

L A W S

OF THE

STATE OF NEW YORK,

PASSED AT THE

ONE HUNDRED AND SEVENTH SESSION

OF THE

LEGISLATURE.

BEGUN JANUARY FIRST, AND ENDED MAY SIXTEENTH, 1884,
AT THE CITY OF ALBANY.



ALBANY:
BANKS & BROTHERS, PUBLISHERS,
1884.

to give
special
bond.

bonds, shall give a special bond to said village, in such sum and with such sureties as the board of trustees shall approve, conditioned for the faithful performance of his duties, in the sale and disposition of such bonds, and the payment and disposition of the proceeds of such sale, and faithfully perform all the additional duties imposed upon him by the provisions of this act.

§ 4. This act shall take effect immediately.

Chap. 46.

AN ACT to amend the Penal Code.

PASSED March 21, 1884; three-fifths being present.

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

SECTION 1. Section nineteen of the Penal Code is hereby amended so as to read as follows:

Presump-
tion in
case of
child be-
tween
seven and
twelve
years of
age, etc.

§ 19. A child of the age of seven years, and under the age of twelve years, is presumed to be incapable of crime; but the presumption may be removed by proof that he had sufficient capacity to understand the act or neglect charged against him, and to know its wrongfulness. Whenever in any legal proceeding it becomes necessary to determine the age of a child, the child may be produced for personal inspection, to enable the magistrate, court or jury to determine the age thereby; and the court or magistrate may direct an examination by one or more physicians, whose opinion, shall also be competent evidence upon the question of age.

§ 2. Section two hundred and eighty-two of said act is hereby amended so as to read as follows:

§ 282. A person who—

Abduc-
tion, per-
sons gui-
ty of, pun-
ishment

1. Takes a female under the age of sixteen years for the purpose of prostitution or sexual intercourse, or without the consent of her father, mother, guardian or other person having legal charge of her person, for the purpose of marriage; or,

2. Inveigles or entices an unmarried female under the age of twenty-five years, of previous chaste character, into a house of ill-fame or of assignation, or elsewhere, for the purpose of prostitution or sexual intercourse; or,

3. Takes or detains a woman unlawfully against her will, with the intent to compel her by force, menace or duress, to marry him, or to marry any other person, or to be defiled; or,

4. Being parent, guardian or other person having legal charge of the person of a female under the age of sixteen years, consents to her taking or detaining by any person for the purpose of prostitution or sexual intercourse;

Is guilty of abduction, and punishable by imprisonment for not more than five years, or by a fine of not more than one thousand dollars, or by both.

§ 3. Section two hundred and eighty-eight of said act is hereby amended so as to read as follows:

Willful
omission

§ 288. A person who willfully omits, without lawful excuse, to perform a duty by law imposed upon him to furnish food, clothing, shelter

or medical attendance to a minor, is guilty of a misdemeanor. Any person, other than a duly incorporated institution, who receives, boards or keeps more than two foundlings, abandoned or homeless children under the age of twelve years, not his relatives, apprentices, pupils or wards, without legal commitment, or without having first obtained a license in writing so to do from a member of the state board of charities, or from the mayor or board of health of the city or town wherein such children are received, boarded or kept, is guilty of a misdemeanor. Such license must specify the name and age of the child, and the name and residence of the person so undertaking its care, and shall be revocable at will by the authority granting it. It shall be lawful for the officers of any incorporated society for the prevention of cruelty to children, at all reasonable times to enter and inspect the premises wherein such child is so boarded, received or kept.

to furnish food, etc., a misdemeanor. License to keep more than two foundlings, etc., must be obtained. What to contain.

§ 4. Section two hundred and ninety of said act is hereby amended so as to read as follows:

§ 290. A person who admits to, or allows to remain in any dance-house, concert saloon, theatre, museum, or in any place where wines or spirituous or malt liquors are sold or given away, or in any place of entertainment injurious to health or morals, owned, kept or managed by him in whole or in part, any child actually or apparently under the age of sixteen years, unless accompanied by its parent or guardian, is guilty of a misdemeanor. Any person who shall suffer or permit any such child to play any game of skill or chance in any such place, or in any place adjacent thereto, or to be or remain therein, shall be guilty of a misdemeanor.

Children under sixteen not to be allowed in dance-house, etc.

§ 5. Section two hundred and ninety-one of said act is hereby amended so as to read as follows:

§ 291. Any child actually or apparently under the age of sixteen years who is found:

Vagrant children, arrest of, etc.

1. Begging or receiving or soliciting alms, in any manner or under any pretense; or gathering or picking rags, or collecting cigar stumps, bones or refuse from markets; or

2. Not having any home or other place of abode or proper guardianship; or who has been abandoned or improperly exposed or neglected, by its parents or other person or persons having it in charge, or being in a state of want or suffering; or

3. Destitute of means of support, being an orphan, or living or having lived with or in custody of a parent or guardian who has been sentenced to imprisonment for crime, or who has been convicted of a crime against the person of such child, or has been adjudged an habitual criminal; or

4. Frequenting or being in the company of reputed thieves or prostitutes, or in a reputed house of prostitution or assignation, or living in such a house either with or without its parent or guardian, or being in concert saloons, dance-houses, theatres, museums or other places of entertainment, or places where wines, malt or spirituous liquors are sold, without being in charge of its parent or guardian; or playing any game of chance or skill in any place wherein or adjacent to which any beer, ale, wine or liquor is sold or given away, or being in any such place; or

5. Coming within any of the descriptions of children mentioned in section two hundred and ninety-two, must be arrested and brought before a proper court or magistrate, as a vagrant, disorderly or destitute child. Such court or magistrate may commit the child to any charitable, reformatory or other institution authorized by law to receive and take

charge of minors, or may make any disposition of the child such as now is or hereafter may be authorized in the cases of vagrants, truants, paupers, or disorderly persons. And no commitment of a child which shall recite therein the facts upon which it is based shall be deemed invalid by reason of any neglect or omission by the court or magistrate by whom such commitment is made to file any documents, papers or proceedings relating thereto.

Tempo-
rary com-
mitments.

6. Any magistrate having criminal jurisdiction may commit temporarily to an institution authorized by law to receive children on final commitment, and to have compensation therefor from the city or county authorities, any child under the age of sixteen years who is held for trial on a criminal charge; and may, in like manner, so commit any such child held as a witness to appear on the trial of any criminal case; which institution shall thereupon receive the same, and be entitled to the like compensation proportionally therefor as on final commitment, but subject to the order of the court as to the time of detention and discharge of the child. Any such child convicted of any misdemeanor shall be finally committed to some such institution, and not to any prison, or jail, or penitentiary, longer than is necessary for its transfer thereto. No child under restraint or conviction, actually or apparently under the age of sixteen years, shall be placed in any prison or place of confinement, or in any court-room, or in any vehicle for transportation in company with adults charged with or convicted of crime, except in the presence of a proper official.

Not to be
confined
with
adults.

§ 6. Section two hundred and ninety-two of said act is hereby amended so as to read as follows:

Exhibi-
tion, etc.,
prohib-
ited.

§ 292. A person who employs, or causes to be employed, or who exhibits, uses or has in his custody for the purpose of exhibiting or employing any child apparently or actually under the age of sixteen years, or who, having the care, custody or control of such a child as parent, relative, guardian, employer or otherwise, sells, lets out, gives away or in any way procures or consents to the employment or exhibition of such a child either

1. As a rope or wire walker, dancer, gymnast, contortionist, rider or acrobat; or,

2. In begging or receiving alms, or in any mendicant occupation; or,

3. In peddling, singing or playing upon a musical instrument, or in a theatrical exhibition, or in any wandering occupation; or,

4. In any indecent or immoral exhibition or practice; or,

5. In any practice or exhibition dangerous or injurious to the life, limb, health or morals of the child;

Excep-
tions

Is guilty of a misdemeanor. But this section does not apply to the employment of any child as a singer or musician in a church, school or academy, or in teaching or learning the science or practice of music, or as a musician in any concert with the written consent of the mayor of the city, or the president of the board of trustees of the village where such concert takes place.

Manufac-
ture, etc.,
of slung-
shots,
etc., pro-
hibited.
Sale of
fire-arms,
etc., to
persons
under
eighteen
prohib-
ited.

§ 7. Section four hundred and nine of said act is hereby amended so as to read as follows:

§ 409. A person who manufactures, or causes to be manufactured, or sells or keeps for sale, or offers, or gives, or disposes of, any instrument or weapon of the kind usually known as slung-shot, billy, sand-club or metal knuckles, or who, in any city in this state, without the written consent of a police magistrate, sells or gives any pistol or other fire-arm to any person under the age of eighteen years, is guilty of a misdemeanor.

§ 8. Section four hundred and ten of said act is hereby amended so as to read as follows :

§ 410. A person who attempts to use against another, or who, with intent so to use, carries, conceals or possesses any instrument or weapon of the kind commonly known as slung-shot, billy, sand-club or metal knuckles, or a dagger, dirk or dangerous knife, is guilty of a felony. Any person under the age of eighteen years who shall have, carry or have in his possession in any public street, highway or place in any city of this state, without a written license from a police magistrate of such city, any pistol or other fire-arm of any kind, shall be guilty of a misdemeanor. This section shall not apply to the regular and ordinary transportation of fire-arms as merchandise, or for use without the city limits.

Concealed weapons, etc

Persons under eighteen not to carry fire-arms without license.

§ 9. Section seven hundred and thirteen of said act is hereby amended so as to read as follows :

§ 713. When a person under the age of sixteen is convicted of a crime, he may, in the discretion of the court, instead of being sentenced to fine or imprisonment, be placed in charge of any suitable person or institution willing to receive him, and be thereafter, until majority or for a shorter term, subjected to such discipline and control of the person or institution receiving him as a parent or guardian may lawfully exercise over a minor. A child under sixteen years of age committed for misdemeanor, under any provision of this code, must be committed to some reformatory, charitable or other institution authorized by law to receive and take charge of minors. And when any such child is committed to an institution it shall, when practicable, be committed to an institution governed by persons of the same religious faith as the parents of such child.

Disposition to be made of persons under sixteen convicted of crime.

§ 10. This act shall take effect immediately.

Chap. 47.

AN ACT to amend chapter four hundred and nine of the laws of eighteen hundred and eighty-two, entitled "An act to revise the statutes of this state relating to banks, banking and trust companies."

PASSED March 22, 1884 : three-fifths being present.

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

SECTION 1. Section twelve of chapter four hundred and nine of the laws of this state, of the year eighteen hundred and eighty-two, entitled "An act to revise the statutes of this state relating to banks, banking and trust companies," is hereby amended so as to read as follows :

§ 12. It shall be the duty of the superintendent of the banking department, in his discretion, if he shall deem it proper, to personally examine the books, papers and affairs of any bank, banking association, individual banker or corporation required to report to him by section two hundred and nineteen of this act; or said superintendent may at any time, in his discretion, designate some competent person to make such examination. The person so designated shall forthwith examine

Examinations by superintendent or agent.