, I, the said Hugh J. Grant, Mayor of the City of New York, within thirty days after the presentation to me of the said application, do hereby appoint William Steinway, John H. Starin, Samuel Spencer, Eugene L. Bushe and Frederick P. Olcott, each of whom is a resident of the City and County of New York, as commissioners with full power and authority to do and provide all that they are directed to do and provide under the provisions of the said Act, Chapter 606 of the Laws of 1875, and the various acts amendatory thereof.

In witness whereof, I have hereunto set my hand in this the City of New York, on the 23d day of December in the year of our Lord one thousand eight hundred and ninety.

HUGH J. GRANT,
Mayor.

STATE OF NEW YORK, }
City and County of New York, { ss.:

I, LEONARD A. GIEGERICH, Clerk of the said City and County, and Clerk of the Supreme Court of said State for said County, do certify, that I have compared the preceding with the original appointment of Commissioners William Steinway, John H. Starin, Samuel Spencer, Eugene L. Bushe, and Frederick P. Olcott, by the Mayor of the City of New York, under Chapter 606 of the Laws of 1875 (filed December 24, 1890), on file in my office, and that the same is a correct transcript therefrom, and the whole of such original.

In witness whereof, I have hereunto subscribed my name, and affixed my official seal, this 26th day of February, 1891.

[SEAL.]

LEONARD A. GIEGERICH,
Clerk.

CITY AND COUNTY OF NEW YORK, ss:

I, WILLIAM STEINWAY, one of the Commissioners appointed by the Mayor of the City of New York, under the provisions of Chapter 606 of the Laws of 1875 by appointment dated the twenty-third day of December, 1890, do solemnly swear that I will support the Constitution of the United States and the Constitution of the State of New York, and that I will faithfully discharge the duties of the office of Commissioner aforesaid, according to the best of my ability, and that I will faithfully perform the duties of my office.

WILLIAM STEINWAY.

Sworn to before me this 29th }
day of December, 1890. }

WM. J. DUGGET,
Comr. of Deeds,
N. Y. County.

Know all men by these presents: That we, William Steinway, Oswald Ottendorfer and the American Surety Company of New York are held and firmly bound unto the People of the State of New York, in the penal sum of twenty-five thousand dollars (\$25,000), lawful money of the United States of America, to be paid unto the said People of the State of New York.

For which payment well and truly to be made and done, we bind ourselves, our heirs, executors, administrators, successors and assigns, jointly and severally firmly by these presents.

Sealed with our seals and dated this 29th day of December, in the year of our Lord eighteen hundred and ninety.

Whereas, the above bounden William Steinway has been duly appointed to the office of a Commissioner under the provisions of Chapter 606 of the Laws of 1875.

Now the condition of this obligation is such that if the above bounden William Steinway shall in all things well, truly and faithfully perform the duties that may be legally required of him to perform and do, during his continuance in the said office of a Commissioner, under the provisions of Chapter 606 of the Laws of 1875, then this obligation to be void; otherwise to remain in full force and virtue.

WILLIAM STEINWAY, [SEAL.]
OSWALD OTTENDORFER, [SEAL.]
AMERICAN SURETY COMPANY. [SEAL.]

By HENRY D. LYMAN,
Vice-President.

FRED. F. NUGENT,
Secretary.

Sealed and delivered in the presence of

WM. J. DUGGETT as to
OSWALD OTTENDORFER and WM. STEINWAY.

H. S. HINTON as to
AM. S. CO.

STATE OF NEW YORK,
 City and County of New York, } ss.:

OSWALD OTTENDORFER, in the within bond named, being duly sworn, doth depose and say: That he is a resident of and freeholder within this State, and that he is worth the sum of fifty thousand dollars (\$50,000), over and above all the debts and liabilities which he owes or has incurred, and exclusive of property exempt by law from levy and sale under an execution.

OSWALD OTTENDORFER.

Sworn to before me this 29th }
 day of December, 1890. }

WM. J. DUGGETT,
 Commissioner of Deeds,
 N. Y. Co.

STATE OF NEW YORK,
 City and County of New York, } ss.:

On this 29th day of December, 1890, before me, a Commissioner of Deeds, personally appeared the above named William Steinway and Oswald Ottendorfer, known to me to be the same persons described in and who executed the above bond, and they severally acknowledged to me that they executed the same.

WM. J. DUGGETT,
 Commissioner of Deeds,
 New York County.

STATE CITY AND COUNTY OF NEW YORK, ss.:

On this 30th day of December, 1890, before me personally appeared Henry D. Lyman, Vice-President of the American Surety Company, with whom I am personally acquainted, who being by me duly sworn, said that he resided in New York City and that he is the Vice-President of the American Surety Company of New York; that he knew the corporate seal of said Company; that the seal affixed to the foregoing instrument is such corporate seal; that it was affixed by an order of the Board of Directors of said Company, and that he signed said instrument as Vice-President of said Company by like authority, and that the liabilities of said Company do not exceed its assets as ascertained in the manner provided in Section 3, Chapter 486 of the Session Laws of 1881; and the said Henry D. Lyman further said that he was acquainted with Fred. F. Nugent, and knew him to be the Secretary of said Company that the signature of said Fred. F. Nugent, subscribed to the said instrument is in the genuine handwriting of the said Fred. F. Nugent, and was thereto subscribed by the like order of the said Board of Directors, and in the presence of him, the said Henry B. Lyman, Vice-President.

H. G. HINTON,
 Notary Public,
 Kings County, N. Y.

Certificate filed in New York Co.

At a meeting of the Board of Directors of the American Surety Company, held at the office of the Company, on the 9th day of June, 1886, on motion it was

“*Resolved*, That in pursuance of Chapter 416, Laws of 1886, amending Section 811 of the Code of Civil Procedure, the President or Vice-President be and either of them is hereby authorized and empowered to sign, execute and deliver any and all bonds and undertakings for and on behalf of the Company, and to attach thereto the seal of the Company, the same to be attested by the Secretary or Assistant Secretary.”

CITY AND COUNTY OF NEW YORK, ss.:

I, FREDERICK F. NUGENT, Secretary of the American Surety Company, have compared the foregoing resolution with the original thereof, as recorded in the Minute Book of the said Company, and do certify that the same is a correct and true transcript therefrom, and the whole of said original resolution.

Given under my hand, and seal of the Company at the City of New York, this 29th day of December, 1890.

[SEAL.]

FRED. F. NUGENT,
Secretary.

STATE OF NEW YORK, }
City and County of New York, } ss.:

I, LEONARD A. GEIGERICH, Clerk of the said City and County, and Clerk of the Supreme Court of said State for said County, do certify, that I have compared the preceding with the original bond (filed and recorded January 2, 1891) and oath of office (filed January 2, 1891,) of William Steinway as a Commissioner under Chapter 606, Laws of 1875, on file in my office, and that the same are correct transcripts therefrom, and the whole of such originals.

In witness whereof, I have hereunto subscribed my name, and affixed my official seal, this 26th day of February, 1891.

[SEAL.]

LEONARD A. GIEGERICH,
Clerk.

[ENDORSED.]

William Steinway and others to the People of the State of New York. Bond of Commissioner under Chapter 606 of the Laws of 1875. Approved—Abm. R. Lawrence, Justice Supreme Court, January 2, 1891.

CITY AND COUNTY OF NEW YORK, ss.:

I, JOHN H. STARIN, one of the Commissioners appointed by the Mayor of the City of New York, under the provisions of Chapter 606 of the Laws of 1875, by appointment, dated the twenty-third day of December, 1890, do solemnly swear that

I will support the Constitution of the United States and the Constitution of the State of New York, and that I will faithfully discharge the duties the office of Commissioner aforesaid, according to the best of my ability, and that I will faithfully perform the duties of my office.

JOHN H. STARIN.

Sworn to before me this 30th }
day of December, 1890. }

HORACE B. FREEMAN,
Notary Public,
City and County of New York.

Know all men by these presents: That we, John H. Starin, Sam. Sloan and Percy R. Pyne, are held and firmly bound unto the People of the State of New York in the penal sum of twenty-five thousand dollars, lawful money of the United States of America, to be paid unto the said People of the State of New York.

For which payment, well and truly to be made and done, we bind ourselves, our heirs, executors, administrators and assigns jointly and severally firmly by these presents.

Sealed with our seals, and dated this 30th day of December, in the year of our Lord eighteen hundred and ninety.

Whereas, The above bounden, John H. Starin, has been duly appointed to the office of a commissioner under the provisions of Chapter 606 of the Laws of 1875,

Now the condition of this obligation is such that if the above bounden John H. Starin shall in all things well, truly and faithfully perform the duties that may be legally required of him to perform and do, during his continuance in the said office of a commissioner under the provisions of Chapter 606 of the Laws of 1875, then this obligation to be void; otherwise to remain in full force and virtue.

JNO. H. STARIN, [SEAL.]
SAM. SLOAN, [SEAL.]
PERCY R. PYNE. [SEAL.]

Sealed and delivered in the presence of
L. R. MILLER.

STATE OF NEW YORK, }
City and County of New York, } ss.:

SAMUEL SLOAN, in the within bond named, being duly sworn, doth depose and say: That he is a resident of and freeholder within this State, and that he is worth the sum of fifty thousand dollars (\$50,000), over and above all the debts and liabilities which he owes or has incurred and exclusive of property exempt by law from levy and sale under an execution.

SAM. SLOAN.

Sworn to before me this 30th }
day of December, 1890. }

LUDLOW R. MILLER,
Notary Public,
Appointed from Kings County.

Certificate filed in New York County.

STATE OF NEW YORK, }
 City and County of New York, } ss.:

PERCY R. PYNE, in the within bond named, being duly sworn, doth depose and say: That he is a resident of and freeholder within this State, and that he is worth the sum of fifty thousand dollars (\$50,000), over and above all the debts and liabilities which he owes or has incurred, and exclusive of property exempt by law from levy and sale under an execution.

PERCY R. PYNE.

Sworn to before me this 30th }
 day of December, 1890. . }

LUDLOW R. MILLER,
 Notary Public,
 Appointed from Kings County.

Certificate filed in New York County.

STATE OF NEW YORK, }
 City and County of New York, } ss.:

On this 30th day of December, 1890, before me, a notary public, personally appeared the above-named John H. Starin, Samuel Sloan and Percy R. Pyne, known to me to be the same persons described in, and who executed the above bond, and they severally acknowledged to me that they executed the same.

LUDLOW R. MILLER,
 Notary Public,
 Appointed from Kings Co.

Certificate filed in New York County.

STATE OF NEW YORK, }
 City and County of New York, } ss.:

I, LEONARD A. GIEGERICH, Clerk of the said City and County, and Clerk of the Supreme Court of said State for said County, do certify, that I have compared the preceding with the original bond (filed and recorded January 2, 1891,) and oath of office (filed January 2, 1891,) of John H. Starin as a Commissioner under Chapter 606, Laws 1875, on file in my office, and that the same are correct transcripts therefrom, and the whole of such originals.

In witness whereof, I have hereunto subscribed my name, and affixed my official seal, this 26th day of February, 1891.

[SEAL.]

LEONARD A. GIEGERICH,
 Clerk.

[ENDORSED.]

John H. Starin and others to the People of the State of New York.
 Bond of Commissioner under Chapter 606 of the Laws of 1875. Approved—Abm. R. Lawrence, Justice Supreme Court, January 2, 1891.

CITY AND COUNTY OF NEW YORK, ss.:

I, SAMUEL SPENCER, one of the Commissioners appointed by the Mayor of the City of New York, under the provisions of Chapter 606 of the Laws of 1875, by appointment dated the twenty-third day of December, 1890, do solemnly swear that I will support the Constitution of the United States and the Constitution of the State of New York, and that I will faithfully discharge the duties of the office of Commissioner aforesaid, according to the best of my ability, and that I will faithfully perform the duties of my office.

SAMUEL SPENCER.

Sworn to before me this 31st)
day of December, 1890. }

THOMAS E. RUSH,
Com'r of Deeds,
N. Y. City.

Know all men by these presents: That we, Samuel Spencer and the United States Guarantee Company (a corporation organized under the Laws of New York) and the Guarantee Company of North America (a corporation created by the Laws of the Dominion of Canada, and duly licensed to transact business within the State of New York, are held and firmly bound unto the People of the State of New York, in the penal sum of twenty-five thousand dollars, lawful money of the United States of America, to be paid unto the said People of the State of New York.

For which payment well and truly to be made and done, we bind ourselves, our heirs, executors, administrators, successors and assigns, jointly and severally firmly by these presents.

Sealed with our seals and dated this second day of January, in the year of our Lord eighteen hundred and ninety-one.

Whereas, The above bounden Samuel Spencer has been duly appointed to the office of a Commissioner under the provisions of Chapters 606 of the Laws of 1875.

Now the condition of this obligation is such that if the above bounden, Samuel Spencer shall in all things well, truly and faithfully perform the duties that may be legally required of him to perform and do, during his continuance in the said office of a Commissioner, under the provisions of Chapter 606 of the Laws of 1875, then this obligation to be void; otherwise to remain in full force and virtue.

SAMUEL SPENCER. [SEAL.]

UNITED STATES GUARANTEE COMPANY,

LOGAN C. MURRAY, [SEAL.]

1st Vice-President.

DANIEL J. TOMPKINS,

Secretary.

THE GUARANTEE COMPANY OF NORTH AMERICA,

L. C. MURRAY, [SEAL.]

Director.

DANIEL J. TOMPKINS,

Secretary.

N. Y. Branch Board.

Sealed and delivered in the presence of
WALTER B. HORNE.

STATE OF NEW YORK }
 City and County of New York, } ss.:

On this second day of January, 1891, before me, a notary public, personally appeared the above named Samuel Spencer, known to me to be the same person described in, and who executed the above bond, and acknowledged to me that he executed the same.

WALTER B. HORNE,
 Notary Public,
 Kings Co.

Certificate filed in New York Co.

Residence, 56 Hewes Street, Brooklyn, E. D.

STATE OF NEW YORK, }
 City and County of New York, } ss.:

Be it remembered that on the second day of January, in the year one thousand eight hundred and ninety-one, before me, the subscriber, a notary public in and for said City and County personally came Daniel J. Tompkins, known to me to be the Secretary of the United States Guarantee Company, the corporation described in and which executed the annexed instrument, who being by me duly sworn did depose and say: that he resides in the City of Brooklyn, in the State of New York, that he is the Secretary of the said United States Guarantee Company and knows the corporate seal thereof; that the seal affixed to the annexed instrument is the corporate seal of said Company, and was thereto affixed by order of the Board of Directors of said Company, and that he signed his name thereto by the like order as Secretary of said Company. And deponent further said that he is acquainted with Logan C. Murray and knows him to be the 1st Vice-President of said Company, and that the signature of the said Logan C. Murray subscribed to the annexed instrument is in the genuine handwriting of the said Logan C. Murray and was thereto subscribed by the like order of the said Board of Directors, and in the presence of said deponent, and that the assets of the said Company exceed its liabilities of all kind by more than the sum of two hundred and fifty thousand dollars.

In witness whereof, I have hereunto set my hand and affixed my notarial seal this second day of January, in the year one thousand eight hundred and ninety-one.

[SEAL.] THOS. D. RAMBAUT,
 Notary Public,
 Kings and New York Counties.

STATE OF NEW YORK, }
 City and County of New York, } ss.:

Be it remembered that on this second day of January, in the year one thousand eight hundred and ninety-one, before me, the subscriber, a notary public in and for the said City and County, personally came Daniel J. Tompkins, known to me to be the Secretary of the Branch Board of Directors at New York of the Guarantee Company of North America, the corporation described in and which executed the annexed instrument: who, being by me duly

sworn, did depose and say: that he resides in the City of Brooklyn, in the State of New York, that he is the Secretary of the Branch Board of Directors at New York of the said Guarantee Company of North America and knows the corporate seal thereof; that the seal affixed to the annexed instrument is the corporate seal of said Company, and was affixed thereto by order of the said Branch Board of Directors of said Company, and that he signed his name thereto by the like order, as Secretary of said Branch Board.

And the deponent further said that he is acquainted with Logan C. Murray and knows him to be one of the Directors of said Branch Board, and that the signature of the said Logan C. Murray subscribed to the said annexed instrument is in the genuine handwriting of said Logan C. Murray, and was thereto subscribed by the like order of the said Branch Board of Directors, and in the presence of said deponent, and that the assets of said Company exceed the liabilities of all kinds by more than the sum of five hundred thousand dollars.

In witness whereof, I have hereunto set my hand and affixed my notarial seal this second day of January, in the year one thousand eight hundred and ninety-one:

[SEAL.]

THOS. D. RAMBAUT,

Notary Public,

Kings and New York Counties.

STATE OF NEW YORK,
City and County of New York, } ss.:

I, LEONARD GIEGERICH, Clerk of the said City and County, and Clerk of the Supreme Court of said State for said County, do certify, that I have compared the preceding with the original bond (filed and recorded January 2d, 1891) of Samuel Spencer, and oath of office of same as Commissioner under Chapter 606, Laws 1875, on file in my office, and that the same are correct transcripts therefrom, and the whole of such originals.

In witness whereof, I have hereunto subscribed my name, and affixed my official seal, this 26th day of February, 1891.

[SEAL.]

LEONARD A. GIEGERICH,

Clerk.

[ENDORSED.]

Samuel Spencer and others to the People of the State of New York. Bond of Commissioner under Chapter 606 of the Laws of 1875. Approved Jan'y 2, 1891 — Abm. R. Lawrence, Justice Supreme Court.

CITY AND COUNTY OF NEW YORK, ss.:

I, EUGENE L. BUSHE, one of the Commissioners appointed by the Mayor of the City of New York, under the provisions of Chapter 606 of the Laws of 1875, by appointment, dated the twenty-third day of December, 1890, do solemnly swear that I will

support the Constitution of the United States and the Constitution of the State of New York, and that I will faithfully discharge the duties of the office of Commissioner aforesaid, according to the best of my ability, and that I will faithfully perform the duties of my office.

EUGENE L. BUSHE.

Sworn to before me this 29th }
day of December, 1890. }

TERENCE FARLEY,
Com'r of Deeds,
N. Y. City.

Know all men by these presents: That we, Eugene L. Bushe, Howard W. Coates and the American Surety Company of New York are held and firmly bound unto the People of the State of New York, in the penal sum of twenty-five thousand dollars, lawful money of the United States of America, to be paid unto the said People of the State of New York.

For which payment, well and truly to be made and done, we bind ourselves, our heirs, executors, administrators and assigns, jointly and severally firmly by these presents.

Sealed with our seals and dated this 30th day of December, in the year of our Lord eighteen hundred and ninety.

Whereas, The above bounden Eugene L. Bushe, has been duly appointed to the office of a Commissioner under the provisions of Chapter 606 of the Laws of 1875,

Now the condition of this obligation is such that if the above bounden Eugene L. Bushe, shall in all things well, truly and faithfully perform the duties that may be legally required of him to perform and do, during his continuance in the said office of a Commissioner, under the provisions of Chapter 606 of the Laws of 1875, then this obligation to be void; otherwise to remain in full force and virtue.

	EUGENE L. BUSHE,	[SEAL.]
	HOWARD W. COATES,	[SEAL.]
AMERICAN SURETY COMPANY OF NEW YORK,		[SEAL.]
	HENRY D. LYMAN,	
	<i>Vice-President.</i>	
	FRED. F. NUGENT,	
	<i>Secretary.</i>	

Sealed and delivered in the presence of
FRED'K E. FISHEL, as to
EUGENE L. BUSHE and HOWARD W. COATES.
H. G. HINTON, as to
AM. S. CO.

STATE OF NEW YORK, }
City and County of New York, } ss.:

HOWARD W. COATES, in the within bond named, being duly sworn, deposes and says: That he is a resident of and freeholder within this State and that he is worth the sum of fifty thousand

dollars (\$50,000) over and above all the debts and liabilities which he owes or has incurred, and exclusive of property exempt by law from levy and sale under an execution.

HOWARD W. COATES.

Sworn to before me this 30th }
day of December, 1890. }

FRED'K E. FISHEL,
[SEAL.] Notary Public,
Kings Co.

Cert. filed in N. Y. County.

STATE OF NEW YORK, }
City and County of New York, }

On this 30th day of December, 1890, before me, a Notary Public, personally appeared the above-named Eugene L. Bushe and Howard W. Coates, known to me to be the same persons described in, and who executed the above bond, and they severally acknowledged to me that they executed the same.

[SEAL.]

FRED'K E. FISHEL,
Notary Public,
Kings County.

Cert. filed in N. Y. Co.

STATE, CITY AND COUNTY OF NEW YORK, ss.:

On this 30th day of December, 1890, before me personally appeared Henry D. Lyman, Vice-President of the American Surety Company, with whom I am personally acquainted, who being by me duly sworn, said: That he resided in New York City, and that he is the Vice-President of the American Surety Company of New York; that he knew the corporate seal of said Company; that the seal affixed to the foregoing instrument is such corporate seal; that it was affixed by an order of the Board of Directors of said Company, and that he signed said instrument as Vice-President of said Company by like authority, and that the liabilities of said Company do not exceed its assets as ascertained in the manner provided in Section 3, Chapter 486, of the Session Laws of 1881, and the said Henry D. Lyman further said that he was acquainted with Fred. F. Nugent, and knew him to be the Secretary of said Company, that the signature of said Fred. F. Nugent subscribed to the said instrument is in the genuine handwriting of the said Fred. F. Nugent, and was thereto subscribed by the like order of the said Board of Directors and in the presence of him the said Henry B. Lyman, Vice-President.

H. G. HINTON,
Notary Public,
Kings County, N. Y.

Certificate filed in New York Co.

STATE OF NEW YORK,)
 City and County of New York, } ss.:

I, LEONARD A. GIEGERICH, Clerk of the said City and County, and Clerk of the Supreme Court of said State for said County, do certify, that I have compared the preceding with the original bond (filed and recorded January 2, 1891), oath of office (filed January 2, 1891,) of Eugene L. Bushe as a Commissioner under Chapter 606, Laws 1875, on file in my office, and that the same are correct transcripts therefrom, and the whole of such originals.

In witness whereof, I have hereunto subscribed my name, and affixed my official seal, this 26th day of February, 1891.

[SEAL.]

LEONARD A. GIEGERICH,

Clerk.

[ENDORSED.]

Eugene L. Bushe and others to the People of the State of New York. Bond of Commissioner under Chapter 606 of the Laws of 1875. Approved—Abm. R. Lawrence, Justice Supreme Court, January 2, 1891.

Whereas, On the 23d day of December, 1890, application was made to me, Hugh J. Grant, Mayor of the City of New York, by George P. Read and others, being more than fifty reputable householders and taxpayers of the City and County of New York, which said application was duly verified upon oath, before a justice of the Supreme Court, by which it appears that there is need in the City and County of New York of a steam railway or railways for the transportation of passengers, mails and freight, and by which I am requested, in pursuance of the provisions of Chapter 606 of the Laws of 1875, and the several acts amendatory thereof to appoint five Commissioners, who shall be residents of the said City and County of New York, and who shall have full power and authority to do and provide all that they are directed to do and provide by the said Act of 1875; and

Whereas, It is provided in and by the first section of the said Chapter 606 of the Laws of 1875, that upon the presentation of such an application to the Mayor of any city in this State whenever a proposed railway shall be wholly within the limits of the said city, such Mayor shall appoint such Commissioners; and

Whereas, I did, within thirty days after the presentation to me of the said application, appoint William Steinway, John H. Starin, Samuel Spencer, Eugene L. Bushe and Frederick P. Olcott, each of whom was a resident of the City and County of New York, as Commissioners, with full power and authority to do and provide all that is directed to be done and provided under the provisions of the said Act, Chapter 606 of the Laws of 1875 and the various Acts amendatory thereof; and

Whereas, The said Frederick P. Olcott did resign said appointment, and did not qualify in the manner provided in said Chapter 606 of the Laws of 1875.

Now, therefore, I, said Hugh J. Grant, Mayor of the City of New York, pursuant to the authority conferred upon me by the

provisions of the said Act of 1875, do appoint John H. Inman, resident of the City of New York, in the place and stead of Frederick P. Olcott as Commissioner, with full power and authority to do and provide all that Commissioners appointed under said Chapter 606 of the Laws of 1875, and the various acts amendatory thereof, are required to do and provide.

In witness whereof, I have hereunto set my hand in this, the City of New York, on the 5th day of January, in the year of our Lord one thousand eight hundred and ninety-one.

HUGH J. GRANT,
Mayor.

CITY AND COUNTY OF NEW YORK, ss.:

I, JOHN H. INMAN, one of the Commissioners heretofore appointed by the Mayor of the City of New York, under the provisions of Chapter 606 of the Laws of 1875, by appointment, dated the 5th day of January, 1891, do solemnly swear that I will support the Constitution of the United States and the Constitution of the State of New York, and that I will faithfully discharge the duties of the office of Commissioner aforesaid according to the best of my ability, and that I will faithfully perform the duties of my office.

JOHN H. INMAN.

Sworn to before me this 5th }
day of January, 1891. }

THOMAS E. RUSH,
Commissioner of Deeds,
N. Y. City.

Know all men by these presents: That we, John H. Inman, Bernard S. Clark and Robert W. Inman, are held and firmly bound unto the People of the State of New York in the penal sum of twenty-five thousand dollars, lawful money of the United States of America, to be paid unto the said People of the State of New York.

For which payment, well and truly to be made and done, we bind ourselves, our heirs, executors, administrators and assigns, jointly and severally, firmly by these presents.

Sealed with our seals and dated this fifth day of January, in the year of our Lord eighteen hundred and ninety-one.

Whereas, The above bounden John H. INMAN, has been duly appointed to the office of a Commissioner under the provisions of Chapter 606 of the Laws of 1875.

Now the condition of this obligation is such that if the above bounden John H. Inman, shall in all things well, truly and faithfully perform the duties that may be legally required of him to perform and do during his continuance in the said office of a Commissioner, under the provisions of Chapter 606 of the Laws of 1875, then this obligation to be void; otherwise to remain in full force and virtue.

JOHN H. INMAN, [SEAL.]
BERNARD S. CLARK, [SEAL.]
ROBERT W. INMAN. [SEAL.]

Sealed and delivered in the presence of
THOMAS E. RUSH.

STATE OF NEW YORK, }
 City and County of New York, } ss.:

BERNARD S. CLARK, in the within bond named, being duly sworn, doth depose and say: That he is a resident of and freeholder within this State, and that he is worth the sum of fifty thousand dollars (\$50,000), over and above all the debts and liabilities which he owes or has incurred, and exclusive of property exempt by law from levy and sale under an execution.

B. S. CLARK.

Sworn to before me this 5th }
 day of January, 1891. }

THOMAS E. RUSH,
 Commissioner of Deeds,
 N. Y. County.

STATE OF NEW YORK, }
 City and County of New York, } ss.:

ROBERT W. INMAN, in the within bond named, being duly sworn, doth depose and say: That he is a resident of and freeholder within this State, and that he is worth the sum of fifty thousand dollars, over and above all the debts and liabilities which he owes or has incurred, and exclusive of property exempt by law from levy and sale under an execution.

ROBERT W. INMAN.

Sworn to before me this 5th }
 day of January, 1891. }

THOMAS E. RUSH,
 Commissioner of Deeds,
 N. Y. County.

STATE OF NEW YORK, }
 City and County of New York, } ss.:

On this 5th day of January, 1891, before me, a Commissioner of Deeds, personally appeared the above-named John H. Inman, Bernard S. Clark and Robert W. Inman, known to me to be the same persons described in, and who executed the above bond, and they severally acknowledged to me that they executed the same.

THOMAS E. RUSH,
 Commissioner of Deeds,
 N. Y. County.

STATE OF NEW YORK, }
 City and County of New York, } ss.:

I, LEONARD A. GIEGERICH, Clerk of the said City and County, and Clerk of the Supreme Court of said State for said County, do certify, that I have compared the preceding with the original bond (filed and recorded January 5, 1891,) and oath of

office (filed January 5, 1891,) of John H. Inman as a Commissioner under Chapter 606, Laws 1875, and appointment (filed January 5, 1891,) on file in my office, and that the same are correct transcripts therefrom, and the whole of such originals.

In witness whereof, I have hereunto subscribed my name, and affixed my official seal, this 26th day of February, 1891.

[SEAL.]

LEONARD A. GIEGERICH,
Clerk.

[ENDORSED.]

John H. Inman and others to the People of the State of New York.
Bond of Commissioner under Chapter 606, Laws of 1875.
Approved January 5, 1891 — Edwd. Patterson, Justice
Supreme Court.

CITY AND COUNTY OF NEW YORK, ss.:

I, WILLIAM STEINWAY, one of the Commissioners heretofore appointed by the Mayor of the City of New York, under the provisions of Chapter 606 of the Laws of 1875, and as such appointee, being one of the Commissioners appointed by the provisions of an Act, entitled "An Act to provide for Rapid Transit Railways in cities of over one million inhabitants," passed January 31, 1891, do solemnly swear that I will support the Constitution of the United States and the Constitution of the State of New York, and that I will faithfully perform the duties of the office of Commissioner aforesaid.

WILLIAM STEINWAY.

Sworn to before me this 9th }
day of February, 1891. }

WM. J. DUGGETT,
Commissioner of Deeds,
N. Y. Co.

[A Copy.]

[SEAL.]

LEONARD A. GIEGERICH,
Clerk.

Filed February 9, 1891.

CITY AND COUNTY OF NEW YORK, ss.:

I, JOHN H. STARIN, one of the Commissioners heretofore appointed by the Mayor of the City of New York, under the provisions of Chapter 606 of the Laws of 1875, and as such appointee, being one of the Commissioners appointed by the provisions of an Act, entitled "An Act to provide for Rapid Transit Railways in cities of over one million inhabitants," passed January 31, 1891, do

solemnly swear that I will support the Constitution of the United States and the Constitution of the State of New York, and that I will faithfully perform the duties of the office of Commissioner aforesaid.

JNO. H. STARIN.

Sworn to before me this 6th }
day of February, 1891. }

TERENCE FARLEY,
Com. of Deeds,
N. Y. City.

[A Copy.]

[SEAL.]

LEONARD A. GIEGERICH,
Clerk.

Filed February 9, 1891.

CITY AND COUNTY OF NEW YORK, ss.:

I, SAMUEL SPENCER, one of the Commissioners appointed by the Mayor of the City of New York, under the provisions of Chapter 606 of the Laws of 1875, and as such appointee being one of the Commissioners appointed by the provisions of an Act, entitled "An Act to provide for Rapid Transit Railways in cities of over one million inhabitants," passed January 31, 1891, do solemnly swear that I will support the Constitution of the United States and the Constitution of the State of New York, and that I will faithfully perform the duties of the office of Commissioner aforesaid.

SAMUEL SPENCER.

Sworn to before me this 5th }
day of February, 1891. }

TERFNCE FARLEY,
Com. of Deeds,
N. Y. City.

[A Copy.]

[SEAL.]

LEONARD A. GIEGERICH,
Clerk.

Filed February 9, 1891.

CITY AND COUNTY OF NEW YORK, ss.:

I, EUGENE L. BUSHE, one of the Commissioners heretofore appointed by the Mayor of the City of New York, under the provisions of Chapter 606 of the Laws of 1875, and as such appointee being one of the Commissioners appointed by the provisions of an Act, entitled "An Act to provide for Rapid Transit Railways in cities of over one million inhabitants," passed January 31, 1891, do solemnly swear that I will support the Constitution of the United

States and the Constitution of the State of New York, and that I will faithfully perform the duties of the office of Commissioner aforesaid.

EUGENE L. BUSHE.

Sworn to before me this 5th }
day of February. }

TERENCE FARLEY,
Com. of Deeds,
N. Y. City.

[A Copy.]

[SEAL.]

LEONARD A. GIEGERICH,
Clerk.

Filed February 9, 1891.

CITY AND COUNTY OF NEW YORK, ss.:

I, JOHN H. INMAN, one of the Commissioners heretofore appointed by the Mayor of the City of New York, under the provisions of Chapter 606 of the Laws of 1875, and as such appointee being one of the Commissioners appointed by the provisions of an Act, entitled "An Act to provide for Rapid Transit Railways in cities of over one million inhabitants," passed January 31, 1891, do solemnly swear that I will support the Constitution of the United States and the Constitution of the State of New York, and that I will faithfully perform the duties of the office of Commissioner aforesaid.

JOHN H. INMAN.

Sword to before me this 2d }
day of February, 1891. }

JAMES M. VALLES,
Notary Public,
N. Y. Co.

[A Copy.]

[SEAL.]

LEONARD A. GIEGERICH,
Clerk.

Filed February 9, 1891.