

**THE CODE OF CRIMINAL
PROCEDURE OF THE STATE OF
NEW YORK: BEING CHAPTER 442
OF THE LAWS OF EIGHTEEN
HUNDRED AND EIGHTY-ONE**

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The Code of Criminal Procedure of the State of New York: Being Chapter 442 of the Laws of Eighteen Hundred and Eighty-One by Various

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VARIOUS

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THE
CODE OF CRIMINAL PROCEDURE

OF THE
STATE OF NEW YORK.

BEING
CHAPTER 442

OF THE
LAWS OF EIGHTEEN HUNDRED AND EIGHTY-ONE.

PASSED JUNE 1, 1881; THREE-FIFTHS BEING PRESENT.

ALBANY:
WEED, PARSONS AND COMPANY.
1881.

CERTIFICATE.

OFFICE OF THE SECRETARY OF STATE
OF THE STATE OF NEW YORK,
ALBANY, *June 16th, 1881.* }

Pursuant to the direction of the act entitled "An act relative to the publication of the Laws," passed April 13, 1843, I hereby certify that the following volume of the Laws of this State was printed under my direction.

JOSEPH B. CARR,
Secretary of State.

In this volume, every act which received the assent of a majority of all the members of the Legislature, "three-fifths of all the members of either House" thereof being present, pursuant to section 21 of Article 3 of the Constitution of this State, is designated under its title by the words "Three-fifths being present." [See Laws of 1847, Vol. I, Chap. 253.]

And every act which received "the assent of two-thirds of all the members elected to each branch of the Legislature," pursuant to section 9 of Article 1 of the State Constitution, is designated under its title by the words "By a two-third vote." [See Laws of 1842, Chap. 306.]

CHAP. 504.

AN ACT IN RELATION TO THE PUBLICATION OF THE CODE OF CRIMINAL PROCEDURE.

PASSED JUNE 14, 1881; three-fifths being present.

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

SECTION 1. The act to establish a Code of Criminal Procedure, passed at the present session of the Legislature, shall be printed and published in a separate volume, as volume two of the Session Laws of eighteen hundred and eighty-one, but shall not be printed or published in any other manner at the expense of the State, or of any county.

§ 2. This act shall take effect immediately.

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LIST OF OFFICERS.

"§ 4. There shall be prefixed to each volume of the Session Laws hereafter published the names and residence of the Governor, Lieutenant-Governor, Senators and Members of Assembly, and presiding officers of both Houses, in office at the time of the passage of the Laws contained in such volumes."—*Laws of 1847, chap. 438, sec. 4.*

NAMES AND RESIDENCES

OF THE GOVERNOR, LIEUTENANT-GOVERNOR, SENATORS, MEMBERS OF ASSEMBLY, AND
PRESIDING OFFICERS OF BOTH HOUSES OF THE LEGISLATURE OF THE STATE OF
NEW YORK, AT THE TIME OF THE PASSAGE OF THE LAWS CONTAINED IN THIS
VOLUME.

NAME	Office.	County.	Residence.
Alonzo B. Cornell.....	Governor	Albany	Albany.
George G. Hoakins.....	Lieut.-Governor,	Wyoming	Attica.
John Birdsall.....	Senator	Queens	Glen Cove.
William H. Murtha	do	Kings	Brooklyn.
Frederick A. Schroeder.....	do	Kings	Brooklyn.
John C. Jacobs	do	Kings	Brooklyn.
Edward Hogan	do	New York	New York.
Jacob Seebacher	do	New York	New York.
Ferdinand Eidman.....	do	New York	New York.
Robert H. Strahan	do	New York	New York.
Francis M. Bixby	do	New York	New York.
William W. Astor	do	New York	New York.
George H. Forster	do	New York	New York.
William H. Robertson.....	do	Westchester.....	Katonah.
Edward M. Madden.....	do	Orange	Middletown.
Charles H. Fowler	do	Ulster	Kingston.
Stephen H. Wendover.....	do	Columbia	Stuyvesant.
Isaac V. Baker, Jr.	do	Washington	Comstocks.
Waters W. Braman	do	Albany	West Troy.
Webster Wagner	do	Montgomery	Palatine Bridge.
William W. Rockwell.....	do	Warren.....	Glens Falls.
Dolphus S. Lynde	do	St. Lawrence	Hermon.
Bradley Winslow	do	Jefferson	Watertown.
James Stevens	do	Oneida	Rome.
Albert M. Mills	do	Herkimer	Little Falls.
Edwin G. Halbert.....	do	Broome	Binghamton.
Dennis McCarthy	do	Onondags	Syracuse.
William B. Woodin	do	Cayuga	Auburn.
Ira Davenport	do	Steuben	Bath.
George P. Lord	do	Yates	Dundee.
Edmund L. Pitts	do	Orleans	Medina.
James H. Loomis	do	Wyoming	Attica.
Benjamin H. Williams.....	do	Erie	Buffalo.
Loren B. Sessions	do	Chautauqua	Panama.
Miner Gallup	Assemblyman	Albany	Westerlo.

LIST OF OFFICERS.

NAME	Office.	County.	Residence.
Andrew S. Draper	Assemblyman	Albany	Albany.
Aaron B. Pratt	do	Albany	Albany.
George Campbell	do	Albany	Cohoes.
Samuel H. Morgan	do	Allegany	Cuba.
L. Coe Young	do	Broome	Binghamton.
Samuel H. Bradley	do	Cattaraugus	Olean.
Joseph M. Congdon	do	Cattaraugus	Gowanda.
Thomas Hunter	do	Cayuga	Sterling.
Hector H. Tuthill	do	Cayuga	Moravia.
Albert B. Sheldon	do	Chautauqua	Sherman.
Milton M. Fenner	do	Chautauqua	Fredonia.
Henry C. Hoffman	do	Chemung	Horseheads.
Solomon K. Bemiss	do	Chenango	Pitcher.
Shepard P. Bowen	do	Clinton	Plattsburgh.
John E. Gillette	do	Columbia	Hudson.
Alburtis A. Carley	do	Cortland	Marathon.
William Lewis	do	Delaware	Hamden.
Isaac S. Carpenter	do	Dutchess	Shekomeko.
James E. Dutcher	do	Dutchess	Poughkeepsie.
Jeremiah Higgins	do	Erie	Buffalo.
Frank Sipp	do	Erie	Buffalo.
Arthur W. Hickman	do	Erie	Buffalo.
George Bingham	do	Erie	Lancaster.
Harvey J. Hurd	do	Erie	Elma.
James W. Sheehy	do	Essex	Port Henry.
* William D. Brennan	do	Franklin	Malone.
† Samuel A. Beman	do	Franklin	Malone.
David A. Wells	do	Fulton	Johnstown.
Joseph W. Holmes	do	Genesee	Wheatville.
Orlando L. Newton	do	Greene	Westkill.
William D. Gorsline	do	Herkimer	Miller's Mills.
Charles R. Skinner	do	Jefferson	Watertown.
Henry Binninger	do	Jefferson	Dexter.
John Shanley	do	Kings	Brooklyn.
John McTernan	do	Kings	Brooklyn.
Lawrence J. Torney	do	Kings	Brooklyn.
John M. Clancy	do	Kings	Brooklyn.
Thomas J. Sheridan	do	Kings	Brooklyn.
Patrick J. Tully	do	Kings	Brooklyn.
John Reitz	do	Kings	Brooklyn.
Moses Engle	do	Kings	Brooklyn.
Charles H. Russell	do	Kings	Brooklyn.
Richard J. Newman	do	Kings	Brooklyn.
William H. Waring	do	Kings	Brooklyn.
Jaques J. Stillwell	do	Kings	Gravesend.
Charles A. Chickering	do	Lewis	Copenhagen.
Kidder M. Scott	do	Livingston	Geneseo.
David A. Jackson	do	Madison	Oneida.
George L. G. Seely	do	Monroe	Fairport.
John Cowles	do	Monroe	Rochester.
Frederick P. Root	do	Monroe	Brookport.
Cornelius Van Buren	do	Montgomery	Amsterdam.
Michael C. Murphy	do	New York	New York.
Constantine Donaho	do	New York	New York.
Thomas Smith, Jr.	do	New York	New York.
John Henry McCarthy	do	New York	New York.
Thomas Bogau	do	New York	New York.

* Died March 7, 1881

† Elected April 5, 1881, vice William D. Brennan, deceased.

LIST OF OFFICERS.

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NAME.	Office.	County.	Residence.
Matthew Patten.....	Assemblyman	New York.....	New York.
Isaac I. Hayes.....	do	New York.....	New York.
John E. Brodsky.....	do	New York.....	New York.
John W. Browning.....	do	New York.....	New York.
Charles E. Brehm.....	do	New York.....	New York.
Robert R. Hamilton.....	do	New York.....	New York.
Louis Cohen.....	do	New York.....	New York.
Arthur D. Williams.....	do	New York.....	New York.
John Murphy.....	do	New York.....	New York.
Michael J. Dougherty.....	do	New York.....	New York.
Francis B. Spinola.....	do	New York.....	New York.
James Fanning.....	do	New York.....	New York.
Joseph P. McDonough.....	do	New York.....	New York.
William B. Finley.....	do	New York.....	New York.
Frederick Thilemann, Jr.....	do	New York.....	New York.
William J. Trimble.....	do	New York.....	New York.
William S. Andrews.....	do	New York.....	New York.
Charles W. Dayton.....	do	New York.....	New York.
William W. Niles.....	do	New York.....	New York.
Elijah Adams Holt.....	do	Niagara.....	Lockport.
James Low.....	do	Niagara.....	Suspension Bridge.
James Armstrong.....	do	Oneida.....	New Hartford.
David G. Evans.....	do	Oneida.....	Rome.
Thomas D. Roberts.....	do	Oneida.....	Floyd.
Thomas G. Alvord.....	do	Onondaga.....	Syracuse.
Albert Howland.....	do	Onondaga.....	Jordan.
Henry L. Duguid.....	do	Onondaga.....	Syracuse.
John Raines.....	do	Ontario.....	Canandaigua.
Joseph M. Dickey.....	do	Orange.....	Newburgh.
William H. Clark.....	do	Orange.....	Westtown.
Marcus H. Phillips.....	do	Orleans.....	Hulberton.
Patrick W. Cullinan.....	do	Oswego.....	Oswego.
William H. Steele.....	do	Oswego.....	Williamstown.
J. Stanley Browne.....	do	Otsego.....	Schenevus.
David Russell.....	do	Otsego.....	Fly Creek.
Samuel H. Everett.....	do	Putnam.....	Brewsters.
Townsend D. Cock.....	do	Queens.....	Locust Valley.
George E. Bulmer.....	do	Queens.....	Jamaica.
Charles E. Patterson.....	do	Rensselaer.....	Troy.
Richard A. Derrick.....	do	Rensselaer.....	Centre Brunswick.
Barnis C. Strait.....	do	Rensselaer.....	Greenbush.
Erastus Brooks.....	do	Richmond.....	West New Brighton.
John Cleary.....	do	Rockland.....	Haverstraw.
Daniel Peck.....	do	St. Lawrence.....	Gouverneur.
Worth Chamberlain.....	do	St. Lawrence.....	Canton.
Ebenezer S. Crapser.....	do	St. Lawrence.....	Stockholm Depot.
Benjamin F. Baker.....	do	Saratoga.....	Ballston Spa.
Delcour S. Potter.....	do	Saratoga.....	Schuylerville.
George Lasher.....	do	Schenectady.....	Mariaville.
John J. Dominic.....	do	Schoharie.....	Gallupville.
Lewis Beach.....	do	Schuyler.....	Tyrone.
Samuel R. Welles.....	do	Seneca.....	Waterloo.
Charles S. Longwell.....	do	Steuben.....	Bath.
Russell M. Tuttle.....	do	Steuben.....	Hornellsville.
Everett A. Carpenter.....	do	Suffolk.....	Sag Harbor.
Edward H. Pinney.....	do	Sullivan.....	Jeffersonville.
Edward G. Nowlan.....	do	Tioga.....	Newark Valley.
Truman Boardman.....	do	Tompkins.....	Trumansburg.
George H. Sharpe.....	do	Ulster.....	Kingston.

LIST OF OFFICERS.

NAME	Office.	County.	Residence.
Marius Turck.....	Assemblyman ..	Ulster	Rondout.
Thomas E. Benedict.....	do ..	Ulster	Ellenville.
Benjamin C. Butler.....	do ..	Warren ..	Luzerne.
Hiram Sisson	do ..	Washington ..	Eagle Bridge.
James E. Goodman.....	do ..	Washington ..	Hartford.
Rowland Robinson	do ..	Wayne	Sodus.
Addison W. Gates	do ..	Wayne	Macedon.
William F. Moller	do ..	Westchester....	Yonkers.
William H. Catlin.....	do ..	Westchester....	Rye.
James W. Husted.....	do ..	Westchester....	Peekskill.
George M. Palmer.....	do ..	Wyoming	Pike.
Asa P. Fish	do ..	Yates.....	Dundee.

PRESIDING OFFICERS AND CLERKS.

NAME.	Office.	County.	Residence.
George G. Hoskins	President of the Senate	Wyoming	Attica.
George H. Sharpe.....	Speaker of the Assembly	Ulster	Kingston.
John W. Vrooman	Clerk of the Sen- ate	Herkimer	Herkimer.
Edward M. Johnson.....	Clerk of the As- sembly	Otsego	Oneonta.