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LAND TRANSFER REFORM.

THE MAJORITY AND MINORITY REPORTS OF THE LAND TRANSFER COMMISSION GIVEN VERBATIM.

Majority Report of Commissioners of Land Transfers.

DATED APRIL 15TH, 1885.

(TABLE AND ORDERED PRINTED.)

TO THE LEGISLATURE OF THE STATE OF NEW YORK.

The Commissioners of Land Transfer appointed under the Act of May 21st, 1884, respectfully report as follows:

The act authorizing the appointment of the Commission was passed May 21st, 1884, and the Commissioners appointed July 2d following.

As the members of the Commission were not all in the city until early Fall, formal meetings could not be held until then.

By the terms of its appointment the authority of the Commission was limited to the recommendation of reforms in real estate transfer for cities of not less than three hundred thousand inhabitants (*i. e.* New York City and Brooklyn), with power, if it should see fit, to confine its recommendations to New York City.

At the outset of its deliberations it was determined that attention should be given to the preparation of a bill or bills intended to change the methods of transferring and keeping the records and indices relating to real estate in the city of New York only, afterwards to the suggestion of such other reforms in the body of the law relating to the title to and liens upon real estate, as might more properly be applicable to the entire State and which the Commission might regard as desirable, but which neither the powers given it nor the time to which its labors would be restricted would make it fitting or enable it to mature.

Fully realizing the danger of hastily unsettling the principles of real estate law, the Commission has in the main devoted itself to the machinery of transferring titles and keeping the records of transfers and liens, introducing only such changes in the law as were incidental to the new system and necessary to its successful operation.

The evils of the present system of transfer in the city of New York, have been too long the theme of comment in the profession and among owners of real estate to need extended mention in this report.

The facts that the number of volumes in the Register's office containing the records of conveyances and mortgages is now nearly four thousand, of which nearly seven-eighths have been added during the last fifty years; that the only method of ascertaining the title of any particular lot is by searching for and examining every instrument executed by the successive owners of such lot from written indices containing thousands of names, with many errors in spelling and otherwise, that such an examination requires a long time, increasing with every year, and would even now be almost impracticable without the aid of private classified indices and abstracts made by the official searchers for their own use; that, in case of the removal or destruction of these private papers, the examination of titles could be attained only after immense labor—are sufficient to show that the present system is too burdensome and dangerous to be longer continued.

The uncertainty attending examinations under such a system, the length of time required, the expense cast upon the owner of real estate and the responsibility imposed upon the lawyers seemed to the Commission to render its radical reform the most pressing question to be met.

The members of the Commission were unanimously of the opinion that such reform, to the proper extent, could only be effected by indexing instruments affecting real estate, not merely against the name, but against the property conveyed or charged, and making liens on real estate specific, affecting only the property described therein, and so indexing them.

Two forms of index were proposed; one an index by lots and the other by blocks. After an extended discussion of the advantages of these forms respectively, four of the five members of the Commission decided in favor of the lot system, and have prepared a bill for indexing transfers and liens upon that system.

The division of opinion of this point requires that the reasons which induced the preference of the majority of the Commission should be stated somewhat at large.

They believed that any new system should be not merely a temporary remedy for existing evils, which, in its turn, should become a burden, but one which, in its nature, would require no re-arrangement in the future, whatever might be the growth of the city or the increase in real estate transactions—one of which should not merely mitigate defects, but remove them.

They believe that any new system should be of such a character as, when in the course of time it shall have borne its fruits, will relieve real estate from the burden and uncertainty of searches, and render its transfer more expeditious, and should be so simple in its form and methods as to reduce the chances of error to a minimum.

These requisites of simplicity, celerity, certainty, economy and permanency they were satisfied would be realized more fully under the lot system than any other.

The lot being the ordinary unit of ownership on which taxes have for years been laid and collected with ease and certainty, forms the simplest basis for an index, and if the transfer of and liens on each lot are kept by themselves, the addition of any amount of territory will add pages to the index, but will require no change in the system, nor increase the labor of finding the papers affecting any lot.

Such a system will grow simpler indeed as time passes for as the city becomes permanently improved, as the boundaries of lots become permanently fixed by being built upon, even the slight inconvenience which may attend the changes in lines of vacant lots will cease to exist.

On the other hand, an index by blocks while at the outset it would be less confusing and burthensome than the present system by reducing the extent of territory over which a search must be made must become more and more complex with time since the continually accumulating transfers of and liens on an average of at least sixty-four lots are entered in one place.

This, from the very introduction of the system, would necessitate a search shorter than the search now required, but still a search subject to the errors and uncertainties and expenses of the present system, though to a less extent.

The lot system absolutely puts an end to searching all entries affecting a lot or any part of it; being required to be made on the page or pages of that lot, a certified copy of the page gives all the information we now derive from a search in a very much shorter time and substantially without

expense, and the correctness of the information is a mere question of the correctness of the copy.

And such certified copy, unlike our present searches, will be an original in any hands.

The simplicity of the lot system and its freedom from chances of error will appear when we examine briefly the method of indexing under it.

To know where any instrument shall be indexed and cause it to be so indexed requires only that the person who desires its record shall inspect the maps of the block on which the property is situated note the lot or lots thereon which embrace the property, and direct that the instrument shall be indexed against such lot or lots.

To the Register is given the simple and purely ministerial duty of entering a memorandum on the page or pages of the lot or lots designated. Should this entry be erroneous in every particular except the liber and page of record, the instrument could still be readily found; should it be erroneous in all respects, there would still be sufficient notice of some transaction affecting the property to put any one desiring therewith on enquiry.

The most frequent error occurring under the present system is in the names of the parties; this would be of no material consequence under the lot system, while the block system is liable to the same error, only to be avoided by an examination of all the entries under a block.

It must be constantly borne in mind that the system advocated by the majority of the Commission contemplates an index—nothing more—an easy and accurate method of finding the papers relating to any particular piece of real estate. It asserts nothing as to ownership, but simply shows what transfers have been made of, or what liens have been created against a lot, as shown on a map or any part of it. If the lot so shown only represents part of the lot under examination, we have only to examine the pages of all lots which contain its other parts until such time, as by change of the map, one lot shall correctly appear thereon as a whole.

Whatever additional detail may be involved in putting the lot system into operation, it is nevertheless perfectly simple, and would be more than counterbalanced by the increased advantages to be derived from it when once in operation.

A brief outline of the chief features of the bill proposed seems proper.

It is proposed that all the blocks in the city shall be numbered continuously from one up, commencing with some block in the lower part of the city—that a set of books shall be prepared in triplicate to be arranged as follows: Commencing with block one, a map of that block as divided into lots taken from the tax maps, the lots numbered from one up, to be prefixed to the portions of the Land Register Index devoted to the block and at the head of succeeding page the number of one of the lots in the block in regular order with sufficient blank pages at the end for carrying over full pages, or entering any new lot which may be carved out of the old ones. After these blank pages a map of block number two and its lot with blank pages, and so on.

Two sets of these books are to be deposited in the Register's office—one for the indexing of instruments recorded in the books of conveyances, and the other for indexing instruments recorded in the books of mortgages, and the third set is deposited in the County Clerk's office for the indexing of notices of lis pendens and judgments and liens and other instruments affecting real estate filed in that office.

The preparation of these indices and the superintendance of them after the system goes into operation is entrusted to an officer to be known as the Superintendent of the Land Register Index, who is to be a counsellor at law, and a deputy superintendent who is to be a city surveyor.

A period of a little more than a year is given for the preparation and deposit of these indices, and, that the public may be familiarized with the main feature of the system, the act is not to go into operation until sixty days after the indices have been so prepared and deposited in the respective offices.

Every person desiring to record an instrument is required in order to entitle it to be recorded to have it state in the body thereof, or to designate in a separate instrument as may sometimes be necessary, the number of the block and lot or lots claimed to be affected by such instrument.

The index of a transfer is to be made by a brief entry in one line stating liber and page, where recorded, on the page of each lot designated as affected thereby.

Changes in any lot are to be made in the first instance on the tax maps, and once a year the Tax Commissioners are to certify to the Superintendent of the Land Register Index all such changes which have been made down to a certain fixed date in each year, and the Superintendent is to enter them upon the Land Register Index. When the changes in any block are sufficiently numerous to require it, the Superintendent is authorized to cause a new map of such block to be made.

When the boundaries of any lot are changed the page of the lot is to be closed and a new page opened for the new lot, with references on the respective pages, showing from what page or pages the new lot is derived, and to what new page or pages the old lot is transferred.

Provision is made for the entry on the Land Register Index of new blocks which may be from time to time formed by cutting up old ones or otherwise.

As to that portion of the district lying north of Harlem River, known as the annexed district, which is not yet laid out in blocks, the index is to be made with reference to the plots laid down on the tax maps, and under the provisions of the bill when the new blocks are formed they will fall into their proper places on the index.

It is further provided that the more important and numerous of the notices, liens or other instruments required to be filed in the County Clerk's office which are intended to affect real estate, shall contain a description by block and lot number of the real estate claimed to be so affected, or that a certificate of the party asserting or claiming under such notice, lien or other instrument containing such designation annexed to the notice, lien or other instrument, or a certified copy of it, shall be so filed before any real estate shall be affected thereby. Upon the filing of such notice, lien or certificate it is to be entered upon the Land Register Index of liens. Mechanic's liens being now indexed against the property affected not touched by the bills recommended.

The Commission has also prepared and herewith submits a bill requiring judgments to be made specific instead of general liens on real estate in the city of New York, and a bill transferring to the Register's office the necessary records or memoranda of the mortgages in the county of New York by the Commissioners for loaning the United States deposit funds under the act of 1837, so as to avoid for the future the necessity of a separate search in the Loan Commissioner's office for such mortgages, and a bill requiring the making and keeping, in the office of the Clerk of Arrears of the city of New York, of an index of all outstanding taxes and assessments and water rents, and of all sales for non-payment of taxes, assessments or water rents remaining unredeemed and uncancelled, properly classified by the separate lots, so that a mere inspection of such index will ascertain without any difficulty or material amount of time or labor, whether upon any particular lot there are any and what arrears of taxes, assessments or water rents, or outstanding tax or assessment titles, and entitling any one desiring it to

receive for a trifling fee a certified search in this particular, which shall be binding upon the city.

The several bills above referred to cover, it is believed, nearly all transfers of and liens on real estate now necessary to be searched for, excepting judgments of the United States Courts. These being entirely beyond the authority vested in the Commission, it can go no further than to express the decided opinion that they should also be made specific instead of general liens.

The advantages of the reforms contemplated by the bills thus far mentioned will only be fully realized after the lapse of a considerable time, but the Commission was of the opinion that there should be prepared and made accessible to the legal profession or the public, as was heretofore done in respect of the printed indices of grantors and grantees down to the year 1856, printed indices of all the instruments recorded in the books of conveyances from the close of the period covered by the printed indices of grantors and grantees above referred to down to the time when the new system of indexing against the lots shall go into operation, and also printed indices going down to the same time, but commencing with the beginning of the records in the Register's office of all the mortgages or other instruments of that nature recorded in the books of mortgages and remaining unsatisfied of record, and such new printed indices to be upon the plan of indexing by blocks in so far as shall appear to be practicable, blocks being selected as a method for re-indexing, as shorter and less expensive than tracing lots through all the changes of the past.

A bill providing for such re-indexing has therefore been prepared and is also herewith presented.

With a view of checking the increase for the future in the volume of the records which is becoming a more and more serious difficulty and of avoiding in the future useless prolixity or verbiage in the preparation of conveyances and lessening the expense of recording, the Commission has prepared and herewith presents a bill for short forms of deeds and mortgages.

This bill, while it is properly made applicable to the entire State and may therefore in strictness be regarded as beyond the scope of the powers of the Commission, is one which it is believed will meet with universal approval, and the Commission unanimously recommends its passage.

While the changes proposed by the bills above referred to will, it is believed, materially lessen the risk and expense of transfers of title, enabling such transfers to be more safely, cheaply, and readily made, thereby encouraging the investment of capital in real estate in the city of New York and enhancing its value, yet there are in the opinion of the Commissioners certain very important changes in the body of the law relating to real estate which ought to be made in order to avoid serious risks and difficulties in relation to title which now exists and are practically felt as very serious grievances and must continue to exist and be so felt while the present laws remain unaltered, but which changes in the body of the law, if or when made, could not with propriety be given merely local application to the city of New York, but clearly ought to be made applicable to the whole State.

For this reason the Commissioners do not deem it to be within their province under the statute prescribing their duties to prepare or submit to the Legislature statutes embodying such changes in the body of the law as are above referred to notwithstanding the very great advantages which, as they consider would thence result to all parties interested in real estate in the city of New York, as well as elsewhere, yet, in view of the importance of the subject and the impossibility of giving to real estate holders such assurance of stability and security in their titles as ought to be afforded without the making of such changes in the body of the law relating to real estate the Commissioners trust it may not be deemed amiss in them to point out very briefly, and in general terms, the nature of these changes in the law which they regard as requisite, and they therefore specify:

1. A very material shortening of the period allowed by the statutes of limitations for the commencement of suits for the recovery of real estate, and a special shorter limitation of rights to attack titles held under sales in foreclosure or partition suits or other legal proceedings for the sale of real estate, because of technical defects in such suits or proceedings.

2. The removal of the exception against the running of the statutes now made in cases of lunacy, leaving it to the Committee or other legal representative of the property interests of the lunatic to take the necessary steps for the protection of his rights in respect of real estate.

The exception now made in the statute of limitations because of infancy has a clearly defined limit, which can never be very long. That heretofore made because of coverture, which was very troublesome and dangerous, has been gotten rid of. There remains the exception for the disability of lunacy, and the limit of that is measured by the term of human life, which may be prolonged to a great age.

The cases of real estate belonging to lunatics held adversely are very rare comparatively, but it is manifest that so long as any exceptions are made for any disability which may extend to a very long period and information in respect of which it may be impossible for purchasers to obtain, it is impossible to place such reliance upon long and undisturbed possession of real estate under claim of title as ought to be afforded to bona fide purchasers, and it seems clear to the Commissioners that the idea of affording the most complete and absolute protection in the comparatively rare case of lunacy ought not, in the general interest, to be allowed so to operate as to prevent the beneficial effect of the statute of limitations as a statute of repose for quieting the titles of bona fide purchasers. The like considerations require the like abolition of the exception in the statute of limitations, because of imprisonment on a criminal charge or conviction.

3. A carefully drawn but adequate provision by which that kind of possession or of claim of title to vacant city lots, which is usually the only practical possession or claim, viz.—the holding a paper title, being entered upon the tax books as the owner and paying the taxes and assessments and being the only person so paying or making practical claim to, or looking after the property shall for the purposes of the statute of limitations be deemed an adverse possession equivalent to the *pedis possessio* of other property.

4. Precluding as against bona fide purchasers the assertion of claims for dower in cases of concealed marriages, and in cases where the wife has executed a release of her dower right while under age.

5. Precluding as against bona fide purchasers under devises and powers contained in wills the assertion of adverse claims by heirs at law in hostility to the will where the conveyance under which such purchaser claims is made after the expiration of a certain specified time from the admission of the will to probate by the Surrogate, and when the decree of such probate and admission remains in force with no pending appeal from it.

6. A better regulation than now exists in respect of the protection of bona fide purchasers from heirs or devisees made after the expiration of a certain time from the death of the testator or intestate against the claims of creditors not having specific liens.

Hereto annexed are drafts of the bills prepared by the Commissioners and of which they recommend the enactment, which are entitled as follows:

I. An act in relation to the recording, filing and indexing of instruments affecting the title to real estate in the City of New York.

II. An act in relation to the lien of judgments and decrees and forfeited recognizances upon real estate and chattels real in the City and County of New York.

III. An act in relation to mortgagors to the Commissioners for loaning certain moneys of the United States for the County of New York.

IV. An act in relation to the indexing of and searches for unpaid taxes, assessments and water rents and unredeemed and uncanceled sales made for non-payment of taxes, assessments and water rents in the City of New York.

V. An act to provide for the re-indexing of certain records affecting real estate in the City of New York and printing such indices.

VI. An act to provide for short forms of deeds and mortgages.

The Commission having been obliged to defer its report till so late a day in the session that no opportunity has been afforded for the discussion of the proposed reforms by members of the bar and others interested, whose suggestions might materially aid in perfecting those measures, and deeming it probable that this Legislature might not have time for the examination of the bills proposed, has been compelled to recognize the necessity of an extension of its term of office until the next session of the Legislature with a view to such revision or amendment of the bills now reported, as after a general consideration and discussion of the same, may be deemed necessary or advisable, and has therefore presented a bill for such extension. All of which is respectfully submitted.

Dated New York, April 15, 1885.

CHAS. F. SOUTHMAYD.

JOHN H. RIKER.

CHAS. E. STRONG.

EDWIN W. COGGESHALL.

Commissioners of Land Transfer.

AN ACT IN RELATION TO THE RECORDING, FILING AND INDEXING OF INSTRUMENTS AFFECTING THE TITLE OF REAL ESTATE IN THE CITY OF NEW YORK.

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

SECTION 1. All instruments, except powers of attorney and satisfaction pieces of mortgages recorded in the office of the Register of the City and County of New York after this act goes into operation, and all notices of lis pendens, liens and other instruments affecting specific real estate filed or recorded in the office of the Clerk of the City and County of New York after this act goes into operation, shall be indexed against the property affected thereby in the manner prescribed by this act.

SEC. 2. There shall be prepared and thereafter kept in the office of the said Register, in duplicate, a series of books with accompanying maps herein designated, and to be legally known as the Land Register Index, wherein there shall be separately laid down and designated each block or plot of land in said city, and the separate lots, if any, into which the same shall be subdivided, which separate blocks or plots and lots designated on said Land Register Index shall correspond with the blocks and plots and lots in said city, as laid down on the maps kept for the purpose of assessing real estate for taxation, which are herein and for the purposes of this act designated as the tax maps.

The Land Register Index shall be upon the general plan of numbering the blocks and plots in said city consecutively, beginning with number one, to be assigned to some block in the lower part of the city, near the Battery, and proceeding northwards in the numbering with such regularity in respect of contiguity as may be found convenient, so that each block or plot shall bear a separate number, and numbering the lots contained in each block or plot (when said block or plot shall be laid out in lots on said tax maps), consecutively from number one onward for as many numbers as there shall be lots in the block or plot, assigning on such Land Register Index and maps a separate number to each lot.

The word block used in this act designates a plot or parcel of land, such as is commonly so designated in the City of New York, embraced within the continuous lines of bounding streets.

The word plot used in this act designates a parcel of land, such as is commonly so designated, situated in the district lying north of Harlem River, known as the annexed district, which is bounded by and embraced within the continuous lines of bounding roads or streets or projected roads or streets.

In the series of books constituting the Land Register Index a separate place shall be assigned to each block or plot, containing as many pages as shall be deemed convenient and suitable, either with reference to the lots then existing or to the lots which may thereafter be laid out on said tax maps within the area of such block or plot, so that a separate page shall be assigned to each lot existing at the time the Land Register shall be prepared, and a convenient number of the pages assigned to such block or plot shall, at the outset, be left in blank for subsequent use as occasion may arise.

The paging of the respective volumes of the Land Register Index shall be continuous from one onward for as many pages as there shall be in the volume, including those originally left blank.

Prefixed to the portion of the index assigned to each block or plot there shall be a map of such block or plot specifying its number and showing separately the respective lots contained therein, if there be any sub division into lots, with the location and dimensions of such lots respectively as laid down on the tax maps, and showing the numbering of the respective lots from one onward, as above described, which maps shall be upon a scale sufficiently large to allow of the making of alterations therein as herein provided for.

At the head of the page assigned to each lot there shall be written or printed the Land Register number of the lot in substantially the form following, viz.:

Lot 5 (five), Block or Plot 10 (ten).

Whenever, after the opening for use of the Land Register Index, a new lot or lots shall be formed upon the tax maps, by reason of new division, consolidation or other cause, a page shall be assigned to each such new lot upon that portion of the Land Register Index assigned to the block or plot to which the same belongs, and such new lot or lots shall be numbered upon the Land Register Index in consecutive order next after the then highest number of the previously existing lots in the block or plot, or if there be no such previously existing lots then from one onward as said lots shall be laid down on the tax maps, and at the head of the page assigned to each such new lot there shall be written or printed the Land Register number thereof in substantially like form as above prescribed for the original lots in a block or plot, together with the date as of which such new lot is placed on the Land Register Index, and when such new lot or lots shall be formed from previously existing lots a statement from what numbered lot or lots on the previously existing Land Register Index such new lot is formed, and there shall also be placed upon such page a diagram of such new lot showing the location and dimensions thereof as laid down on the tax maps, and among other things the distance at the street front of each side of the lot from the next corner of the block.

The heading of the page for a new lot as above provided for, irrespective of the diagram, may be substantially in the form following:

Lot 70 (seventy), Block or Plot 10 (ten), placed on Land Register Index September 1, 1890, formed out of part of old Lots 16 (sixteen) and 17 (seventeen) same block.

When a change shall be made upon the tax maps whereby a new lot or lots shall be formed from previously existing lots or a previously existing lot an entry or entries shall be made upon the page or pages of the Land Register Index theretofore appropriated to the lot or lots from or out of which such new lot or lots shall be formed, indicating that the registry account of the original lot to which such page was assigned is thenceforth closed and that the premises embraced in such original lot are embraced in the new lot or lots bearing the number or numbers which shall be stated, which entry shall bear even date with the date of entry of the new lot or lots on the Land Register Index and which entry upon the page assigned to the original lot shall be substantially in the form following:

September 1, 1890. Registry account of this lot henceforth closed. Its area embraced in Lots 70 (seventy) and 71 (seventy-one) same block or plot.

The foregoing provisions for closing the registry account of original lots, and entering the newly formed lots on the Land Register shall be applicable in all cases where the tax maps shall be so changed as to form a new lot or lots, including, among others the case of one lot being divided into two, or

of two lots being consolidated into one, or of a block or plot being newly laid out in lots in whole or in part, and in all cases where a new lot or lots shall be formed on the tax maps from previously existing lots there shall be such closing of the original registry account of the original lot or lots which shall be affected by the change, and such entry of all the newly formed or changed lots upon the Land Register; but where there shall be a change in the tax maps merely by correcting a previous incorrect statement of dimensions or distances, without the formation of any new lot or lots, it shall not be required to close the registry account or accounts of the lot or lots affected by the correction, or to open a new account or accounts therefor, and in such case entries shall be made upon the page assigned to such corrected lot and upon the page or respective pages assigned to such other lot or lots as shall be affected in location or dimensions by such correction, showing distinctly the correction in dimensions or distances so made with a diagram of the lot as corrected, and proper note of such correction shall likewise be made upon the before mentioned map of the block or plot prefixed to the portion of the index assigned to such block or plot.

Whenever a newly formed lot or lots shall be entered upon the Land Register of a block or plot as above provided, the before mentioned map of the block or plot prefixed to the index of the block or plot as aforesaid shall have proper entries of such new lot or lots made thereon, and when such new lot or lots shall be formed from previously existing lots or a previously existing lot such entries shall be made with the use of different colored ink or otherwise in such form and manner as distinctly to show the location and dimensions and numbering of the newly formed lots, and the discontinuance from the Land Register thenceforth of the superseded lot or lots.

And if at any time the alterations on such map prefixed to the index of a block or plot shall have been so numerous and extensive as in the judgment of the Superintendent of the Land Register Index hereinafter mentioned to render it unsuitable and inconvenient to continue longer in practical use and for reference the map thus changed and varied, there may be prepared by or under the direction of the said Superintendent a new map of the block or plot showing the several lots contained therein with their location, dimensions and numbering at the time being, which shall be prefixed to the portion of the Land Register Index assigned to such block or plot, to serve thenceforth and for future use and reference and to stand and be in legal effect thenceforth in place and stead of the old map so deemed to be unsuitable and inconvenient for future use, and so from time to time whenever in the judgment of the said Superintendent such map of the block or plot in current use shall have been subjected to such numerous and extensive changes as to render it unsuitable and inconvenient to continue the same longer in practical use and for reference, but nevertheless in every such case the original or former map thus practically superseded by a new one shall be still kept in place prefixed to such portion of the index appropriated to the block or plot so that it may be referred to in case of need.

Whenever the page of the Land Register Index assigned to a lot shall have been so filled with entries as not to leave proper room for further entries required to be made therein, the registry of that lot shall be carried forward to one of the blank pages left in the portion of the register assigned to the block and so from time to time as occasion may require, and in such case an entry shall be made upon the original page which shall have been so filled with entries in substantially the following form, viz.: "Registry account of this lot carried forward to page 346 of this volume," and in the page to which the registry of such lot shall be carried forward shall be written or printed and placed whatever was at the head of the filled page, including the diagram, if any, together with an entry in substantially the following form:

"Registry account of this lot brought forward from page 300 of this volume."

The changes by this section directed to be made in the Land Register Index and accompanying maps in order to make the same conform to the changes in the tax maps shall be made as of and on or before the first day of September in each year, or as of and on or before the second day of September where the first day of that month shall be Sunday, and such changes in the Land Register Index and maps as of and on or before each first or second day of September as aforesaid, shall embrace all such changes in the tax maps made during the twelve months ending on the first day of June next preceding such first or second day of September and such changes in the Land Register Index and maps by this section provided for shall be made only once a year as aforesaid and shall embrace all such changes for such preceding period of twelve months as aforesaid. And where, upon an instrument requiring to be indexed in the interval between the fifteenth day of July and the first day of September in any year, the page of the Land Register Index appropriated thereto shall have an entry actually made therein in pursuance of the provisions of this act, closing the registry account of said lot as of the first or second day of September of such year the instrument shall nevertheless be indexed on the said page and as against the lot as existing prior to such change made as of the first or second day of September to which end the Superintendent upon actually making prior to such first day of September an entry closing the registry account of such lot as of the first or second day of September shall leave a proper space for such purpose.

SEC. 3. Whenever by reason of opening a new street or road or widening, extending or altering an existing street or road in the City of New York or from any other cause, there shall be formed a new block or plot upon the tax maps of said city, such new block or plot and the separate lots contained therein, if any, shall be entered by the Superintendent of the Land Register upon the Land Register Index with an accompanying map prefixed in like manner, substantially and as nearly as may be as herein provided in respect of the blocks existing at the time of the original preparation of the Land Register Index, which entry or entries of a new block or blocks, or plot or plots upon the Land Register Index shall be made as of and on or previous to the first day of September in each year or the second day of September, where the first day of that month shall be Sunday, and shall embrace all such new blocks or plots formed upon the tax maps during the twelve months ending on the first day of June then next preceding, and no entry of a newly formed block or plot shall be made on the Land Register otherwise than at or as of the period of the year above in this section prescribed therefor. The new block or blocks and plot or plots entered yearly as aforesaid on the Land Register Index shall receive a numbering thereon, which numbering shall follow in consecutive order the highest number for a block or plot on the maps and Land Register as existing immediately previous thereto. Each newly formed block or plot entered on the Land Register Index in pursuance of this section shall have assigned thereto on the register an appropriate separate place with a subdivision thereof, assigning a separate page to each lot contained therein, and a provision of blank pages in like manner as hereinbefore provided in respect of the original blocks and plots and after the date of entry of such new block or plot upon the Land Register Index, the provisions of this act relating to the blocks and plots embraced in the Land Register as originally prepared herein designated as the original blocks and plots and to the respective lots contained therein, and relating to changes in such lots shall be equally applicable and in like manner as nearly as may be in relation to such newly entered blocks and plots and the lots embraced therein.

In the entry of a new block or plot upon the Land Register under the provisions of this section, an entry shall be made at the head of the page assigned to each lot embraced therein, if any, stating immediately after the lot and block or plot number of the particular lot in the new block or plot in what block or plot and lot or lots the said lot was previously embraced, or if such lot was not previously embraced wholly in a lot or lots but partly or wholly in a street, road or other space such fact shall be properly stated, which entry shall be substantially in the form following, so far as applicable:

Lot 1 (one), Block or Plot 3,042 (three thousand and forty-two), formed out

of Lots 16 (sixteen) and 17 (seventeen) in Block or Plot 110 (one hundred and ten), and out of part of Canal street, adjoining Block or Plot 110 (one hundred and ten) or otherwise in such form as properly to show from what previously existing premises the said new lot is formed.

And when any new block or plot is entered upon the Land Register in pursuance of this section an entry shall be made upon the page of the register assigned to each lot previously existing upon the register, which or part of which is embraced in such new block or plot, in like manner substantially and as nearly as may be prescribed in the second section of this act in relation to changes made in the lots contained in an original block, which entry may be as follows:

"September 1, 1890. Registry account of this lot henceforth closed. Its area embraced in Lots 16 (sixteen) and 17 (seventeen) in Block or Plot 3,042 (three thousand and forty-two)."

SEC. 4. When any changes shall be made upon the tax maps of the city of New York, by the formation of any new lot or lots, or block or blocks or plot or plots upon such maps or the discontinuance or new division or other alteration of any existing lot or lots, or block or blocks or plot or plots upon such maps, or by correcting the dimensions or location on such maps of any lot or lots represented or designed to be represented thereon, the Tax Commissioners shall give notice in writing to the Superintendent of the Land Register Index of all such changes, with such specification of particulars in relation thereto as shall give to such Superintendent the information necessary to enable him so to change the Land Register Index and maps as to make the same conform to such changes in the Tax maps, but the said Superintendent for the purpose of making such changes shall likewise be entitled to full and free access to and inspection of the tax maps.

The notice to be given by the Tax Commissioners to the Superintendent of the Land Register Index, as by this section prescribed, shall be so given on or before the first day of July in each year, and shall embrace all such changes made in the tax maps during the twelve months ending on the first day of the next preceding month of June.

Whenever the location or dimensions of any lot in the city of New York, as laid down or designated upon the tax maps, shall vary materially from the location or dimensions of such lot as actually in possession and enclosed by walls and fences, or a wall and fence, and such possession and enclosure shall have existed for at least two years continuously next preceding the application next hereinafter provided for, the owner or owners of such lot or their agent or attorney thereunto duly authorized may make application in writing to the Tax Commissioners for correcting the tax maps so as to make the same conform to such actual possession and enclosure, accompanying such application with an affidavit of such facts as are above mentioned as the basis or condition of such application, and likewise with a survey map made by one of the city surveyors showing the lot as actually possessed and enclosed as aforesaid, with a note thereon specifying the variation or discrepancy in the tax maps, and upon receiving such application it shall be the duty of the Tax Commissioners to examine into the matter, and if they see fit they may require notice of such application to be given to the owners of the adjacent premises which would be affected by the alteration, and if such discrepancy between the tax maps and the actual possession and enclosure by the owner or owners making such application shall be found by them to exist they shall make such correction in the tax maps in respect of such lot as to make the same conform to such actual possession and enclosure thereof by the owner or owners of the same, and in such case to make the proper corrections in the tax maps in respect of the location and dimensions of such other lot or lots as may be necessarily affected by the change so made. Nothing in this section contained shall impair or affect the right of the Tax Commissioners to make corrections on the tax maps without such application as aforesaid.

SEC. 5. There shall be an officer known as the "Superintendent of the Land Register of the city of New York." He shall be appointed from time to time by the Mayor of the city of New York, and the Chief Judges respectively of the Superior Court of the city of New York and of the Court of Common Pleas of the city and county of New York, or a majority of them, and shall hold his office for the term of five years from the time of his appointment and thereafter until a successor shall be appointed and qualify. He shall be a counsellor at law, who shall have resided or practised as such in the city of New York for at least five years next preceding his appointment.

The first appointment of such officer shall be made within thirty days after the passage of this act. He shall receive a salary of not less than seven thousand dollars and not more than ten thousand dollars per year, to be paid by the city of New York in like manner as the fixed salaries of other officers of the city of New York are paid, and the amount of which salary, within the limits aforesaid, shall be from time to time fixed by the Board of Estimate and Apportionment of said city, but the amount of which salary after it is once fixed shall not be varied so as to effect, during his term of office, the Superintendent holding the office at the time of such variation.

The Superintendent shall appoint a deputy who shall hold office during the pleasure of himself or his successor in the office of Superintendent, and until a successor in such office of deputy shall be appointed and qualify.

Such Deputy Superintendent of the Land Register shall be one of the city surveyors and shall receive a salary at the rate of not less than five thousand dollars and not more than seven thousand dollars per year, to be fixed by the Board of Estimate and Apportionment of said city, and to be paid by the city of New York in like manner as the salary of the Superintendent. Such deputy shall perform such duties of the Superintendent in his place and stead as the Superintendent shall from time to time prescribe or direct, and in case of the death, disability or removal of the Superintendent, or of a vacancy in the office of Superintendent in anywise occurring, the Deputy Superintendent shall be acting Superintendent, and perform the duties of the office until the vacancy in the office of Superintendent shall be filled by the appointment of a new Superintendent and his qualifying. While thus performing the duties of acting Superintendent, the Deputy Superintendent shall receive a salary for such period at the like rate as the then salary of the Superintendent, and to be paid by the city in like manner instead of his salary as deputy for such period, and in such case the deputy acting as Superintendent may appoint an assistant to perform during the time of his being such acting Superintendent the like duties as those of Deputy Superintendent, and to receive salary for such period at the like rate as the then salary of Deputy Superintendent, to be paid by the city in like manner. If at any time there shall be no Superintendent and no acting Superintendent of the Land Register as aforesaid the duties of the office shall, until a Superintendent shall be appointed and qualify, be performed as far as need be by the Register of the city and county of New York, or by whomsoever shall be legally entitled to act as such Register, but no extra salary or compensation therefor shall be allowed to such Register or person legally authorized to act as such.

The Superintendent of the Land Register shall cause to be prepared, under his supervision, the Land Register Index and accompanying maps by this act provided for, and after this act goes into operation he shall have the care and charge of such Land Register Index and maps, and shall from time to time make or cause to be made, under his supervision, such alterations therein and additions thereto as by this act are provided for, and he shall perform such other duties as are prescribed for him by this act, and such other duties in relation to the Land Register Index, and the making or supervising of entries thereon as may be from time to time provided by law.

The Superintendent of the Land Register and the Deputy Superintendent, and likewise the assistant in this section above provided for, whenever there shall be one, shall receive suitable accommodation in the office of the Register of the city and county of New York for the performance of their official duties respectively, and the Superintendent of the Land Register shall be

allowed to have for assisting him in the performance of his duties under this act such number of clerks not exceeding ——— with such respective salaries not exceeding ——— thousand dollars per year in the aggregate as shall be fixed and allowed by the Board of Estimate and Apportionment. Such clerks shall be from time to time appointed by said Superintendent and shall hold their offices during his pleasure.

The necessary expenses of the Superintendent of the Land Register in the performance of the duties incumbent upon him under this act shall be provided for and paid in like manner as the expenses of the Register of the city and county of New York, payable out of the city treasury, are now provided for and paid.

SEC. 6. In order to entitle any instrument affecting real estate or chattels real situate in the city and county of New York other than a power of attorney or satisfaction piece of a mortgage to be recorded in the office of the Register of the said city and county after this act goes into effect, whether such instrument shall have been executed before or after the passage of this act, the block or plot numbers upon the Land Register, in cases where such block or plot shall not be laid out in lots, or where such block or plot shall be laid out in lots the block or plot and lot numbers upon the Land Register of the premises affected or claimed to be affected thereby, shall be designated in both figures and words to said Register in the manner hereinafter provided, either in the body of such instrument or in the accompanying instrument to be recorded therewith as herein provided or in such separate but not accompanying instrument as hereinafter provided for in cases where such separate instrument is hereinafter allowed and provided for, to the end that the Register may cause the records of such first above mentioned instrument, hereinafter called the chief instrument, to be indexed against the lot or lots or block or plot or blocks or plots upon the Land Register so designated.

If such designation be contained in the body of the chief instrument it shall be in substantially the following form, namely:

"This instrument is claimed to affect Lots 6 (six) and 7 (seven) in Block or Plot 10 (ten) or Block or Plot 10 (ten) on the Land Register of the city of New York, and the indexing of this instrument is to be against those lots or that block or plot."

If such designation be by an accompanying instrument such accompanying instrument shall be in writing under seal, and shall be endorsed upon or annexed to the chief instrument or refer to and properly designate the same, which accompanying instrument shall, except as hereinafter otherwise provided, be executed by the party or one of the parties presenting for record the chief instrument or his or their agent or attorney, with its execution by such party or agent or attorney acknowledged or proved in like manner as legally required for acknowledgment or proof of a deed which is to be recorded, and, except as hereinafter otherwise provided, shall be delivered to the Register at the time when the chief instrument is delivered to him for record, and recorded by the Register together with and immediately after the record of the chief instrument.

Such accompanying instrument shall be in substantially the following form as nearly as may be:

"I, the undersigned A. B. of the city of New York (or I, the undersigned A. B. of the city of New York, as agent or attorney of C. D. of the same city), do hereby claim that the within (or annexed) instrument or a certain instrument properly designating it, being a deed (or mortgage or whatsoever it may be), dated January 1, 1885, from A. B. and others to C. D. and others, affects Lots 6 (six) and 7 (seven) in Block 10 (ten) or Block or Plot No. ——— on the Land Register of the city of New York, and request that the indexing of the said instrument be made against such lot or lots, block or blocks, plot or plots.

"In witness whereof I have hereunto set my hand and seal this ——— day of ———, eighteen hundred and eighty-six."

The said instrument in chief shall be indexed against the lot or lots or the block or plot (in cases where such block or plot shall not be laid out into lots) which shall have been designated to the Register as aforesaid as the premises claimed to be affected thereby, and the record of the instrument shall not be effectual by way of notice to subsequent purchasers in respect of any other real estate than that embraced within the lot or lots or block or plot designated as aforesaid for the indexing thereof, but in respect of such other premises the effect of the said instrument in chief, if by its terms, other than the specifications as aforesaid of the lot or lots, block or plot on the Land Register affected thereby, it shall have or be entitled to any effect in respect of such other premises, shall be that of an unrecorded deed or other instrument such as it may be, and the failure to record or index the instrument as against or in respect of premises affected thereby other than the lot or lots or block or plot on the Land Register designated as aforesaid for the indexing thereof shall not, in respect of subsequent purchasers of such other premises, impair or alter the legal effect of actual notice or of circumstances having like legal effect as actual notice to them of such instrument in chief, which shall be so as aforesaid in legal effect unrecorded as against such other premises because of failure so to index the same, except that the record of the instrument shall not be constructive notice in respect of the premises against which there shall be such failure to index the same.

The indexing of the instrument in chief as against the lot or lots, block or plot on the Land Register designated as aforesaid for the indexing thereof shall be by making a note thereof on the page or respective pages of the Land Register assigned to the lot or respective lots, or to the block or plot in cases where said block or plot shall not be laid out in lots affected thereby, stating the parties to such instrument, or where there are several parties on the same side the name of one of them with the addition of the words "and others," or the words "and another," the date of the instrument (if there be one), the date of its record and the book and page where recorded, which note in the case of an ordinary deed may be in the form following:

GRANTOR.	GRANTEE.	NATURE OF INSTRUMENT.	DATE.	DATE OF RECORD.	PLACE OF RECORD.
A. B. and others.	C. D. and another.	Deed.			Liber 1,800, p. 200.

Notwithstanding, a chief instrument presented for record may contain a specification of the lot or lots, block or blocks, plot or plots on the Land Register claimed to be affected thereby, there may be delivered to the Register, when the same is delivered to him for record, such accompanying instrument as aforesaid, specifying any additional lot or lots, block or blocks, plot or plots on the Land Register as claimed to be affected thereby, and in such case the instrument in chief shall be indexed as well against such additional lot or lots, block or blocks, plot or plots, as against the lot or lots, block or blocks and plot or plots specified in such chief instrument.

Where the Register shall find that the registry account of any lot against which he shall have been directed in either of the methods in this act specified to index an instrument had been previously closed so as not to admit the same to be so indexed he shall, instead thereof, index the instrument against the lot or lots to which shall have been carried in pursuance of this act the registry account of the lot or lots in respect of which there shall be from such cause inability to index the instrument in accordance with the direction, stating in such entry in the index the time of its being actually made, and such indexing shall be of like legal effect as of and from the time when it shall be actually made as if it had been properly directed at the time when actually entered, but not previously thereto.

Any person in possession of an instrument in chief already recorded and indexed in pursuance of this act who shall desire to have the same indexed against any lot or lots, block or blocks, plot or plots as being affected thereby other than the lot or lots, block or blocks, plot or plots theretofore designated to the Register as aforesaid for the indexing thereof, shall be

entitled to have such instrument re-recorded and indexed against such additional lot or lots, block or blocks, plot or plots upon the delivering to the Register to be again recorded such instrument in chief, with an accompanying instrument specifying the additional lot or lots, block or blocks, plot or plots claimed to be affected thereby and requesting the indexing thereof against such additional lot or lots, block or blocks, plot or plots, which accompanying instrument shall be in substantially like form as hereinbefore provided for an instrument to accompany the original instrument upon its delivery for record, with the addition thereto of the statement that such instrument in chief has been already recorded, specifying the book and page of such record and indicating that the instrument in chief is to be again recorded with the purpose of being indexed against such other lot or lots, block or blocks, plot or plots as additional. And thereupon the Register shall again record such instrument in chief and index the same against the additional lot or lots, block or blocks, plot or plots directed by such accompanying instrument in like manner and such record and indexing thereof shall have like effect by way of constructive notice to subsequent purchasers of such additional lot or lots, block or blocks, plot or plots as if the said instrument in chief had not been previously recorded.

Any person interested as owner, mortgagee, lessee or otherwise, in any lot or lots, block or blocks, plot or plots affected by any instrument in chief theretofore recorded and indexed in said Register's office under or in pursuance of this act, the designated indexing whereof shall not have embraced such lot or lots, block or blocks, plot or plots wherein such person shall be so interested shall be entitled to have such instrument in chief already recorded as aforesaid indexed against such lot or lots, block or blocks, plot or plots wherein such person shall be so interested without delivering to the Register to be again recorded such instrument in chief, upon delivering to the said Register an instrument in writing under seal and with such verification as hereinafter provided (which is hereinafter designated as the supplementary instrument), stating that such person is interested as owner, mortgagee, lessee or otherwise in such lot or lots, block or blocks, plot or plots, specifying the Land Register number or numbers thereof, and claims that such previously recorded instrument designating the same as hereinafter provided for affects such lot or lots, block or blocks, plot or plots, and desires and requests to have the same indexed against such lot or lots, block or blocks, plot or plots, but is not in possession of or is unable to deliver to the Register to be again recorded such previously recorded instrument, which supplementary instrument shall be in substantially the following form as nearly as may be:

"I, the undersigned, A. B., of the city of New York (or, I the undersigned, A. B., of the city of New York, as agent or attorney of C. D. of the same city), do hereby claim that a certain instrument recorded in the office of the Register of the city and county of New York in liber 1,900 of conveyances, pages 10, &c., being a deed (or mortgage or whatsoever it may be) dated January 1, 1885, from E. F. and others to G. H. and others, affects Lots 6 (six) and 7 (seven) in Block 10 (ten) on the Land Register of the city of New York, although the same has not been indexed or directed to be indexed against the same, and I hereby declare that I am (or that the said C. D. is) interested as owner (or as part owner or as lessee or as mortgagee or in any other manner to be specified generally) in said Lots 6 (six) and 7 (seven), and that I desire and request (or that I, on behalf of said C. D., desire and request) that the above mentioned instrument recorded in the book and on the pages above mentioned shall be indexed against the said Lots 6 (six) and 7 (seven) in Block 10 (ten) on the Land Register of the city of New York, and I further declare that I am (or that the said C. D. is) unable to deliver to the Register to be again recorded the above mentioned instrument heretofore recorded in liber 1,900 of conveyances, pages 10, &c., because the said instrument is not in my possession nor under my control (or, if the instrument is executed by an agent or attorney, because the said instrument is not in my possession or under my control, nor, as I am informed and verily believe, in the possession nor under the control of the said C. D.).

In witness whereof I have hereunto set my hand and seal this ——— day of ———, eighteen hundred and eighty-six.

The execution of said supplementary instrument shall be acknowledged or proved in like manner as legally required for acknowledgments or proof of a deed which is to be recorded, and there shall be subjoined to such supplementary instrument an affidavit of the person executing the same, sworn before an officer authorized to take affidavits, which shall be substantially in the form and to the effect following, namely:

City and County of New York, s. s.:

I, the above named A. B., being duly sworn, do depose and say that the foregoing application is made in good faith, and in the belief that the instrument therein mentioned affects the lot (or lots) against which the same is thereby requested to be indexed, and that the foregoing statement, in respect of inability to deliver the said instrument to the Register to be again recorded and the reason of such inability, is correct and true, as above set forth.

Sworn before me this }
day of ———, 1886. }

Upon receiving such supplementary instrument so authenticated and verified the Register shall record the same, including the certificate of proof or acknowledgment and the verification in the set of books appropriated to the recording of instruments of the class of the said previously recorded instrument therein mentioned and shall forwith index the said previously recorded instrument against the lot or lots, block or blocks, plot or plots specified for that purpose in said supplementary instrument, and from the time of the delivery to the Register for record of such supplementary instrument the said previously recorded instrument shall have the like effect by way of constructive notice to subsequent purchasers of the lot or lots, block or blocks, plot or plots against which the said previously recorded instrument shall by such supplementary instrument be requested to be indexed as if the said previously recorded instrument had been duly recorded and duly indexed against such lot or lots, block or blocks, plot or plots specified for the purpose in said supplementary instrument at the time of the delivery of such supplementary instrument to the Register to be recorded. The fee of the Register for recording such supplementary instrument shall be five dollars. The fee of the Register for recording an accompanying instrument shall be the same as if it were a deed, and the Register's fee for indexing under this act shall be twenty-five cents for each separate lot or block or plot against which such indexing shall be.

SEC. 7. One of the duplicate sets of books, with accompanying maps by this act required to be prepared and kept in the office of the said Register, shall be appropriated to the indexing of conveyances absolute in their terms and not intended as mortgages or as securities in the nature of mortgages, including all the instruments recorded in the books commonly called the books of conveyances, and the other of the said duplicate sets of books, with accompanying maps, shall be appropriated to the indexing of mortgages and securities in the nature of mortgages, including all the instruments recorded in the books commonly called the books of mortgages, and all the provisions of this act relating to the Land Register Index, and the keeping and maintaining the same and the making of alterations therein, and the accompanying maps upon or in consequence of the formation of new lots, or blocks or plots or changes in lots, or blocks or plots or other changes in the tax maps, and the making of entries in the Land Register Index, shall be applicable as far as property may be to both the said duplicate sets of books, with accompanying maps, so that the two different classes of instruments in this section above mentioned shall be indexed respectively in only that one of the said duplicate sets of books appropriated to the class to which the same shall belong.

The said two sets of books shall be clearly and appropriately distinguished

upon their face and by lettering upon the back of the books so as to show that the one is the Index of conveyances and the other of mortgages.

The entry of an ordinary mortgage in the Land Register Index appropriated to mortgages may be substantially as follows:

MORTGAGOR.	MORTGAGEE.	NATURE OF INSTRUMENT.	DATE.	DATE OF RECORD.	PLACE OF RECORD.	WHEN DISCHARGED OF RECORD.
A. B. and another.	C. D.	Mortgage.			Lib. Page.	

Where the instrument to be indexed is a mortgage created by deed and defeasance, or is an assignment of a mortgage or other instrument which cannot be appropriately indexed in the form above in this section specified, the same shall be indexed in some appropriate form so as to indicate what it is, stating always the place and date of record.

Whenever a mortgage indexed on the Land Register of mortgages shall have been discharged of record, a note of the fact of such discharge, with the date thereof, shall be made in the appropriate place therefor in the index thereof by or under the direction of the said Superintendent.

SEC. 8. It shall be the duty of the said Register on receiving any instrument for record forthwith to enter on the book commonly called the Tickler a memorandum of the block or plot and lot number specified in such instrument, or in the accompanying certificate, the name of the grantor and the day of record, and he shall within thirty days thereafter cause such entry or entries to be made in the Land Register Index as are by this act required, and the said Superintendent shall see that the said entries on said Index are properly made within said period of thirty days.

SEC. 9. In addition to the certificate of record now required by law to be endorsed by the Register upon any instrument recorded by him there shall also be endorsed upon any such instrument a certificate of the said Superintendent to the effect that said instrument has been duly entered on the Land Register Index, stating the date of such entry and the block or plot and lot number or numbers in said Index as to which such entry or entries is or are made.

SEC. 10. The Superintendent of the Land Register at the same time when he shall cause to be prepared the duplicate indices to be kept in the office of the said Register as by this act provided, shall likewise cause to be prepared a triplicate of such set of books constituting the Land Register with accompanying maps, to be delivered to the County Clerk of the city and county of New York, and to be thereafter kept in said County Clerk's office, and to be known as the Land Register Index of Liens, which triplicate set shall be in like forms as nearly as properly may be as the said two sets of books to be kept in the Register's office, except that it shall be properly distinguished from them on its face and by lettering upon the back of the books so as to show that it is the Land Register Index of Liens, and the Superintendent of the Land Register shall on or before the first day of July, eighteen hundred and eighty-six, deliver to the Clerk of the city and county of New York, to be kept in his office and used for the purposes in this act provided, the triplicate set of books by this section above required to be prepared.

Whenever the annual changes by this act required to be made in the Land Register Index kept in the Register's office, upon or in consequence of formation of new lots, blocks or plots, or changes in lots, blocks or plots, or other changes in the tax maps, shall be made in the indices kept in the Register's office, corresponding changes shall be made by or under the direction and superintendence of the Superintendent of the Land Register in the Land Register Index of Liens kept in the County Clerk's office, on or as of the first day of September in the year when such changes in the Land Register Index in the Register's office shall be made, to the end and intent that each lot or each plot or block, not subdivided into lots as existing on the tax maps at the time being, shall have assigned to it its appropriate separate place, and bear the same lot and block or plot number in the said Land Register indices kept in the Register's and County Clerk's offices respectively, and to this end the Superintendent of the Land Register shall have such care and charge of the Land Register Index of Liens kept in the County Clerk's office with the right to such accommodation in the County Clerk's office as he shall reasonably require for the purpose of making or causing to be made such changes in the Land Register Index of Liens as shall make the same conform as aforesaid to the indices in the Register's office, which changes in the Land Register Index of Liens it is hereby made the duty of the Superintendent of the Land Register to make or cause to be made.

But the duty of indexing or making or supervising entries of particular liens in the Land Register Index of Liens shall rest upon the County Clerk and not upon the Superintendent of the Land Register.

SEC. 11. Any notice of lis pendens, certificates of Sheriff's or Marshal's sales and of foreclosure by advertisement which shall be filed in the office of said County Clerk after this act shall go into operation shall contain a designation of the premises claimed to be affected thereby by the block and lot number on said Land Register Index of Liens, or the block or plot number in cases when such block or plot shall not be laid out in lots and shall be indexed against such lot or lots, block or plot on the appropriate page of the Land Register Index, and the filing of such notice of lis pendens, certificate of Sheriff's or Marshal's sale, or of foreclosure by advertisement, shall not be effectual as against subsequent purchasers in respect of any premises other than the premises so designated by block and lot or block or plot numbers as aforesaid.

SEC. 12. Whenever the original instrument so to be filed shall not designate by proper description the lot or lots, block or plot claimed to be affected thereby, any party claiming the benefit of such instrument, or his attorney, may at any time afterwards file a certificate signed and acknowledged by him referring to the original instrument, having a certified copy of such original instrument annexed thereto and containing a proper description by the block and lot number, or by the block or plot number when not divided into lots, so claimed to be affected, and may file such certified copy and certificate with said County Clerk, who shall thereupon enter the same in the Land Register Index of Liens in the same manner as is provided in the foregoing section, and such original instrument shall affect such lot or lots, block or plot only from the time of such last-mentioned entry.

SEC. 13. Whenever any notice, lien or instrument filed as above provided shall have been cancelled, vacated or otherwise discharged, a note of the fact of such cancellation, vacation or discharge, with the date thereof, or of any order for such cancellation, vacation or discharge, shall be made in the appropriate place therefor in the index thereof by said County Clerk.

SEC. 14. There shall be a volume of the Land Register Index to be known as and herein designated the Alphabetical Volume, which shall be devoted to the indexing of instruments relating to wharves, piers and bulkheads and wharfage rights and such other real property, if any, as shall not be embraced within the bounds of any lot or block or plot on the Land Register. All the instruments appropriate to be indexed in the Alphabetical Volume shall be directed to be so indexed and shall be therein indexed alphabetically against the party, and all the provisions of this act shall be applicable as far and as nearly as may be to such instruments, and the indexing and directions for indexing the same and the effect of the omission such direction.

There shall be a corresponding Alphabetical Volume in the Land Register of Liens and all such instruments filed in the County Clerk's office as by this act are required to be indexed against the property affected thereby, shall in case such property shall be a wharf, pier, bulkhead or wharfage right or other real property not embraced within the bounds of any lot or block or plot in the Land Register of Liens be directed to be indexed in such Alphabetical Volume and shall be accordingly so indexed alphabetically

against the party, and all the provisions of this act shall be applicable as for and as nearly as may be to such instruments, and the indexing and directions for indexing the same and the effect of the omission of such direction.

SEC. 15. This act shall go into operation on the first day of September, eighteen hundred and eighty-six, but it shall be absolutely the duty of the Superintendent of the Land Register to complete or cause to be completed on or before the first day of July, eighteen hundred and eighty-six, the triplicate indices with accompanying maps hereinbefore provided for, and on or before the said first day of July to deposit in the office of the Register of Deeds of the city and county of New York the two sets of said books with accompanying maps constituting the Land Register Index, to be there kept as public records open to public inspection and examination, and likewise on or before the said first day of July to deliver to the County Clerk of the city and county of New York the triplicate set of said books with accompanying maps constituting the Land Register Index of Liens as above provided to be there kept as public records open to public inspection and examination.

And upon so depositing in the Register's office the said Land Register Index the Superintendent of the Land Register shall deposit therewith a suitable number (not less than one thousand copies) of a printed pamphlet index to said Land Register, made up in such form as conveniently and easily to show what pages and of what volume of the Land Register Index are appropriated to each block or plot in said city, of which pamphlet index any person applying therefor shall be entitled to receive a copy from the Register upon paying fifty cents therefor, and if the number of copies first furnished as aforesaid shall be thus exhausted the Superintendent of the Land Register shall cause to be printed such additional number thereof as he may deem requisite for supplying the demand therefor.

Not less than ten copies of said pamphlet shall always be kept in said Register's office, accessible to public inspection in like manner as other public records.

Upon the making of the changes in the Land Register Index on or as of the first day of September in each year, as above by this act provided for, the Superintendent of the Land Register shall on or before said first day of September prepare and deposit in the office of the Register of Deeds not less than one thousand copies of a printed pamphlet index of the changes made on or as of such first day of September so made up as conveniently and easily to show what new blocks or plots, if any, have been in such year added to the Register, with the boundaries thereof or some other designation of the same and the numbers assigned thereto respectively, and what blocks of plots, if any, have been changed or had their accounts closed on the Register, with the numbers and boundaries or location of such blocks or plots respectively, of which printed pamphlet at least ten copies shall be kept in the Register's office as public records open to public inspection, and printed copies of the same shall likewise be supplied by the Register to all persons who may apply therefor for a charge of twenty-five cents each.

In case the Superintendent of the Land Register shall not complete and deposit in the office of the Register and County Clerk respectively by the first day of July, eighteen hundred and eighty-six, the triplicate sets of the Land Register Index with accompanying maps by this act required to be so deposited, the Register shall give public notice of such failure by publishing the same for ten days in the *City Record*, and in such case this act shall not go into operation until the sixtieth day after the first publication in the *City Record* by the Register of a public notice stating that the triplicate sets of the Land Register Index provided for by this act have been completed and deposited in the office of the Register and County Clerk, respectively, and specifying the day when this act shall go into operation, which shall be such sixtieth day as aforesaid, which notice it shall be the duty of the Register to have published in the *City Record* for ten days.

In case of such failure of the Superintendent of the Land Register to complete and deposit in the Register's and County Clerk's offices, respectively, by the first day of July, eighteen hundred and eighty-six, the said triplicate sets of the Land Register Index with accompanying maps as aforesaid, the said Superintendent shall forfeit his salary and compensation for the period between said first day of July and the expiration of sixty days from the time when said triplicate sets of the Land Register Index shall have been completed and deposited in the Register's and County Clerk's offices, respectively.

AN ACT IN RELATION TO THE LIEN OF JUDGMENTS AND DECREES AND FORFEITED RECOGNIZANCES UPON REAL ESTATE AND CHATTELS REAL IN THE CITY AND COUNTY OF NEW YORK.

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

SECTION 1. No judgment recovered after this act goes into operation, and no judgment which shall not have been docketed in the office of the Clerk of the city and county of New York before this act goes into operation, although the same may have been before that time recovered, shall be a lien upon any real estate or chattels real situate in the city and county of New York, unless nor until, in addition to the docketing or filing of a transcript of the docket of the same in the office of the Clerk of the said city and county as now required by law, the same shall be indexed in pursuance of the provisions of this act upon the Land Register of Liens kept in the office of the Clerk of the said city and county, which indexing shall, except as otherwise provided by the fifth section of this act, be made by entering upon the page or respective pages of the said Land Register Index of Liens appropriated to the lot or lots or block or blocks or plot or plots upon which or in respect of a leasehold or other real interest in which the lien is claimed or desired to be created, a note of the date and amount of such judgment, the parties thereto properly designating them, the court in which recovered, and the time of docketing the same, and the time of filing the transcript thereof in the office of the Clerk of the said city and county, if the judgment shall not have been originally docketed with said Clerk, and the day, hour and minute at or as of which such entry thereof on the Land Register Index of Liens shall be made, and the lien thus created shall commence at the time at or as of which such indexing thereof upon the Land Register of Liens shall be so made, and shall expire at the expiration of the ten years or other time from the recovery of the judgment which is or may be by law prescribed in that behalf, and shall so far as respects real estate and chattels real situate in the city and county of New York extend only to the property against which the same shall be so indexed, but it shall be permitted, after a judgment is indexed against particular property, to index it against other property from time to time as may be desired.

SEC. 2. In order to require or authorize the indexing of a judgment against any particular property in pursuance of the first section of this act there shall be filed in the office of the Clerk of the said city and county an instrument hereinafter designated claim of judgment lien, which shall contain such particulars in respect of the said judgment as are by said first section required to be entered on the Land Register of Liens, and shall state that lien is claimed under said judgment upon the particular lot or lots or block or blocks or plot or plots on the Land Register or a leasehold or other real interest therein against which the same is desired to be indexed, designating the same by the lot and block or plot numbers or number upon the Land Register of Liens, and shall request such indexing thereof, and shall be subscribed by or on behalf of the holder of such judgment or his attorney. Upon the filing of such claim of judgment lien, the Clerk of said city and county shall endorse thereon the day, hour and minute of the filing thereof, and the indexing of such judgment shall be made by said Clerk without delay, in the manner hereinbefore directed against the lot or lots or block or blocks or plot or plots, respectively, so directed, and such indexing shall be made as of and take effect from the time of such filing, provided that and in

so far as the indexing of such judgment in the proper place or places on the Land Register of Liens shall be actually made within three days from the time of such filing. If not made within such three days the indexing thereof shall take effect and create the lien only from the time of the actual making of the proper entry upon the Land Register of Liens, but in case of failure to index the judgment as directed by such claim of judgment lien within such three days from the filing thereof the Clerk of said city and county shall be liable to pay a penalty of two hundred and fifty dollars to the party who shall have requested such indexing to be made and shall also be responsible to such party for the damages by him sustained by reason of such neglect of said Clerk. The said Clerk shall be entitled to receive from the party filing such claim of judgment lien a fee of twenty-five cents and ten cents additional for each lot, block or plot more than one against which the judgment shall be directed to be indexed.

The said claim of judgment lien may be in substantially the following form:

NAME OF JUDGMENT DEBTOR.	NAME OF JUDGMENT CREDITOR.	COURT IN WHICH JUDGMENT RECOVERED.	AMOUNT OF JUDGMENT.	DATE OF ORIGINAL DOCKETING.	DATE OF FILING TRANSCRIPT IN CITY OF NEW YORK.
A. B.	C. D.	New York Superior Court.	\$2,050.75.	Jan. 1, 1887.	Jan. 2, 1887, 11 h. 30 m., A. M.

The judgment above mentioned is claimed to be a lien on Lots 6 and 7, in Block 20 on the Land Register of Liens, and the Clerk of the city and county of New York is requested to index the same against those lots.

January 2, 1887.

E. F.,

Attorney for Judgment Creditor.

The Clerk of said city and county shall immediately upon the filing of any such claim of judgment lien make a note thereof upon a memorandum book or tickler, stating the lot and block or plot number or numbers against which the indexing is directed, and the date of the filing of the claim and the name of the judgment creditor, which memorandum shall be kept in conveyance form so as readily and easily to show all the entries therein for any continuous four days.

At all times any person applying therefor during office hours shall be entitled to full and free inspection, without fee or charge therefor, of all the entries made in such memorandum book or tickler during the four days then next preceding, and shall be likewise entitled, without fee or charge, to be informed by the Clerk whether there are any, and, if so, what claims of judgment liens filed during the current day and not yet entered on the tickler. The Clerk shall likewise be bound to make, certify and return forthwith, upon request of any person applying therefor, a search for four days then next preceding for filed claims of judgment lien not yet entered on the Land Register of Liens affecting any lot or lots or block or blocks or plot or plots on the said Land Register of Liens specified in the requisition for a fee of five cents for each separate lot or block or plot so searched against.

SEC. 3. Every judgment which, at the time when this act shall go into operation, shall be a lien upon any real estate or chattels real situate in the city and county of New York shall, at the expiration of six months from the time when this act shall go into operation, cease to be such lien unless, before the expiration of such six months, the same shall be indexed as provided by the first and second sections of this act against the property upon which lien, under and in virtue of, said judgment is claimed and desired to be kept in force, and the provisions of the said first and second sections shall be applicable in respect of such indexing and the effect thereof, and the time of continuance of the lien save only that by means of such indexing within the six months the original lien of the judgment shall be preserved as continuous from the time when it was created prior to this act going into operation, so far as respects the property against which the same shall be so indexed within such six months, but not as respects any other real estate or chattels real within the said city and county of New York.

Any such judgment as in this section above referred to may be indexed after the expiration of such six months against any property upon which lien, under and in virtue thereof, is claimed or desired to be created, in like manner and with like effect as prescribed by the first and second sections of this act in respect of judgments recovered after this act shall go into operation, and the provisions of said first and second sections shall in such case and in respect of the property upon which the lien is created by such indexing, after the expiration of the six months, be applicable thereto, as far as may be in like manner, as if such judgment had been recovered after the going into operation of this act.

SEC. 4. The term judgment as used in this act includes all judgments and decrees or sentences for the payment of money made or rendered by Surrogates or Surrogates' Courts, and all forfeited recognizances, as well as all other judgments or decrees constituting or which may constitute liens on real estate or chattels real.

SEC. 5. Where the property upon which lien under the judgment is claimed or desired to be created shall be a title to or interest in a wharf, pier, bulkhead or wharfage right or other real property, if any such there shall be, not embraced within the bounds of any lot or block or plot on the Land Register of Liens, the indexing of such judgments shall be made in the Alphabetical Volume of the Land Register of Liens alphabetically against the judgment debtor, and all the provisions of this act shall be applicable as far and as nearly as may be to such indexing and the effect thereof, and the direction therefor, and the necessity of and the effect of omission of such indexing.

SEC. 6. The form of executions against property issued to the Sheriff of the city and county of New York after this act shall go into operation shall be altered from that now prescribed by law, so that instead of directing the judgment to be satisfied out of the real property belonging to the judgment debtor at the time when the judgment was docketed in the Clerk's office of the county, or at any time thereafter, it shall direct the same to be satisfied out of the real property of the judgment debtor, subject to the lien of said judgment. And if the party issuing such execution shall desire that the Sheriff shall sell any real property under such execution, he shall at least ten days before the return day of the execution furnish to the Sheriff a specification of the lot and block or plot number on the Land Register of the property claimed to be subject to the lien of said judgment.

SEC. 7. This act shall go into operation at the same time that the act in relation to the recording, filing and indexing of instruments affecting the title to real estate in the city of New York, passed _____, shall go into operation as prescribed by the _____ section of that act.

consideration of the same real estate or any portion thereof, whose conveyance shall be first duly recorded, and such mortgages shall be subject in like manner as other mortgages to any law or laws which, at the time being, may exist in relation to the indexing of mortgages. At the time of the execution of the said mortgage the borrower shall pay to the said Commissioners the legal fees for recording the said mortgage and for indexing the same if legally requisite, in addition to the fee he is now required by law to pay at that time.

SEC. 2. When the whole of principal and interest due on any mortgage shall be paid to the said Commissioners they shall, if required, give the party making the payment a certificate signed by them, acknowledged or proved, and certified in the same manner as to entitle conveyances to be recorded, specifying that such mortgage has been paid, for which certificate the party making the payment shall pay the sum of fifty cents and the lawful fees of the officer before whom the acknowledgment or proof thereof was made and certified, and such mortgage shall be discharged upon the record thereof by the officer in whose custody it shall be upon presentation of such certificate in like manner as other mortgages are by law discharged of record.

SEC. 3. Within sixty days after the taking effect of this act the said Commissioners shall fill up the blanks in one of the loose sheets of blank mortgages to be provided by them, as in the above-mentioned act directed, like to the original mortgage for every mortgage heretofore taken by them, or by their predecessors in office, upon which the sum secured thereby remains unpaid in whole or in part, and for every mortgage which has been foreclosed, or the lands mentioned in which, or any part of said lands, have been sold and conveyed by virtue of the said act, and shall attest the same as a true copy thereof under their hands and seal, stating whether the said mortgage remains unpaid or has been foreclosed, or the lands mentioned therein or any part thereof sold and conveyed, and to whom, and they shall prepare an alphabetical index of all such mortgages, which index shall contain the number of each mortgage, the date, the mortgagor's name, the sum lent, a brief description of the lands mortgaged, and where the mortgage has been foreclosed, or the lands mortgaged have been conveyed, the name of the person to whom they have been conveyed, and shall file such attested copies of the said mortgages, and the said index thereof in the office of the Register of the city and county of New York. The said Commissioners shall be entitled to one dollar for every mortgage so attested and indexed, and shall pay to the said Register, on filing the said attested copies of mortgage and the index thereof, twenty-five cents for every attested mortgage so filed in his office, which shall be a charge on the interest to be received on the moneys authorized to be loaned by the said act. The said index and the said attested copies of mortgages so filed in said Register's office shall be kept in said Register's office as public records, and shall during office hours be freely open to public inspection and to the taking of copies thereof or extracts therefrom by anyone who may so desire. And said mortgages shall be bound in a book or books, the pages whereof shall be numbered consecutively.

Within sixty days after the said index and attested copies of mortgages shall be so deposited in the Register's office, the said Register shall cause to be printed at least one thousand copies of a pamphlet containing an alphabetical list of all said mortgages, containing the mortgagor's name, the date of the mortgage, its amount, and the page or pages of the bound book or books aforesaid in which the attested copy of such mortgage is contained. At least ten copies of such pamphlet shall be kept in the Register's office as public records open to public inspection, and printed copies of such pamphlet shall likewise be supplied by the Register to all persons who may apply for the same for a charge of twenty-five cents.

SEC. 4. All existing acts and parts of acts inconsistent with the provisions of this act are hereby repealed.

SEC. 5. This act shall take effect on the _____.

AN ACT IN RELATION TO THE INDEXING OF AND SEARCHES FOR UNPAID TAXES, ASSESSMENTS AND WATER RENTS, AND UNREDEEMED AND UNCANCELLED FOR SALES MADE FOR NON-PAYMENT OF TAXES, ASSESSMENTS AND WATER RENTS IN THE CITY OF NEW YORK.

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

SECTION 1. The Comptroller of the city of New York shall cause to be prepared, with the aid and supervision of the Clerk of Arrears of said city, and with the assistance of such clerks in the Comptroller's office and such other person or persons as the Comptroller shall designate or employ for the purpose, a set of books to be known as The Index of Taxes and Assessments, containing an index of all the unpaid taxes and assessments and water rents or rates imposed upon real estate in the city of New York, and of all the sales theretofore made and remaining unredeemed and uncanceled of any real estate in said city, or of a term for years therein for non-payment of any tax or taxes, assessment or assessments, or water rent or rate, or water rents or rates imposed thereon. In the said books a separate place, containing a sufficient number of lines, shall be assigned to each separate lot upon the maps kept for the assessment of real estate for taxation herein designated as the tax maps, and the index above directed shall be so made as to enter in such separate place assigned to each lot a note of all such unpaid taxes and assessments and water rents and unredeemed and uncanceled sales as aforesaid affecting such lot, with such specifications of date, amount and character, and otherwise as will enable a person interested in such lot to ascertain readily by proper reference any needed further particulars in relation thereto, and in such separate place assigned to each lot a proper blank space shall be left for such further entries in relation to said lot as are hereinafter provided for. The preparations of the said Index of Taxes and Assessments shall be commenced within twenty days after this act shall take effect, and shall be thereafter diligently prosecuted, and the same shall be completed within six months after this act shall take effect, and it shall embrace all such unpaid taxes, assessments and water rents or rates and unredeemed and uncanceled sales as aforesaid, which shall be imposed or made up to the expiration of such six months.

The said Index of Taxes and Assessments shall have such convenient arrangement of the lots with reference to the streets whereon they front, with alphabetical index of the streets and references to the pages of the Index, as to enable any one consulting the same to find easily the place in the Index appropriated to any particular lot.

SEC. 2. All assessments which shall be imposed upon any real estate in the city of New York after the expiration of six months from the time when this act shall take effect shall, within thirty days after the imposition thereof and before the commencement of the collection of assessments thereunder, be entered upon the said Index of Taxes and Assessments by noting upon the place in said index assigned to each lot affected thereby the amount of such assessment on said lot, the date of its imposition or confirmation and a general designation of the object or purpose because of which such assessment is imposed, and no such assessment shall be a lien upon a lot until it shall be so entered in the place of said Index of Taxes and Assessments assigned thereto.

SEC. 3. All arrears of taxes and water rents which shall come to the office of the Clerk of Arrears for collection shall, within twenty days after they shall so come, be entered by the Clerk of Arrears against the lots respectively on which such arrears shall be a charge in the respective places on the Index of Taxes and Assessments assigned to such lots respectively.

SEC. 4. Whenever, after the expiration of six months from the time when this act shall take effect, a sale of any real estate or of any term for years therein, because of the non-payment of any tax or assessment or water rent or rate charged thereon shall be made by or under the authority of the Corporation of the City of New York, a note of such sale shall, within thirty

AN ACT IN RELATION TO MORTGAGES TO THE COMMISSIONERS FOR LOANING CERTAIN MONEYS OF THE UNITED STATES FOR THE COUNTY OF NEW YORK.

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

SECTION 1. Every mortgage hereafter taken by the Commissioners for loaning certain moneys of the United States for the county of New York under "An Act authorizing a loan of certain moneys belonging to the United States deposited with the State of New York for safe keeping," passed April 4th, 1887, and the several acts amendatory thereof shall be acknowledged or proved and certified, so as to entitle the same to be recorded, and the same shall be recorded in the office of the Register of the city and county of New York in the same manner as other mortgages are required to be recorded, and every such mortgage not so recorded shall be void as against any subsequent purchaser in good faith and for a valuable

days after the making thereof, be entered by the Clerk of Arrears in the Index of Taxes and Assessments by noting upon the place in said index assigned to each lot which or a term for years in which shall have been so sold, the fact of such sale, its date, the amount for which sold, the nature of the lien for which the sale shall take place and the term of years, if any, for which the sale shall be, which entry may be in substantially the following form:

Sold, May 1, 1887, for 1,000 years, for \$252.50, for assessments for sewer in Broadway, or for taxes of 1882, or for water rent of 1881.

And no conveyance or lease for carrying into effect any such sale as is in this section referred to shall be valid unless a note and entry thereof shall have been made in accordance with the foregoing provisions of this section in the place or places in said index assigned to the lot or lots embraced in such conveyance or lease.

SEC. 5. Whenever any tax or assessment or water rent or rate entered on the Index of Taxes and Assessments shall be paid or legally discharged or cancelled, otherwise than by payment, and whenever any sale made because of non-payment of any tax or assessment or water rent or rate which shall have been entered on such index shall be redeemed or cancelled, the Clerk of Arrears shall note the fact of such payment, discharge, redemption or cancellation, as the case may be, in the proper place or places in said index assigned to the lot or lots affected thereby.

Where the fact of such payment, discharge, redemption or cancellation appear by reason of a payment made to or a transaction occurring in the office of the Clerk of Arrears the noting the same by the Clerk of Arrears as aforesaid shall be made within fifteen days from the occurrence thereof, and which end the Clerk of Arrears shall in each week make such notations in respect of the payments and transactions of the preceding week.

The Collector of Assessments shall on the first day of each month make written report to the Clerk of Arrears of all assessments paid to him during the month next preceding, specifying the amounts paid and for what assessment and on what particular lot or lots, designating the same by the numbers upon the tax maps, and the Clerk of Arrears shall, within ten days from the receipt of such report, note the fact of such payments in the proper places on the Index of Taxes and Assessments as above provided.

SEC. 6. The word assessment, as used in this act, includes all assessments imposed for the benefit of local improvements, whether the same be imposed by the action of the Board of Assessors or other municipal authorities, or by order, decree or judgment of the Supreme Court, or any other legal tribunal which is or may be thereunto authorized.

SEC. 7. The books constituting the Index of Taxes and Assessments by this act provided for shall be kept in the office of the Clerk of Arrears as public records, open to public inspection, without fee or charge during office hours, by any person who may so desire, subject to such general regulations for the sake of convenience and safety as may be from time to time prescribed by the Clerk of Arrears, with the approval of the Comptroller, a copy of which regulations shall be posted for public inspection in the office of the Clerk of Arrears.

SEC. 8. After the expiration of six months from the time when this act shall take effect, any person who shall so desire shall be entitled to have made and certified by the Clerk of Arrears, upon written requisition therefor, a search for unpaid taxes, assessments, water rents or rates and unredeemed and uncanceled sales for non-payment of taxes, assessments and water rents or rates upon any lot or contiguous lots laid down on the tax maps, which shall be specified in the requisition with a diagram thereof, for a fee of fifty cents for each such lot so specified.

Such search shall be completed and a certified return thereto, specifying the taxes, assessments and water rents or rates and sales, if any, which shall be found upon making the search, shall be delivered or ready for delivery to the person making the requisition within ten days after the requisition shall be made, and the Corporation of the city of New York shall be responsible for the completeness and accuracy of the return to such search certified by the Clerk of Arrears. The fees received for all such searches shall be paid by the Clerk of Arrears into the city treasury, which payments shall be made weekly.

SEC. 9. The expenses incurred by the Comptroller in carrying into effect the provisions of this act shall be audited and paid in like manner as the incidental expenses of the Comptroller's office.

SEC. 10. The word "lot," as used in this act, shall be construed to mean each parcel of land separately taxed, including, in the annexed district to the northward of Harlem River, the plots which are so taxed, though not commonly called lots.

SEC. 11. This act shall take effect immediately.

AN ACT TO PROVIDE FOR THE RE-INDEXING OF CERTAIN RECORDS AFFECTING REAL ESTATE IN THE CITY OF NEW YORK, AND FOR PRINTING SUCH INDICES.

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

SECTION 1. The Governor is authorized, within ninety days after the passage of this act, to appoint two Commissioners who shall be counsellors at law of this State, having practiced at least ten years in the city of New York, who and their successors shall be known and designated as the Commissioners of Indices, whose duties and powers shall be as prescribed in this act.

SEC. 2. Said Commission shall continue for two years after this act shall have gone into effect, and for such further time in addition as the Governor may from time to time appoint.

SEC. 3. Any said Commissioner so appointed may signify his acceptance of such appointment by filing his written acceptance thereof in the office of the Secretary of State, and he may resign his office in the same manner.

SEC. 4. In case any Commissioner shall die, resign or refuse to act before the expiration of the term of the Commission, the Governor shall appoint another Commissioner in his stead, who shall have the like powers and compensation from the time of his appointment as the other Commissioner.

SEC. 5. Said Commissioners shall receive such compensation for their services not exceeding — thousand dollars per year to each of them, as the Board of Estimate and Apportionment of said city shall prescribe, and also a reasonable allowance for clerk hire and other expenses to be from time to time suggested by said Commissioners and fixed by said board.

SEC. 6. Said Commissioners and their duly authorized agents in the performance of their duties under this act, shall have free access to all public offices, and all records, land maps, indices and papers therein.

SEC. 7. Said Commissioners of Indices shall without delay after their appointment cause all the deeds, unsatisfied mortgages and other instruments of record in the office of the Register of the city and county of New York, not already included in the printed indices of conveyances in said office, to be re-indexed in suitable books to be prepared for the purpose, which re-indexing shall as far as practicable be made against the property affected thereby, and so that such new indices shall show as far as practicable on what blocks or plots in said city the property covered or affected by the respective deeds and mortgages or other instruments is located, and shall also state the names of the parties thereto, the date of the instrument, the date of recording the same, and the liber and page where the same are respectively recorded, and there shall be a separate lexicographical index of such of said instruments as cannot be indexed against the block or plot. Such re-indexing shall be continued down to the time when the act entitled "An act in relation to the recording, filing and indexing of instruments affecting the title to real estate in the city of New York," passed —, shall go into operation as provided by the — section thereof.

SEC. 8. Said Commissioners shall also cause all notices of lis pendens,

certificates of Sheriff's and Marshall's sales and foreclosures by advertisement filed in the office of the Clerk of the city and county of New York, and not already included in the printed index in said office, to be re-indexed in suitable books to be prepared for the purpose, so that such new indices shall show on what blocks or plots in said city the property covered or affected by such notices or certificates respectively is located, and said Commissioners shall also cause all other notices, liens or instruments, excepting judgments, decrees and forfeiture recognizances filed or recorded in said office affecting real estate, and not already included in said printed index, to be properly indexed according to their classes in a lexicographical or alphabetical index, as said Commissioners shall determine.

SEC. 9. Said Commissioners shall procure the books, stationery and forms necessary and suitable for such re-indexing and shall employ to do said work persons whom they shall regard as competent and expert for the purpose, and shall agree with them for their compensation, subject always in respect of their compensation to the approval of the Board of Estimate and Apportionment.

SEC. 10. Said Commissioners shall cause to be printed as many copies of the indices made by them in pursuance of the provisions of this act as they shall deem expedient. Ten of such printed copies shall be deposited in the office of said County Clerk, there to remain as public records and open to public inspection, and the remainder thereof shall be delivered to the Comptroller of the city of New York, to be by him sold to any party applying therefor at such price as he shall deem reasonable.

SEC. 11. The said Commissioners, for the purpose of facilitating said work may, if they shall think it expedient to do so for and on behalf of the Mayor, Aldermen and Commonalty of said city, and subject to the approval of the Board of Estimate and Apportionment of said city, acquire and purchase any records, searches, minutes, maps and indices claimed to be private which have been made by any person or persons in the course of or connected with his or their official employment in any public office in said city or otherwise, and the amount or amounts to be paid on such purchase or purchases shall be reported by said Commissioners to the Board of Estimate and Apportionment for their approval, and when so approved shall be paid in the same manner as other moneys are provided and paid for the expenses of said city.

Such records, searches, minutes, maps and indices when so acquired shall be properly endorsed by said Commissioners, and be deposited in said Register's office and thereupon shall become public records.

SEC. 12. The reasonable expenses to be incurred in carrying out the provisions of this act, including the salaries of said Commissioners, shall be estimated by said Commissioners, submitted to said Board of Estimate and Apportionment, and to such extent as such board shall approve and fix shall be appropriated, fixed, raised by tax, expended and paid out in the same manner as the other expenses of the city of New York, provided that the aggregate of such expenses shall not exceed the sum of — thousand dollars.

AN ACT TO PROVIDE FOR SHORT FORMS OF DEEDS AND MORTGAGES.

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

SECTION 1. In grants of freehold interests in real estate the following or similar covenants shall be construed as follows:

(1). A covenant that the grantor is seized of the said premises (described) in fee simple and has good right to convey the same shall be construed as meaning that such grantor at the time of the execution and delivery of the conveyance is lawfully seized of a good, absolute and indefeasible estate of inheritance in fee simple, of and in all and singular the premises thereby conveyed, with the tenements, hereditaments and appurtenances thereto belonging, and has good right, full power and lawful authority to grant and convey the same by the said conveyance.

(2). A covenant that the grantee shall quietly enjoy the said premises shall be construed as meaning that such grantee, his heirs, successors and assigns, shall and may, at all times thereafter, peaceably and quietly have, hold, use, occupy, possess and enjoy the said premises, and every part and parcel thereof with the appurtenances, without any let, suit, trouble, molestation, eviction or disturbance of the grantor, his heirs, successors or assigns, or any person or persons lawfully claiming or to claim the same.

(3). A covenant that the said premises are free from incumbrances shall be construed as meaning that such premises are free, clear, discharged and unincumbered of and from all former and other gifts, grants, titles, charges, estates, judgments, taxes, assessments, liens and incumbrances of what nature or kind soever.

(4). A covenant that the grantor will execute or procure any further necessary assurance of the title to said premises shall be construed as meaning that the grantor and his heirs or successors and all and every person or persons whomsoever lawfully or equitably deriving any estate, right, title or interest of, in or to the premises conveyed, by, from, under or in trust for him or them, shall and will at any time or times thereafter, upon the reasonable request and at the proper costs and charges in the law of the grantee, his heirs, successors and assigns, make, do and execute or cause to be made, done and executed all and every such further and other lawful and reasonable acts, conveyances and assurances in the law for the better and more effectually vesting and confirming the premises thereby granted or so intended to be, in and to the grantee, his heirs, successors and assigns forever, as by the grantee, his heirs, successors or assigns, or his or their counsel learned in the law shall be reasonably advised or required.

(5). A covenant that the grantor will forever warrant the title to the said premises shall be construed as meaning that the grantor and his heirs or successors, the premises granted and every part and parcel thereof, with the appurtenances, unto the grantee, his heirs, successors and assigns against the grantor and his heirs or successors and against all and every person and persons whomsoever lawfully claiming or to claim the same shall and will warrant and forever defend.

(6). A covenant that the grantor has not done or suffered anything whereby the said premises have been encumbered in any way whatever shall be construed as meaning that the grantor has not made, done, committed, executed or suffered any act or acts, thing or things whatsoever, whereby or by means whereof the above mentioned and described premises or any part or parcel thereof now are or at any time hereafter shall or may be impeached, charged or encumbered in any manner or way whatsoever.

SEC. 2. In any grant or mortgage of freehold interests in real estate the words together with the appurtenances and all the estate and rights of the grantor in and to said premises shall be construed as meaning together with all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining and the reversion and reversions, remainder and remainders, rents, issues and profits thereof and also all the estate, right, title, interest, dower and right of dower, curtesy and right of curtesy, property, possession, claim and demand whatsoever, both in law and in equity, of the said grantor of, in and to the said granted premises and every part and parcel thereof with the appurtenances.

SEC. 3. In any deed by an executor or trustee under a will the words together with the appurtenances and also all the estate which the said testator had at the time of his decease in said premises and also the estate therein which said grantor has or has power to convey or dispose of, whether individually or by virtue of said will or otherwise, shall be construed as meaning, together with all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, and the reversion and reversions, remainder and remainders, rents, issues and profits thereof, and also all the estate, right, title, interest, property, possession, claim and demand whatsoever, both in law and equity which the said testator had in his life time and at the time of his decease

or which the said grantor has or has power to convey or dispose of, whether individually, or by virtue of the said last will and testament or otherwise, of, in and to the said granted premises and every part and parcel thereof with the appurtenances.

SEC. 4. In mortgages of real estate and in bonds secured by such mortgages the following or similar covenants shall be construed as follows:

(1) The words, *And it is hereby expressly agreed that the whole of the said principal sum shall become due at the option of the said mortgagee or obligee after default in the payment of interest for* days or after default in the payment of any tax or assessment for days after notice and demand shall be construed as meaning. And it is hereby expressly agreed that should any default be made in the payment of the said interest or of any part thereof on any day whereon the same is made payable as above expressed, or should any tax or assessment which now is or may be hereafter imposed upon the premises hereinafter described become due or payable, and should the said interest remain unpaid and in arrears for the space of days, or such tax or assessment remain unpaid and in arrear for days after written notice by the mortgagee or obligee, his executors, administrators, successors or assigns that such tax or assessment is unpaid and demand for the payment thereof, then and from thenceforth, that is to say, after the lapse of either one of said periods, as the case may be, the aforesaid principal sum with all arrearage of interest thereon shall, at the option of the said mortgagee or obligee, his executors, administrators, successors or assigns become and be due and payable immediately thereafter, although the period above limited for the payment thereof may not then have expired, anything thereinbefore contained to the contrary thereof in anywise notwithstanding.

(2) A covenant that the mortgagor will pay the indebtedness as provided in the mortgage, and if default be made in the payment of any part thereof the mortgagee shall have power to sell the premises therein described according to law, shall be construed as meaning that the mortgagor for himself, his heirs, executors and administrators or successors doth covenant and agree to pay to the mortgagee, his executors, administrators, successors and assigns the principal sum of money secured by said mortgage, and also the interest thereon as provided by said mortgage. And if default shall be made in the payment of the said principal sum or the interest that may grow due thereon or of any part thereof, that then and from thenceforth it shall be lawful for the mortgagee, his executors, administrators or successors to enter into and upon all and singular the premises granted, or intended so to be, and to sell and dispose of the same, and all benefit and equity of redemption of the said mortgagor, his heirs, executors, administrators, successors or assigns therein at public auction, according to the act in such case made and provided, and as the attorney of the mortgagor for that purpose duly authorized, constituted and appointed, to make and deliver to the purchaser or purchasers thereof a good and sufficient deed or deeds of conveyance in the law for the same in fee simple (or otherwise, as the case may be), and out of the money arising from such sale to retain the principal and interest which shall then be due, together with the costs and charges of advertisement and sale of the said premises, rendering the overplus of the purchase money, if any there shall be, unto the mortgagor, his heirs, executors, administrators, successors or assigns, which sale so to be made shall forever be a perpetual bar, both in law and equity, against the mortgagor, his heirs, successors and assigns, and against all other persons claiming or to claim the premises or any part thereof, by, from or under him, them or any of them.

(3) A covenant that the mortgagor will keep the buildings on the said premises insured against loss by fire for the benefit of the mortgagee shall be construed as meaning that the mortgagor, his heirs, successors and assigns will, during all the time until the money secured by the mortgage shall be fully paid and satisfied, keep the buildings erected on the premises insured against loss or damage by fire to an amount and in a company to be approved of by the mortgagee, and will assign and deliver the policy or policies of such insurance to the mortgagee, his executors, administrators, successors or assigns, so, and in such manner and form that he and they shall at all time and times, until the full payment of said moneys, have and hold the said policy or policies as a collateral and further security for the payment of said money, and in default of so doing that the mortgagee or his executors, administrators, successors or assigns may make such insurance from year to year in a sum not exceeding the principal sum for the purposes aforesaid, and pay the premium or premiums therefor, and that the mortgagor will pay to the mortgagee, his executors, administrators, successors or assigns such premium or premiums so paid, with interest from the time of payment on demand, and that the same shall be deemed to be secured by the mortgage, and shall be collectable thereupon and thereby in like manner as the principal moneys, and in default of such payment by the mortgagor, his heirs, executors, administrators, successors or assigns, or of assignment and delivery of policies as aforesaid, the whole of the principal sum and interest secured by the mortgage, shall, at the option of the mortgagee, his executors, administrators, successors or assigns immediately become due and payable.

(5) A covenant that the mortgagor will execute any further necessary assurance of the title to said premises and will forever warrant said title shall be construed as meaning that the mortgagor shall and will make, execute, acknowledge and deliver in due form of law all such further or other deeds or assurances as may at any time hereafter be reasonably devised or required for the more fully and effectually conveying the premises by the mortgage described and thereby granted or intended so to be, unto the said mortgagee, his executors, administrators, successors or assigns, for the purposes aforesaid, and unto all and every person or persons, corporation or corporations deriving any estate, right, title or interest therein, under the said indenture of mortgage or the power of sale therein contained, and the said granted premises against the said mortgagor and all persons claiming through him will warrant and defend.

SEC. 5. All covenants contained in any grant or mortgage of real estate shall bind the heirs, executors, successors, administrators and assigns of the grantor or mortgagor, and shall inure to the benefit of the heirs, executors, administrators, successors and assigns of the grantee or mortgagee in the same manner and to the same extent and with like effect as if such heirs, executors, administrators, successors and assigns were so named in such covenants, unless otherwise in said grant or mortgage expressly provided.

SEC. 6. The schedule hereto annexed contains forms of instruments such as are authorized by this act and shall be taken as a part thereof, but nothing herein contained shall invalidate or prevent the use of other forms.

SEC. 7. The Register shall be entitled to charge for the recording of any instrument containing the above mentioned covenants or any of them at large, instead of the short forms thereof in this act contained, the sum of five dollars in addition to the fee chargeable by law for such recording.

SEC. 8. This act shall take effect ninety days after its passage.

SEC. 9. All existing acts and parts of acts inconsistent with this act are repealed.

SCHEDULE.

DEED WITH FULL COVENANTS.

This Indenture, made the day of , in the year one thousand eight hundred and , between of [insert occupation and residence] of the first part and of [insert occupation and residence] of the second part.

Witnesseth, That the said party of the first part in consideration of dollars, lawful money of the United States, paid by the party of the second part, doth hereby grant and release * * * unto the said party of the second part, his heirs and assigns forever,

[Description]

together with the appurtenances and all the estate and rights of the party of the first part in and to said premises.

To have and to hold the above granted premises unto the said party of the second part, his heirs and assigns forever.

And the said party of the first part doth covenant with said party of the second part as follows :

First. That the party of the first part is seized of the said premises in fee simple and has good right to convey the same.

Second. That the party of the second part shall quietly enjoy the said premises.

Third. That the said premises are free from incumbrances.

Fourth. That the party of the first part will execute or procure any further necessary assurance of the title to said premises.

Fifth. That the party of the first part will forever warrant the title said premises.

In witness whereof the said party of the first part hath hereunto set his hand and seal the day and year first above written.

In the presence of—

SCHEDULE.

EXECUTOR'S DEED.

This indenture, made the day of , one thousand eight hundred and between as executor of the last will and testament of , late of deceased of the first part and of of the second part.

Witnesseth, That the said party of the first part, by virtue of the power and authority to him given in and by the said last will and testament and in consideration of dollars, lawful money of the United States, paid by the said party of the second part, doth hereby grant and release unto the said party of the second part his heirs, and assigns forever

[Description.]

together with the appurtenances and also all the estate which the said testator had at the time of his decease in said premises, and also the estate therein which the said party of the first part has or has power to dispose of, whether individually or by virtue of said will or otherwise.

To have and to hold the above granted premises unto the said party of the second part, his heirs and assigns forever.

And the said party of the first part covenants with said party of the second part that the party of the first part has not done or suffered anything whereby the said premises have been encumbered in any way whatever.

In witness whereof the said party of the first part has hereunto set his hand and seal the day and year first above written.

In the presence of—

SCHEDULE.

MORTGAGE.

This Indenture, made the day of in the year one thousand eight hundred and between of party of the first part and of party of the second part.

Whereas, The said is justly indebted to the said party of the second part in the sum of dollars, lawful money of the United States, secured to be paid by his certain bond or obligation bearing even date herewith, conditioned for the payment of the said sum of dollars on the day of one thousand eight hundred and and the interest thereon, to be computed from at the rate of per cent. per annum and to be paid . It being thereby expressly agreed that the whole of the said principal sum shall become due after default in the payment of interest, taxes or assessments as hereinafter provided.

Now this Indenture witnesseth, That the said party of the first part, for the better securing the payment of the said sum of money mentioned in the condition of the said bond or obligation, with interest thereon, and also for and in consideration of one dollar paid by the said party of the second part, the receipt whereof is hereby acknowledged, doth hereby grant and release unto the said party of the second part and to his heirs (or successors) and assigns forever.

[Description]

together with the appurtenances and all the estate and rights of the party of the first part in and to said premises.

To have and to hold the above granted premises unto the said party of the second part, his heirs and assigns forever.

Provided always, That if the said party of the first part, his heirs, executors or administrators shall pay unto the said party of the second part, his executors, administrators or assigns the said sum of money mentioned in the condition of the said bond or obligation and the interest thereon at the time and in the manner mentioned in the said condition, that then these presents and the estate hereby granted shall cease, determine and be void. And the said party of the first part covenants with the party of the second part as follows:

First. That the party of the first part will pay the indebtedness as hereinbefore provided, and if default be made in the payment of any part thereof the party of the second part shall have power to sell the premises therein described according to law.

Second. That the party of the first part will keep the buildings on the said premises insured against loss by fire for the benefit of the covenantee.

Third. And it is hereby expressly agreed that the whole of said principal sum shall become due at the option of the said party of the second part after default in the payment of interest for days, or after default in the payment of any tax or assessment for days after notice and demand.

In witness whereof the said party of the first part hath hereunto set his hand and seal the day and year first above written.

In the presence of—

Report to the Legislature by Dwight H. Olmstead,

One of the Commissioners of Land Transfer.

INCLUDING BILL PREPARED AND SUBMITTED BY HIM, ENTITLED, "AN ACT TO ESTABLISH THE USE OF LOCAL INDEXES FOR PUBLIC RECORDS RELATING TO LAND IN THE CITY OF NEW YORK." REPORT DATED APRIL 17, 1885.

The undersigned, one of the Commissioners of Land Transfer appointed by the Governor, pursuant to the Act of the Legislature entitled "An Act to provide for the appointment of commissioners to prepare and report to the Legislature a bill to facilitate and lessen the expense of the transfer of land and dealing therewith in certain cities of this State," being Chapter 324 of the laws of 1884, respectfully submits the following report.

THE EVILS SOUGHT TO BE REMEDIED.

The Act under which said Commissioners were appointed does not, by its terms, contemplate any fundamental changes in the general laws of this State relative to estates in land, but an improvement in the mode of transferring land, by which it can be dealt with more expeditiously, cheaply and safely than at present. The evils which it is intended principally to remedy are those arising in the large cities of the State from the great accumulation of the land records, and the confusion and uncertainty of the indexes. It is in this fact which to a large extent prevents the convenient, quick and cheap transfer of land in such cities.

Within the past few years the evils complained of have greatly increased and have assumed large proportions. They affect important interests and demand prompt, radical and careful treatment.

Of course, the reduction of the volume of the records is only possible by

reducing their number or by shortening the forms of instruments, but this is a matter to be considered apart from the subject of indexing them. This report will be confined principally to the latter topic, as the one more immediately pressing, and for that reason, as well as logically, first in order.

THE PURPOSES OF INDEXING LAND RECORDS.

The purposes for which indexes are required in a public land office are, *First*, to inform persons who may be interested what instruments have been recorded or filed affecting any particular parcel of land, and to enable such persons, with readiness, to find and inspect such instruments—it may be in order to see that the statutory requirements relating to them have been complied with or to determine rights thereunder, or for other reasons, and *Second*, to notify persons proposing to deal in land of all previous dealings therewith, in order to guard against mistake or fraud. It will be at once observed, that the efficiency of the records for the purposes named must depend primarily, especially in large communities where transactions are frequent, upon the method of indexing adopted. The main question therefore is, what plan or method of indexing the land records of the large cities in this State should be adopted for the public convenience and the safety of dealers.

GENERAL PRINCIPLES APPLICABLE TO INDEXING LAND RECORDS.

There are certain rules or principles to which any plan of indexing land records must conform, in order to be efficient for the purposes indicated.

First. One rule is that all such records, when there are many, shall be indexed locally, or in what are termed local indexes; that is to say that all instruments shall be grouped in the indexes according to specific localities with appropriate references to enable such instruments to be found in the record books or on file. Thus, if a city block be taken as the area of each index all instruments affecting any lot in a block are to be indexed under that block, or if the area selected for an index be an ordinary city lot, say 25 by 100 feet, then all instruments affecting that lot are to be indexed under that lot. The object and effect of such indexing being to limit the area of search as well as to lessen the number of names of owners to be searched against if a nominal index is to be preserved.

Second. Another rule is that the records of mere liens or claims on land and the indexes thereof shall be kept distinct and separate from the records of the transfers of the freeholds or fee simple estates and the indexes of such transfers, so that when the liens shall have been paid or discharged they shall not continue to incumber the permanent record of the title.

Third. A still other rule is that whatever area of land is chosen for an index every instrument in any way affecting that parcel shall be indexed under it. The necessity of the observance of this rule is obvious, if the index is to serve the purpose of notice, which with the great and accumulating mass of land records in our cities the index must do if the doctrine of notice is to continue.

We come then to the final questions appertaining to local indexing, and to which all other questions of land transfer reform are subsidiary, namely, what shall be the areas of the several headings of the indexes, and after that is settled what shall be the form and style of the indexes in other respects.

AS TO THE AREA TO BE ADOPTED FOR LOCAL INDEXES IN THE CITIES OF THIS STATE.

It is conceded that if local indexes for the public land records are to be introduced into the Registers Offices in the cities of this State, such indexing must be either by city blocks or by separate lots, and also as the property is in possession unless some change is to be made in our present laws relative to notice.

The undersigned is in favor of the adoption of the plan of block indexing even were it merely a question of method and convenience, and he is decidedly opposed to the lot plan which is recommended by a majority of the commissioners.

He objects to the lot plan not only as inexpedient and inconvenient, but as impracticable and incapable of being put in operation, to say nothing of the impossibility of continuing it could it be commenced, and not only so, but for the further reason that the lot plan contemplates fundamental and useless changes in the law of this State relative to the legal effect of recording, and a different law for cities than that which governs the State at large.

ARGUMENTS IN FAVOR OF THE BLOCK PLAN OF INDEXING FOR CITIES OF THIS STATE AND AGAINST THE LOT PLAN.

First. The block plan is more convenient and safe than the lot plan.

City blocks are bounded by streets and avenues, and are, so to speak, insular. The size of an ordinary city block is peculiarly favorable for the purpose of a local index. It limits the search to a sufficiently small area. Each block would have its notorious permanent number on the city map, no matter how great might be the growth of the city. A century hence the block number would remain the same. The duty of a Register to index the transfer of any lot under the block in which the lot was located would be simple, and no mistake in the indexing could possibly occur, save by the most culpable negligence on his part. The person leaving an instrument for record would further be protected by his own direction to the Register under what block to index it, as well as by the certificate of the record returned upon the instrument in which the Register should be required to state the number of the block under which the instrument had been actually indexed. The lot numbers of single lots, on the contrary, would be neither convenient for use, constant, notorious, nor reliable.

Second. Under the plan of lot indexing the Register would be required to read the description of the property in every instrument presented to him for record or filing with great particularity; and since there are, at the present time, about 20,000 deeds and mortgages recorded yearly in the New York Register's office, without taking into account the notices of liens and claims filed in the office of the County Clerk, which should hereafter be filed in the Register's office, or the prospective annual increase of the records, it is obvious that such careful inspection by the Register would be impossible in the ordinary course of business in his office.

Third. Another objection to the plan of lot indexing proposed is that it requires the handling of too many volumes of indexes and too much work in detail to be serviceable. It is too cumbersome in extent and too minute in detail without any corresponding benefit. The object for which this commission was constituted was "to facilitate and lessen the expense of the transfer of land and dealing therewith," but in what manner the great projected increase in the number of the indexes and records over the present large number in the Register's and other offices, and the intricate methods which the lot plan contemplates, tend to accomplish that object, it is difficult to see.

In the City of New York are at present about 3,000 city blocks comprising about 160,000 lots of land separately taxed. This gives 160,000 headings of indexes by the lot plan and only 3,000 by the block plan. Now, suppose the volumes of the proposed lot indexes to be made of 250 pages each, or half as thick as the books of deeds now being written up in the New York Register's office, but of the same form and size in other respects. Under the plan of lot indexing at least one page of a volume would be required for each lot, and 160,000 pages, with 250 pages to the volume, would give us 640 volumes of indexes of the size named, which would be needed for the transfers alone. If the liens were indexed separately from the transfers, as they must be for the most scientific indexing, the total number of volumes of indexes under the lot plan at the outset would be 1,280, and this without making any provision for the future rapid growth of the city.

Under the plan of block indexing, on the contrary, allowing eight like pages to each block, 3,000 blocks, at the same rate of 250 pages to each volume, gives us only 96 volumes of indexes of transfers, or 192 volumes for both transfers and liens, as against 1,280 on the lot plan. And upon the estimate of 3,000 blocks and 15,000 deeds yearly for the entire city there are about five transfers yearly to each block on an average, and allowing for

twenty entries on each page of an index, each page of a block index would suffice for four years, and eight pages for thirty-two years. And when the 192 indexes shall have been filled at the expiration of that time it will not be a very great undertaking for the city to print the block indexes up to that date and start a new series, or, what is more probable, a short sensible statute of limitations will then be in operation, as to all possessory titles on the index.

Fourth. Another insuperable objection to the lot plan of indexing is the very frequent changes which occur in the area of lots as laid down on the tax maps on account of the erection of new buildings or otherwise. In the new wards of New York, and particularly of Brooklyn, where new buildings are being constructed with great rapidity, scarcely a lot can be found of the old regulation size, 25 by 100 feet, and the lots are exceedingly variable and are constantly being changed in size and shape. Anyone familiar with the extent and frequency of these changes must know how impossible it would be to index the transfers and other dealings on the lot plan. If attempted, it would produce in a short time the most inextricable confusion in the Register's office, and must ultimately result in the practicable adoption of the block plan. In the end all transfers would require to be re-indexed on the block plan, but in the meantime, and until such re-indexing, the existing evils and complications would be largely aggravated, and lawyers and surveyors would reap a rich harvest at the expense of property owners and builders. It is not likely that the use of lot indexes would conduce to reduce the charges of lawyers for examining titles nor the cost of searches. It is pretty certain, however, that the cumbersome and intricate method proposed of indexing against single lots in a block, as well as against fractional parts of lots, requiring at least sixty-four different indexes to every block, with the possible necessity of indexing the transfer of any single lot against several lots, coupled with the proposed notices of claim hereafter mentioned, while answering for the practised lawyer familiar with the details of the system, would be sufficiently confused to prevent the use of the indexes by property owners who are not lawyers, and thus one of the chief objects of a reform in land transfer would be defeated.

Fifth. The lot plan could not be put in operation, even were it authorized by the Legislature. The present tax maps in the tax offices in New York and Brooklyn are notoriously inaccurate and useless for that purpose. As to blocks not yet built on in the new districts, no information can be derived as to their actual ownership until the deeds are produced in the Register's offices; and diagrams of lots to correspond with the descriptions in the deeds can be made only as fast as the latter are presented for record. Is a register of deeds competent to do this work, or if competent, could it be done satisfactorily in this manner? Land is not often conveyed by diagrams, and what authority could the Legislature confer upon a Register to interpret the words of a deed or mortgage so as to settle boundaries between adjoining owners, or to make diagrams according to descriptions? How are the indexes of lots to be prepared in the Register's offices in order to commence operations? Is a set of indexes to be made up, in the first instance, with the map or ward number of a lot on each page, corresponding with the numbers of the lots on the tax maps, taking the chance of the latter being correct, or are the diagrams of the blocks to be left blank, and the separate lots drawn on them as future deeds and mortgages shall be presented to the Register? Is it not plain that a system of lot indexing cannot be started in New York and Brooklyn under the common law applicable to the present holdings by metes and bounds and written descriptions without preliminary surveys, and the adjudication of titles by some court, organized for the purpose—such, for instance, as the Landed Estates Court of Ireland.

The land acts of Sir Robert Torrens, Lord Cairns and all other like acts which contemplate indexing by lots provide for such preliminary surveys and adjudications, either by a court or by a Registrar who is vested with judicial functions, without which no parcel or lot of land is allowed to be placed on the local index. This is done in order that the guarantee of the government may be supported by a decree establishing the title, and in such a case of course lot indexing is necessary, but not otherwise, nor is it otherwise desirable.

Sixth. The legal impediment to lot indexing seems to be fatal to its adoption, even were there no other. Unless a Register can be sure that he always indexes the property affected under a correct diagram, his lot index cannot be safe for the purpose of notice. Such indexing may serve the purpose of an ordinary abstract of title, by the aid of which instruments may be found and examined, but for one of the chief ends of recording and indexing which is to give notice under the recording acts to subsequent purchasers and incumbrancers, it cannot be used with safety.

The reason is this, that the words of the description in a deed are subject to legal construction, that in this State Courts of Record are the sole authority to determine the construction, and that a register of deeds is without judicial authority and purely a ministerial officer. As between a written description and a diagram the description by construction of law governs, and no Register is empowered to decide how far the description of a parcel of land which a deed purports to convey corresponds with the diagram showing only lines, angles, feet and inches.

Suppose, for example, that A, the owner of a lot of land shown on a map as lot No. 1, proposes to convey it to B, and does so by a description instead of a diagram, or even by a description and a diagram, the description will govern as against the diagram, and if the lot be described as abutting on adjacent owners, or as running so many feet more or less to the centre of a party wall, or otherwise describing it by metes and bounds or the like, in such cases a larger area than is contained within the limits of said lot No. 1 as shown on the diagram may be conveyed by the deed, and this without the knowledge or suspicion of either party. For the area of the parcel conveyed depends upon the words of the description as relative to neighboring parcels, and when the deed is once executed, no declaration by the grantee respecting it can affect his actual ownership or the dower interest of his wife, or the claims of his creditors, or the rights of persons who may subsequently receive a conveyance of the property from him by the same description. Therefore, if the deed purporting to convey said lot No. 1 does by its verbal description in fact and in law infringe upon the next lot, No. 2, and the deed be indexed only under lot No. 1, the index will be faulty in that respect, because a subsequent purchaser of lot No. 2 will not find on the index of the latter lot when he examines the title to it the deed previously executed by A to B, which had only been indexed under lot No. 1, but which in fact encroaches upon lot No. 2. The index of lot No. 2 in order to be a perfect index to give notice to dealers must show every transfer affecting that lot.

The production to a Register of a survey of the lot which the deed purported to convey would not help the matter, since a survey could only be made use of as evidence of facts upon which his judgment might be based, even if he had judicial power to pass upon such facts, which he has not.

In a new country in which the titles have proceeded directly from the government, and the conveyances have in all cases been made according to lots and lot numbers, the plan of lot indexing can be used; but where for any considerable period of time conveyances have been made by verbal descriptions and by metes and bounds, as well as by courses and distances, the system of lot indexing cannot be used for the purpose of giving notice to subsequent dealers under our recording acts, unless the areas and boundaries of the lots (including the lines of the adjoining owners), have been first settled in a legal proceeding to which such adjoining owners were made parties. This is so obvious as not to need further comment.

Seventh. In order to meet the legal difficulties suggested by the undersigned, the commissioners who favor the plan of lot indexing propose to compel every grantee or mortgagee, upon recording his deed or mortgage, to enter thereon or file therewith a statement as to what particular lot or premises on the city tax map he claims that such instrument affects, and to have such instrument indexed accordingly at his risk. The proposition as made by the Chairman of the Commission at a public meeting of the Com-

missioners stenographically reported, and which is here quoted as a fair statement of the case, is as follows:

"I had proposed this, that if we establish the local indexes we should require a man who brings a paper for record to declare what particular pieces of property on the public maps he claims his property to affect; that if he has been careless enough to leave out something which ought to be put in, that the consequences shall fall on him, just the same as if he had not recorded the deed. If there are no circumstances in the law which are equivalent to actual notice irrespective of recording the instrument, the legal effect of that would be as it is now; but I do propose that when we establish the system of local indexes we shall call on the person who brings his property for record and who claims the benefit of the notice to the world which the record furnishes, that he shall take the trouble to find out where his property is and to inform the public officer against what property he is to index it, or take the consequences of his carelessness. The grantee when he pays his money had better see that his deed correctly describes the property or describes the property sufficiently to have it recorded in the proper place. If there is ever any doubt as to whether or not it infringes on the adjoining lot, why the man who is accepting the deed will of course give himself the benefit of the doubt, whether it touches the other lot or not, and he will say to himself 'I will index against the two'; but if he should not do that, I say let him take the consequences. I do not consider he has a right to render a system of indexing instruments against property inefficacious and fruitless because he wishes to exercise his divine right of being as careless as he pleases. I do not propose to introduce any system to invite that carelessness. No man with ordinary care would ever take a conveyance of a deed to property in the city without a reliable survey."

The foregoing includes four distinct propositions:

First. That surveys shall be practically compulsory upon all purchasers and mortgagees.

Second. That in case of doubt the purchaser or mortgagee shall index against adjacent owners.

Third. That the record shall be notice only of what a grantee claims to own under his deed, and not of what he actually does own under it.

Fourth. That the correctness of the claim and consequent indexing shall be at the risk of the person presenting the instrument for record.

These propositions will be briefly examined in turn.

(1) THAT SURVEYS SHALL BE COMPULSORY.

The lot plan of indexing would, undoubtedly, compel every person purchasing or taking a mortgage upon a piece of property to have it accurately surveyed, since under that plan, as the chairman truly says: "No man with ordinary care would ever take a conveyance of a deed to property in the city without a reliable survey." And since about 20,000 surveys would be required annually for deeds and mortgages in the city of New York and a much larger number for the city of Brooklyn, and as each purchaser or mortgagee would require for his protection a new survey on his own account on each transaction, how all this would tend to facilitate and lessen the expense of the transfer of land it is impossible to understand.

(2) THAT IN CASE OF DOUBT THE PERSON RECORDING THE INSTRUMENT SHALL INDEX IT AGAINST THE ADJOINING PROPERTY.

On the lot plan as matter of fact every dealer in land would for safety be compelled to index against all the adjoining lots as well as against the lot supposed to be covered by the conveyance to him. This would virtually amount to the abandonment of the lot plan and the adoption of the block plan without the convenient and safe methods proposed for the latter, while the confusion and litigation resulting from such a system of lot indexing would be very great. But what right would a person have to index against adjacent lots and cast a cloud upon his neighbors' titles? Would not a court of equity interfere to prevent by injunction and to remove such clouds upon titles?

(3) THAT THE RECORD FOR THE PURPOSE OF NOTICE SHALL COVER ONLY WHAT A GRANTEE CLAIMS TO OWN AND NOT WHAT HE ACTUALLY OWNS UNDER HIS CONVEYANCE.

This of course renders necessary a change in the fundamental law of this State in respect to the city of New York. Under our present recording acts the recording of a deed constitutes constructive notice of its entire contents. It amounts to a notice to subsequent dealers that the whole land purporting to be conveyed by the deed is actually conveyed. Now it is proposed in the city of New York to limit the operation and effect of such recording to the premises indicated by the grantee by a notice or claim having reference to a diagram; that is to say, as to all land whether actually embraced in the deed or not which is omitted from the claim filed by the grantee the recording of the deed is not to be of any effect. It is submitted that only the most imperative necessity could justify local legislation of that character.

(4) THAT THE ACCURACY OF THE INDEXING SHALL BE AT THE RISK OF THE PERSON PRESENTING THE INSTRUMENT FOR RECORD.

Now here is a system ostensibly intended to be for the protection of dealers in land, and yet its first proposition is to cast upon dealers an additional risk as if the law did not impose sufficient risks already. But what is the risk? What are to be the "consequences of his carelessness?" The risk, in plain language, is that if a purchaser or mortgagee fails either knowingly or through inadvertence to direct the Register to index the property transferred to him against every lot on the city map upon which the property so transferred by any chance infringes he runs the risk of losing the portion which so infringes by the subsequent conveyance to a purchaser or mortgagee of that portion by his grantor or by an adjoining owner the same as if there had been no record as to that portion. The injustice of such a law is manifest; besides, no statement by an owner as has been before remarked can limit or settle the fact of his actual ownership. The property conveyed to him would still be his own, liable to be conveyed or mortgaged by him and would be subject to his debts. A statement by him, made compulsory by statute, could not work an estoppel against him or his grantees or his creditors.

Eighth. Lot indexing upon the plan indicated renders it necessary in case the tax maps are to be referred to for the purpose of designating the area of ownership claimed, that such maps shall remain permanently the same as when the system goes into operation, and not be changed or altered in any way thereafter, not even to correspond with any new arrangement of lots, since to disarrange or alter the maps would render them useless for reference in respect to past conveyances or notices of claim. If a notice be filed by a grantee that he claims to own on a day certain a certain lot then shown on a certain map and the map be liable to subsequent alterations and changes as to the areas of the lots or the lot numbers, such a system of notice based upon such a variable map manifestly would be without value.

But it is absolutely necessary for the purpose of taxation that the tax maps should be frequently altered to correspond with new and diverse ownerships. Therefore, the tax maps cannot be made use of for reference in the manner contemplated by the advocates of the lot indexes. If that system is to be adopted, maps independent of those in the tax office must be prepared for use in the office of the Register. But the difficulty would still remain if the maps are ever afterwards altered in any respect, as they must be as often as the lots are cut up and changed in form and area.

It is impossible to devise any scheme permitting alterations in the maps however carefully made, and at the same time to preserve the method of notice proposed. Since in order to refer to the maps in connection with the notices, it must appear at what precise date and how each alteration of the maps was made.

Ninth. Another objection to the system of notices of claim is, that whenever an error has been made in a notice filed by an owner it cannot be rectified by a correct notice filed by a subsequent owner. The filing of a new notice would not be the same in effect as re-recording an old deed or re-recording a new one. Under the present system a search is made against the property as owned, but under the proposed system the search must be against the property as claimed, and if the notice of claim falls short a search against the part not covered by the notice will not reveal a prior conveyance of such part.

Tenth. The lot plan requires also a further change in the general law of this State as to the city of New York and other cities where it may be introduced. It abolishes nominal indexes for the cities and substitutes lot indexes; that is to say, indexing by diagrams is to take the place of indexing by names of owners. Should it be proposed to keep a nominal index for the purpose of notice under the recording acts, then this is an admission that lot indexes are merely for furnishing abstracts of title, and are of no value for the purpose of giving notice. The nominal indexes as now kept without regard to locality are, as before shown, the chief cause of the evils under which we suffer. Yet nominal indexes in some shape are necessary to be retained, unless we are prepared to adopt the most radical changes in our land laws. Out of this dilemma there seems to be but one way of escape, and that obviously is to combine the nominal index with the local index in such a manner as to secure the benefit and full effect of both methods.

This can be accomplished by the use of a block index in which the instruments are entered under the several blocks in the order in which such instruments are recorded and at the same time under the names of the grantors and grantees as at present. We will thus have a perfect nominal index combined with a perfect local block index and will avoid all the difficulties of a purely lot system.

A lot index, on the contrary, in which the lots are separately indexed cannot be combined with a nominal index without great embarrassment, since a nominal index requires that the names shall be entered chronologically, as the instruments are recorded, and if the name of the grantor is to be relied on at all in examining the title to any single lot in a block, safety would require searches to be made against all the lots in the block. This would be inconvenient, but it would be the practical outcome of the lot system.

Eleventh. The sole purposes of a land index as before stated are to enable instruments of record to be readily found in the recording office, as well as to notify the public of them, and for these purposes indexing by single lots would not only be not necessary, but unsafe and excessively inconvenient in practice. The area covered by a local index may be too small as well as too large. A single lot 25 by 100 feet would be too small. The lot index does not possess the slightest advantage over the block index. It is urged in favor of the former that it is more convenient to examine the index of a single lot for instruments affecting that lot than to search for the same information under a block index. This is not the fact, but the contrary is the case, for the slightest reflection will satisfy any one that the block index on account of its more compact form is more convenient for use than the other.

The lot system requires at the start in New York City as before shown 1,280 volumes of indexes with upwards of 190,000 pages, but the block plan only 192 volumes with 3,000 pages. The heading of a block is more readily found than the heading of a lot, which is obvious if we consider the relative number of blocks and lots as well as of the relative number of volumes of indexes required under the two methods, and with the necessity that there always will be under the lot plan of examining also the indexes of adjacent lots, comparison as to the simplicity of the two indexes is wholly in favor of the block plan. Indexing under a parcel of four city blocks of land, or even of a section comprising several blocks, would be much more convenient than indexing by single city lots. There has never been the slightest difficulty in using nominal indexes for indexing the land records of ordinary country villages, but should such villages attempt lot indexing their land records would very soon be thrown into confusion.

Twelfth. It has been urged that the plan of indexing recommended by the majority of the commissioners, while in form a lot plan, is substantially the block plan, because all the lots are to be arranged in their numerical order under the blocks in their numerical order. Such an arrangement of lots, however, is merely for the convenience of those examining the indexes, but it does not change the character of the indexing. In the block indexes, all the instruments are entered consecutively in the order in which they are recorded under the separate blocks, while in the lot indexes they are entered consecutively under the different lots.

A search against all lots in a block can be made at a single glance under the block plan, showing the order in which all the instruments affecting that block have been recorded, but under the lot plan a complete search can be made against the block only by reference to at least sixty-four different pages. And if the chronological order is required to be observed, as must often happen, a comparison of entries must be made.

The lot plan demands a change in the existing law, providing for specific notices of claim, while the block plan does not.

Under the lot plan notice is given of what property a person claims to own under his deed; under the block plan notice is given of what he actually owns under his deed.

The lot plan if adopted abrogates the present method of searching against names, while the block plan as proposed does not.

The lot plan makes necessary local laws, changing the general fundamental land laws of the State, while the block plan requires no such changes.

The two kinds of indexes require different styles of index books, different modes of procedure and laws for their operation, and are entirely unlike.

THE BILLS SUBMITTED TO THE LEGISLATURE BY THE MAJORITY OF THE COMMISSIONERS.

Owing to the delay of the majority of the Commissioners in submitting to the Legislature their report and the accompanying bills, the undersigned has been compelled to confine himself in his report for the most part to the general subject of indexing and to such consideration of the matter as came before the Commissioners at their several sittings.

The bills now, however, having been completed, he is able to comment on them more specifically. They are six in number, and are respectively entitled as follows:

Bill No. 1. "An Act in relation to the recording, filing and indexing of instruments affecting the title to real estate in the City of New York."

Bill No. 2. "An Act in relation to the levy of judgments and decrees and forfeited recognizances upon real estate and chattels real in the City and County of New York."

Bill No. 3. "An Act in relation to mortgages to the Commissioners for Loaning Certain Moneys of the United States for the County of New York."

Bill No. 4. "An Act in relation to the indexing of and searches for unpaid taxes, assessments and water rents and unredeemed and uncanceled sales for non-payment of taxes, assessments and water rents in the City of New York."

Bill No. 5. "An Act to provide for the re-indexing of deeds, mortgages and other specific liens."

Bill No. 6. "An Act to provide for short forms of deeds and mortgages."

As to above *Bill No. 1.* This bill while logically drawn is obnoxious to all the objections which have been urged by the undersigned against the system of indexing by lots.

The method of lot indexing as presented by the bill is unwieldy, complicated and incapable of being put in operation. Instead of reducing and condensing the indexes in the various offices, it would increase them very

largely; instead of lessening the volume of the records in the Register's office it would double them by the introduction of the new contrivance of the notices of claims which are to accompany and be recorded with all instruments of which notice is intended to be given; instead of simplifying the present system it offers one much more complex, requiring the services of experts to supervise and manage it at great cost to the city; in place of the well settled land laws of this State, it proposes to substitute for the city of New York special and local laws which are unnecessary and open to many objections; instead of a simple system of indexing which everyone can understand it recommends one which only conveyancers and professional searchers can understand and use.

The bill makes it virtually obligatory upon every purchaser or mortgagee of land that he shall procure to be made a survey of the property at considerable expense. It also provides that the notices of claim which are to be recorded as above mentioned shall refer for a description of the property covered by the claim to maps to be filed in the Register's office, which maps it is directed, shall be altered from time to time to correspond with the tax maps, but which maps themselves must plainly be unchangeable and permanent in order to render such a system of notices of any effect. Because, inasmuch as every notice of claim must refer to the maps as existing at time of such notice, any subsequent changes of the map must necessarily disarrange the system. The system thus resolves itself into an absurdity.

The provision of the bill for indexing against the lots adjoining the one supposed to be affected by the instrument of conveyance is also destructive of the plan of lot indexing, since with the risk attending lot indexing pursuant to surveys which may or may not be correct, every purchaser or mortgagee will ordinarily index the conveyance to him against the entire block, certainly against all adjacent lots unless the courts intervened to prevent it, as they probably would. This is the natural and unavoidable outcome of the lot system.

The bill provides that a notice of what the grantee claims to own under his deed may be incorporated in the body of the deed, but as such a method of giving notice is not compulsory upon any one, but the notice may be by a separate instrument, it is not likely that a grantor on executing his deed would encumber it with the grantee's claim, and it is quite certain that the claim would always be made by a separate instrument as authorized by the bill.

No stronger arguments need be urged against this bill than such as appear upon the face of the bill itself.

The necessity for such a bill as is proposed for lot indexing in order to meet the objections made against it, confirms the validity of such objections; but there are some objections which the bill does pretend to provide against, and one of the most obvious and fatal is the constant but unavoidable changes in the maps to which the notices of claim are to refer.

As to above Bill No. 2. The undersigned, while in favor of abolishing the general lien of judgments on land, objects to their being specifically indexed on the lot plan, and he thinks also that they, together with all other liens and claims on land, should be filed and entered in the city of New York in the Register's office under one general method.

As to above Bill No. 3. This bill applies to future as well as to past mortgages to the Loan Commissioners. It is a suitable act in relation to past mortgages, but in respect of mortgages executed after local indexes shall be in use in the Register's office, it would seem desirable that these mortgages should be acknowledged, recorded and indexed like all other mortgages recorded in that office, and with like effect.

As to Bill No. 4. In the bill prepared and submitted by the undersigned he has provided for indexing in the office of the Clerk of Arrears all unpaid taxes, assessments and sales. The general form of the index used for this purpose should be the same as that used in the Register's office for caveats. It is believed that the block indexes will be more convenient for the purpose of keeping a record of the unpaid taxes and assessments than the lot form of index. All that it will be necessary to do in searching for such liens will be to see what taxes or assessments on the block have been entered in the index as unpaid, and as the ward numbers will also appear on the index it does not seem that a simpler method could be adopted than the block plan as proposed. The lot plan could be used of course, and must be used in laying the tax or assessment on the several lots, but it does not appear necessary to duplicate those books in order to give information as to what taxes remain in arrear after a lapse of time.

As to Bill No. 5. This bill is intended to provide for the re-indexing of former deeds and instruments in the Register's and County Clerk's offices on the block plan.

It is similar to a bill which was introduced for the purpose into the Legislature at its last session. The undersigned in general approves the bill, but it should not go into effect until after the local indexes in the Register's office have been in use a sufficient length of time to familiarize the Register and his clerks with them.

As to Bill No. 6. This bill for short forms is also in general the same as the bill introduced for the purpose into the Legislature last winter.

The undersigned approves of the bill so far as it goes, but he thinks it should also provide for short forms of leases and other instruments relating to land. He is in favor, however, of the immediate passage of the bill as it stands.

THE FORM OF BLOCK INDEXES TO BE ADOPTED AND THE BILL THEREFOR PREPARED AND SUBMITTED BY THE UNDERSIGNED.

Having shown why it is both inexpedient and impossible to index by separate lots in the cities of this State, and assuming that the plan of block indexing must be adopted, we come to consider the particular form of the block indexes which should be used.

There are some general considerations applicable to this matter.

1. The indexes, while local, should at the same time admit of being used in conformity with the land laws and methods of conveyancing in this State.

2. In order to continue the present doctrine of notice and to meet the difficulties above mentioned of a purely lot index, the indexes while local must be primarily nominal; that is to say, the search must be against the name as well as against the locality.

3. The indexes must be compact, certain and safe in operation for the purposes for which they are intended, simple of construction in order to be easily understood, and convenient for use both by the Register and his clerks and by the general public. They should not be so arranged so as to be useful only to lawyers, or so complicated as to require the services of experts to manage them.

4. The indexes should be so constructed that while retaining the features of nominal and block indexes they will admit of continual improvement in the direction of lot indexing; that is to say, as surveys and maps become more accurate and perfect, that feature of the index, namely the reference to the ward or lot numbers, will become more valuable.

5. Original certificates of search by the Register being in aid of the local index should be retained in his office, and reference to them be made in the index. Whatever improvements will render the indexes more convenient, useful or certain for the purposes for which they are to be used should be adopted. There are other obvious reasons why original searches should be retained by the Register, one of them being to avoid the necessity and expense of researching, which has become very burdensome to property owners.

6. The indexes should be of such form and style that they can be conveniently used also for re-indexing instruments which have been heretofore recorded or filed.

7. The indexes of the transfers of the fee simple or freehold estates should be kept distinct from the indexes of liens, but their forms should correspond so far as possible for the sake of uniformity.

8. The lien index should be such as to be in aid of the freedom of transfer and hypothecation as well as for the convenient satisfaction of liens. The

lien index should not be constructed solely for the benefit of lienors and claimants, but of owners as well. For it is an object to facilitate the transfer of land for the purpose of mortgage as well as of sale.

9. Both the indexes of transfers and of liens should be designed with the view of dispensing so far as possible, after the indexes are commenced, with the services of lawyers in examining the titles, and of rendering it ultimately as safe, convenient and inexpensive to sell or hypothecate land as railroad or other corporate securities.

EXPLANATION OF THE INDEXES PROPOSED BY THE UNDERSIGNED.

The forms of local block indexes which have been prepared by the undersigned, being schedules A and B of the subjoined bill, are intended to comply with the foregoing requirements, but the following features of such indexes he believes to be novel.

(1). In combining the nominal index with the local index in the manner shown.

(2). In placing at the head of each index a diagram of the block covered by such index.

(3). In providing on the block index for reference to the ward or lot numbers.

(4). In providing on the index for reference to the Register's certificates of search.

(5). In separating the index of liens and caveats from the index of freehold or fee simple transfers.

AS TO INDEX OF TRANSFERS.

The manner of using this index appears upon its face. Upon the receipt by the Register of any instrument, he is to enter it in his journal or tickler as at present, and within ten days thereafter in the local index under the proper block number. It will be his duty to see that the instrument is indexed under the proper block, according to the description of the property contained in the instrument and the endorsement thereon. It is not required that the lot reference should be accurate. If the lot number is endorsed on the instrument it may be entered on the index according to the endorsement.

All original searches from the time the index is begun are to be entered in a book to be called Register's Certificates of Search, to be kept in his office, and are to be noted on the index.

A few moments inspection of an index of transfers will show all the transfers of any lot from one owner to another made after the system goes into operation, or if the lot numbers are entered, the title may be traced by them; or if there has been a search, the last search will be an official statement upon which a dealer may rely of all transfers and liens in the Register's office up to the date of the certificate. It will be in some sort a certificate of the title. Indeed this form of indexing is so simple as practically to do away with the necessity of official searches from the time of the commencement of the index, although under any system official searches will continue to be required as at present for the convenience of dealers, and as a protection to attorneys who may examine titles.

When the index is first put in operation, the lot feature is not essential to its use or accuracy, but as time progresses and the maps showing the lot numbers become more accurate through surveys, adjudications by the Courts and adjustments between adjoining owners, it may be expected that the lot feature of the index will become more and more important, until we shall finally at length have reached a reliable lot index through the present and prudent adoption of the block system, and when that point is attained, we shall have the advantages of both systems, for the number of the lot on the block index will then be a perfect and reliable guide both for the purpose of notice and to show the deduction of the title.

AS TO THE INDEX OF CAVEATS AND LIENS.

This also is simple in form and easily understood.

Liens, notices and claims are entered under the block numbers in the order of filing, and when satisfied or vacated, an entry is made to that effect. After such entry the lien should cease absolutely, but guards should be provided against unauthorized satisfactions. For instance, in ordinary cases a mortgage should not be satisfied on the index without the production to the Register and cancellation by him of the original instrument, or its absence be satisfactorily accounted for. Searching for liens on this index is as convenient and simple as searching for transfers on the index of transfers.

By indexing all the transfers and liens on the block plan as proposed would be accomplished all the advantages claimed for the lot plan, but in a much more convenient and simple way.

EXPLANATION OF THE BILL PREPARED AND SUBMITTED BY THE UNDERSIGNED FOR BLOCK INDEXING.

The bill which has been prepared by the undersigned, and is herewith submitted to the Legislature as part of this report, entitled "An Act to establish the use of Local Indexes for Public Records relating to land in the City of New York," is intended to secure the adoption of local block indexes upon the plan shown, without changing in any way in other respects existing laws. Since the work to be done under the bill is purely mechanical, it is believed it can be best accomplished under the supervision of the Mayor and Corporation Counsel, to whom it is committed. A special commission is not deemed necessary for the purpose.

The bill provides in general that a new map of the city shall be made on which shall be exhibited all blocks bounded by streets and avenues; that said blocks shall be numbered thereon consecutively from one upwards, beginning at the Battery; that the blocks shall be divided into convenient sections; that block indexes of the forms contained in the schedules of the bill and numbered to correspond with the block numbers on the map shall be made, one set for transfers of freeholds and one set for liens or caveats; that after the bill goes into operation all transfers of freeholds or fee simple estates recorded in the Register's office shall be entered on the index of transfers, and all claims and liens filed shall be entered on the index of caveats, under the proper block numbers in the order of record or filing; that similar indexes shall be kept in the tax office and all unpaid taxes and assessments after a certain date be placed thereon; that certain books shall be prepared for use as part of the proposed system; and that all expenses for the work shall be paid by the Comptroller on the requisition of the Mayor and Corporation Counsel with the approval of the Board of Estimate and Apportionment.

The preparation of such maps and indexes in the judgment of the undersigned, should be delegated to the charge of the city authorities, and no other reform except, perhaps, the adoption of short forms of instruments, should be attempted until after the indexes are completed and put in operation.

The block indexes can be quickly and cheaply prepared, and the system of indexing under them be put in operation without inconvenience as soon as the books are opened. Upon the presentation of a deed, mortgage or other instrument to the Register for record or filing duly acknowledged or proved as now required by law, it will be his duty to endorse it, as at present, with the time of its receipt by him and enter it in his tickler. He will then record the instrument and enter it in the local indexes of transfers or caveats, as the case may be, under the block in which the land affected is located. This is the entire process. Should the plan of block indexing as recommended be approved by public sentiment during the recess of the Legislature, an act may be drawn and passed at the next session requiring that all future liens and claims on hand in the city of New York shall be specific and be entered in the proper land office of the city, which is the Register's office, and the index of caveats has been prepared in anticipation of such a statute.

It has not seemed worth while, for the present at least, to provide for the use of block indexes in the office of the County Clerk. But if liens on land are to continue to be filed there, then the index of caveats should be required to be used there the same as in the Register's office.

SOME GENERAL REMARKS UPON LAND TRANSFER.

Unquestionably the best and most scientific method of transferring land by the aid of a public record, and the only one which will prevent an accumulation of the records, is that devised by the late Sir Robert Torrens and now in successful operation in New Zealand, Australia, British Columbia and many other of the British colonies.

It is substantially the same system as that sought to be brought into use by the Land Transfer Act of Lord Cairns, enacted by the British Parliament in 1875, but which not being made compulsory, and not being suited to the English modes of conveying, failed of effect. A similar bill has been introduced into the Ontario Legislature of Canada this winter.

This system presents two salient features.

1. A guarantee of titles by the government.
2. A registration of title in the Registry office.

It will be observed that the main feature of the Torrens system, apart from the guarantee principle, is the method now in use throughout the civilized world for the transfer of registered stocks, ships, bonds and other personal securities, namely, *by the so-called registration of the title*, which consists substantially in the application of the rule that no transfer shall be actually made unless and until it is entered on the registry books, the deed being considered a mere power of attorney for the purpose of authorizing the transfer, thus assimilating the mode of transferring land to ordinary stock transfers.

In the Torrens system the further rule is adopted that each transfer when so entered shall be indefeasible except in case of actual fraud on the part of the transferee, thus abrogating the law of equitable notice and equitable assignment.

The essential thing sought to be accomplished after the first entry on the local index being to ensure the validity of each transfer of the title, as it passes from owner to owner. The undersigned has on several occasions expressed himself strongly in favor of the adoption in this State of the plan of registration of titles as here explained. He has always been opposed to the guaranty of titles by the State, and he is not prepared to recommend the creation of an assurance fund. Manifestly the State cannot go into the examination of all the titles to land in the large cities of this State in order to put a guarantee system in operation even were it desirable, and as for an assurance fund it does not seem equitable to tax titles which are good to indemnify against those which are bad.

The best guarantee after all lies in simple and safe modes of transfer. The plan of lot indexing is, of course, indispensable to a guarantee system.

It is believed that all the land reforms immediately necessary in this State can be accomplished by the adoption of a few measures without materially disturbing our present laws. The most important thing required in the way of land reform, and which must first receive attention, is a good local index for the registry offices, particularly in the cities. While this is largely a merely mechanical matter, at the same time it presents a problem, the solution of which has taxed the skill of many able conveyancers, but until within a comparatively recent period, such attempts to index land records, at least in this country, have taken the form of book keeping, with debt and credit entries.

RECOMMENDATIONS TO THE LEGISLATURE.

The undersigned respectfully recommends to the Legislature the adoption of the following definite plan of procedure in order to remedy the existing evils attending the transfer of and dealings with land in the cities of this State:

First. The passage of the bill submitted by the undersigned providing for block indexing in the city of New York, with such amendments to the bill as the Legislature may deem advisable.

Second. The passage of the bill for short forms of deeds and mortgages.

Third. The passage of a bill abolishing general liens on land in the city of New York, and requiring that all notices, liens and claims affecting land in said city shall hereafter be specific and be filed and indexed in the local index of caveats in the Register's office.

Fourth. The passage at an early day of the bill for re-indexing former transfers and liens on the block plan.

Fifth. The subsequent extension of the plan of block indexing to Brooklyn and other cities where it can be used, if the plan is found to work satisfactorily in New York City.

Sixth. The careful consideration by the Legislature of other reforms, both such as are deemed to be in aid of the indexes as well as those which are intended to simplify estates in land and their transfer.

GENERAL REFORMS.

Among the reforms which are likely to be pressed upon the attention of the Legislature at an early day, the consideration of which come fairly within the scope of the general purpose of the act under which this Commission was appointed, besides those above specifically recommended, may be mentioned the following, namely; the filing and retention in the Register's office of all original deeds, mortgages and authorizations for transfer, as a guard against forgery and as a protection to the record; the adoption of the principle of Registration of Titles; the abolition of the doctrine of constructive notice except in case of actual fraud on the part of the transferee; a reduction in the number and duration of liens on land; the adoption of the rule that defects of form alone shall not invalidate an instrument of transfer after it has been once registered, provided an intention to convey appears upon its face, and there was in fact an intent to convey and a consideration paid; the devolution of land on the death of an owner whether intestate or not, upon his personal representatives in the first instance, for the purpose of distribution under a judicial order on due notice to all parties in interest the same as personal estate; the distribution of land upon the death of an owner intestate under the same canons of descent as personal estate; a more reasonable statute of limitations affecting land than the present; and generally the assimilation of the laws relating to real and personal property so far as the subject matter will permit.

All specific transfers of land can be placed on the local index, but if trusts and settlements stand in the way of such indexing it would be very easy to enter them in a sub-record, and provision for this is made in the bill submitted by the undersigned.

The undersigned expresses himself generally in favor of the adoption of all the reforms above named, but they should be delayed until careful consideration can be given to them both upon their intrinsic merits and in relation to their bearing upon existing laws.

The advantages to be secured to the commercial cities of this country by the accomplishment of such reforms as the foregoing are too obvious to admit of discussion, and too important to such cities and to the country at large financially to admit of long delay, and this country is the one of all others which such reforms would most benefit.

On some accounts it is to be regretted that a difference of opinion upon the vital subject of indexing has arisen among the Commissioners, but it is just upon that point that differences might have been expected if at all, for it is a subject which has always been most embarrassing to those who have been called upon to examine it. The question of registering titles to land and indexing land records, while comparatively little attention has been given to it in this country, has, for many years in Europe, especially in England, been considered to be one of the most pressing as well as difficult

problems to solve. Its solution requires practical ingenuity and expert knowledge as well as learning in the law.

The undersigned is satisfied that the Legislature, after considering all the views presented will be able to arrive at the conclusion most beneficial to the large and important interests which the measures proposed are intended to affect.

Dated New York, April 17, 1885.

DWIGHT H. OLMSTEAD, Commissioner.

AN ACT TO ESTABLISH THE USE OF LOCAL INDEXES FOR PUBLIC RECORDS RELATING TO THE LAND IN THE CITY OF NEW YORK.

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

SECTION 1. The Mayor of the city of New York and the Corporation Council of said city are hereby required and directed, immediately after the passage of this act, to cause to be prepared and made by competent surveyors and draughtsmen a map or plan of said city, on which map or plan shall be shown and delineated all the streets, avenues, roads, boulevards and parkways of said city, and also all blocks or parcels of land bounded by said streets, avenues, roads, boulevards and parkways.

SEC. 2. The said Mayor and Corporation Council shall also cause the said blocks or parcels of land shown on said map or plan of said city, to be numbered on said map or plan from number one consecutively upwards for as many blocks or parcels of land bounded by streets, avenues, roads, boulevards and parkways as shall appear on said map; provided, however, that in cases of small blocks or parcels more than one such block or parcel of land may be included in a single block number whenever in the judgment of said Mayor and Corporation Council the same is advisable; but they may cause the parcels of land in said city lying north and east of the Harlem River, including the Twenty-third and Twenty-fourth Wards of said city to be divided and numbered or designated on said maps in such way as they may think best in order to carry out the general intent of this act.

SEC. 3. The said Mayor and Corporation Council shall also cause said map or plan of said city to be subdivided into convenient land sections for the use to which said map or plan is to be put as by this act provided, and shall cause said sections to be numbered on said map or plan from number one consecutively upwards for as many sections as shall appear on said map, and shall cause the division lines of said several sections to be exhibited on said map.

The numbers of said sections and blocks shall commence at the southerly part of said city and shall thence be continued northerly as near as may be.

SEC. 4. Four originals of said map or plan shall be made, and when completed said originals shall be marked as the official land map of said city and shall be certified as such by the said Mayor and Corporation Council, and one original thereof shall be filed in each of the offices of the Register of the City and County of New York and of the County Clerk of said city and county and of the Receiver of Taxes in said city, and of the Comptroller of said city, and upon said maps being so certified and filed they shall be and become public records, and shall be known and designated as the land map of said city. And said Mayor and Corporation Council may cause as many copies of said map to be made as they shall deem necessary for use in the public offices of said city.

SEC. 5. The said Mayor and Corporation Council are hereby directed and required, immediately on the completion and filing of said land map in said offices, to cause to be prepared in book form, indexes for indexing transfers of freehold interests in land and Register's certificates of search as hereinafter mentioned and also other indexes for indexing caveats, liens and notices of claims and other instruments affecting land in said city, which indexes shall be prepared for use in accordance with the plan or system known as that of local indexing by blocks, and under the blocks and block numbers shown on said map; and the areas, numbers and descriptions of the blocks shown on said indexes and heading the same shall correspond with the areas, numbers and descriptions of the blocks shown on said map.

SEC. 6. The indexes for indexing transfers of freehold interests in land and certificates of search shall be made separate and distinct from the indexes for indexing liens on land and other instruments affecting land. All instruments and notices relating to or affecting land recorded or filed in the office of said Register other than said transfers of freehold interests and said certificates of search, may be termed caveats.

SEC. 7. Said indexes so to be prepared shall be both nominal and local, and in form substantially the same as the forms of the schedules hereto annexed, marked respectively Schedule A and Schedule B, which schedules are to be deemed and taken to be a part of this act. The index so to be prepared similar to said Schedule A shall be designated as the *Local Index of Transfers*, and the index so to be prepared similar to said Schedule B shall be designated as the *Local Index of Caveats*. There shall be appropriated in each index to each block or parcel of land shown thereon, not less than eight blank pages, including the heading of such index, which pages shall be properly ruled and prepared for future entries therein according to the plans shown on said schedules.

SEC. 8. Said indexes shall, on their completion, be certified under the hands of said Mayor and Corporation Council, and be deposited in the office of the said Register in said city, and shall, upon such certification and deposit, be and become public records, and shall be used in accordance with their forms, and so far as practicable for indexing instruments affecting land and interests in land recorded or filed in said Register's office on and after the date when this act shall go into operation. Additional like maps and indexes shall be prepared, certified and filed in like manner from time to time as may be required by the growth of said city.

SEC. 9. There shall also be prepared and kept in the office of said Register, besides said land map and indexes, books to be known as follows, to wit: a Register's Journal of Transfers, a Register's Journal of Caveats, a Book of Land Transfers, a Book of Register's Certificates of Search, a Book of Mortgages, a Book of Powers of Attorney, a Book of Leases, a Book of Caveats and a Book of Discharges of Caveats.

SEC. 10. Said books shall be used for the following purposes, namely: In the Register's Journal of Transfers shall be entered a memorandum of all instruments filed or recorded in his office transferring or purporting to transfer freehold interests in land. In the Register's Journal of Caveats shall be entered a memorandum of all other instruments filed or recorded in his office affecting or claiming to affect land, other than transfers of freehold interests in land. Such memorandum shall state in case of instruments of transfer of a freehold interest in land the date of the record of the instrument, the names of one or more grantors named in such instrument, and the number of the land section and the number of the land block in which the land transferred appears upon said map; and such memorandum shall state, in case of instruments other than transfers of freeholds as aforesaid, the date of filing the instrument, the name of the caveator or lienor named in such instrument, the name of the person or persons against whom the caveat or lien is filed and the number of the land section and block in which the land affected lies. Such memoranda shall be made in said journals immediately upon the said instruments being received in the order of their receipt by said Register for record or filing. In the Book of Land Transfers shall be recorded at length in the same manner and with the same effect as deeds of land are now recorded in said Register's office, all deeds and transfers of freehold interests in land in said city presented for record, and all decrees or certified copies thereof vesting or declaring freehold interests in land, and all last wills and testaments, or certified copies thereof, duly proved in this State, by or under which a title to a freehold interest in land in said city has been or may be or purports to be transferred or transmitted.

In the Book of Register's Certificates of Search shall be entered at length, under the hand of the Register, all official certificates of search made by him affecting land in said city.

SEC. 11. In the Book of Mortgages shall be recorded at length in the same manner and with the same effect as mortgages of land and assignments thereof are now recorded in said Register's office, all mortgages of land in said city, and all assignments and releases thereof presented for record. In the Book of Powers of Attorney shall be recorded at length in the same manner and with the same effect as Powers of Attorney are now recorded in said Register's Office, all Powers of Attorney to deal with land in said city presented for record. In the Book of Leases shall be recorded at length in the same manner and with the same effect as leases and assignments thereof are now recorded in said Register's office, all leases of land in said city and assignments thereof presented for record. In the Book of Caveats shall be bound all caveats, liens, notices, claims, executory contracts and transcripts of judgments affecting specifically land in said city which may be recorded or filed in the office of said Register.

In the Book of Discharges of Caveats shall be bound all discharges of caveats, mortgages, liens, claims and judgments recorded or filed in said Register's office.

SEC. 12. No instruments shall be received by said Register for record or filing in his office unless the same be acknowledged or proved in the manner required by law to entitle deeds to be recorded; and the recording or filing in said Register's office of said instruments and notices by this act or by any other act of the Legislature required to be so recorded or filed, shall be of the same force and effect as to land and interests in land proposed or intended to be charged or affected thereby as is now the case in respect of the recording and filing of like instruments and notices in any public office in said city.

For the purpose of notice under this act, or any act which may be in force, each block or parcel of land so to be separately numbered with a block number as aforesaid and also each lot of land in a block shall be deemed to extend to the centre line of the streets, avenues, roads and boulevards, fronting and adjoining such blocks and lots respectively.

SEC. 13. Said books and indexes shall be made of such convenient form and size as said Mayor and Corporation Counsel shall determine, and each of said books and indexes shall be endorsed in print with its appropriate title and volume and with the date of its commencement, and also with the number on the land map of the land section and of the blocks to which the entries therein relate: and no record or entry in any volume of either of said books or indexes shall be made, except such as relate to land located in the same land section except in the Register's Journals; and all instruments in writing relating to or affecting land in said city, or any interest in such land, recorded, filed or entered in the office of said Register on and after the date when this act shall become operative shall be entered in said books and indexes as provided by this act, but no entries shall be made in said books and indexes except in respect of such instruments recorded, filed or entered on or after that date; and all said books and indexes and the entries in, and contents of said books and indexes shall be public records.

SEC. 14. The said Mayor and Corporation Counsel are also hereby required and directed immediately after the passage of this act, to cause to be prepared and made by competent surveyors and draughtsmen an index to be used in the office of the Receiver of Taxes and Assessments in said city for the purpose of entering therein unpaid taxes and unpaid assessments on land in said city and sales for such unpaid taxes and assessments.

Said index shall be known as the index of unpaid taxes and assessments and shall conform to the same general plan of the indexes to be used in said Register's office under this act, and the sections and blocks and the numbers of such sections and blocks shall correspond with said indexes in said Register's office.

It shall be the duty of the Clerk of Arrears in said city to enter upon said index of unpaid taxes and assessments under each block or parcel of land shown on said index, all unpaid taxes and assessments affecting such block or parcel or any part thereof which shall be confirmed on or after the date when this act shall go into operation; which entry shall be made after the expiration of three months from the time of the confirmation of a tax or assessment if the same shall then remain unpaid, and within six months from the date of such confirmation.

The entries in respect of such unpaid taxes and assessments shall consist of the name of the then owner of the said land assessed appearing upon the tax books, the date of the confirmation of such unpaid tax or assessment, the principal amount thereof and a memorandum of the work for which the assessment was laid, the ward number or lot number of the property taxed or assessed as appearing upon the tax maps, a reference to the volume and page of the tax or assessment book where such tax or assessment is entered and the date of the payment of such tax or assessment when made. If any tax or assessment confirmed prior to the date when this act shall go into operation shall then be in arrears or any lot shall then have been sold for an unpaid tax or assessment and not have been redeemed a note thereof shall be entered on said index.

The Receiver of Taxes in said city shall upon the requisition in writing of any person and upon the payment of a fee of one dollar, make under his hand and deliver to such person his certificate in writing of the unpaid taxes and assessments then upon or sales for unpaid taxes or assessments of any lot or parcel of land or contiguous lots of land in said city claimed to be owned by such person and particularly described in such requisition, and upon the payment of all such unpaid taxes and assessments appearing upon such certificate and the redemption from such sales as shall appear upon such certificate affecting any such lot or parcel of land, the owner thereof and any subsequent owner thereof shall be forever thereafter free and exempt, and said land shall thereafter be free and exempt from the payment and lien of any taxes or assessments laid or levied on such land.

SEC. 15. For the purpose of procuring and preparing said maps, indexes and books, and putting the same in use, and otherwise carrying out the directions and intent of this act said Mayor and Corporation Counsel may in the name and on behalf of said city, hire rooms, purchase stationery and material and employ surveyors, draughtsmen and such other expert persons assistants and clerks as said Mayor and Corporation Counsel may in their judgment require or think proper for such purpose, and may agree with the persons so employed for their compensation; and such work or any part thereof may be done by public or private contract, as said Mayor and Corporation Counsel shall elect, and the compensation to such surveyors, draughtsmen and other persons so employed and the cost of such material and work and of putting said system of indexes and books in use and operation in the offices where they are to be used as provided by this act, shall be provided and paid in the manner directed by the next section of this act.

SEC. 16. The Board of Estimate and Apportionment of said city within sixty days after the passage of this act and from time to time thereafter shall, upon estimates presented to them by said Mayor and Corporation Counsel determine the amount of money necessary to defray the reasonable expenses to be incurred in carrying out the provisions of this act; and shall forthwith report to the Comptroller the amounts so determined upon. The said Comptroller shall include in the statement of the amounts authorized to be raised by tax in that or the next succeeding year on account of the corporation of the city of New York, which he is now required by law to prepare and submit to the Board of Aldermen, the amount so determined by the Board of Estimate and Apportionment, and such amount shall be included with the other amounts raised by tax in such year. The said Comptroller may from time to time after the passage of this act issue revenue bonds of said city to an amount not in excess of the amount so determined by the Board of Estimate and Apportionment and included in the tax levy. The proceeds of said bonds shall be used to defray the expenses incurred or to be incurred in carrying out the provisions of this act and shall be paid out from time to time by the Comptroller

upon the requisition of the said Mayor and Corporation Counsel. The amount so determined by the Board of Estimate and Apportionment and included in said tax levy shall be the fund from which shall be paid the wages and charges of all surveyors, draughtsmen, clerks and other persons employed and also the cost of maps, books, indexes, printing, stationery, material, room rent and other incidental expenses necessary to the performance of said work.

SEC. 17. All said maps or plans, books and indexes shall be completed, certified and deposited for use as aforesaid in the said offices on or before one month prior to the time when this act shall go into operation.

SEC. 18. Said Register shall, upon the requisition in writing of any person, make a search in his office for any period for entries on either the index of transfers or the index of caveats affecting any parcel of land described in such requisition, and upon the completion of such search which shall be within ten days after the making of such requisition, said Register shall enter in the book of Register's certificates of search kept in his office in substantially the form of Schedule C hereto, which is to be deemed and taken as part of this act, the certificate of search made by him thereupon. Each original of said certificate shall be signed by the Register or his deputy, and a reference to the volume and folio of such certificate shall be made on the local index of transfers opposite to the entry of the last transfer of the property searched against.

Said Register shall be entitled to receive and collect from any person making such requisition the sum of five cents for each and every return made on such certificate.

SEC. 19. A certified copy of any such original certificate of search under the hand and seal of said Register shall be issued by him to any person requiring the same, upon the payment to the Register of the sum of three cents for each and every return made on such certificate, which certified copy so issued shall be of the same force and effect and shall be received as evidence in all courts the same as the original thereof kept in the office of said Register, and such original certificate shall constitute a warranty on the part of the Register signing the certificate of the truth of the facts therein stated to any person then or subsequently owning or having an interest in said land or any part thereof, who shall rely upon such certificate or certified copy, and shall suffer loss or damage thereby, to the extent of such loss or damage, provided, however, that no action shall be brought on any such certificate after the lapse of ten years from the date thereof.

SEC. 20. Said Register shall be liable for any loss or damage to any person interested by reason of his failure to index an instrument as required by this act or by reason of an erroneous entry made by him or by his direction or by any clerk appointed by him in any book or index to be kept in his office as aforesaid, the amount of which loss or damage may be recovered by a suit at law, provided, however, that said Register shall not be liable for an erroneous entry in the Register's Land Journal arising from an erroneous endorsement of an instrument or notice presented to be recorded or filed by the person presenting the same.

SEC. 21. Whenever any instrument affecting land in said city duly acknowledged or proved so as to entitle the same to be recorded and endorsed as by this act provided shall be presented to said Register for record or filing he shall endorse thereon the date, hour and minute of its receipt by him, and he shall immediately thereupon enter a note of the same in his journal, as by this act provided, and he shall within ten days thereafter enter said instrument on the local index in his office in the order of its receipt by him in the manner provided by this act.

SEC. 22. All instruments presented to said Register for recording or filing under the provisions of this act, shall be legibly endorsed with the names of one or more of the respective parties thereto; the number of the land section, and of the block in which the land affected by the instrument is situated, the index in which the same is to be entered whether of transfers or of caveats, and the name of the person or his attorney offering such instrument for record or filing together with his residence and post office address; and the Register may in his discretion, refuse to receive an instrument unless the same be so endorsed; provided, however, that the omission of any required endorsement or an erroneous endorsement shall not render an instrument invalid nor prevent the recording or filing of such instrument from constituting notice if the same to be recorded or filed, and provided also that such endorsement and entry in any index or under any block according to such endorsement shall be at the risk of the person offering such instrument for record or filing.

Such instruments may also be endorsed with the lot or ward number of a lot affected by the instrument, and in such case the Register may enter such lot or ward number on the Local Index in his discretion.

All assignments of mortgages and of leases and all releases satisfactions and extensions of mortgages to entitle the same to be recorded or filed under this act shall state in the body thereof the block number of the property affected by the original instruments to which such assignments, releases, extensions and satisfactions respectively relate, and said Register need not receive such instruments for record or filing unless they contain such statement.

SEC. 23. Every instrument recorded or filed by said Register under this act shall be stamped or endorsed by him with the number of the land block under which such instrument is indexed in the local index, stating whether such indexing is in the index of transfers or index of caveats, and his certificate of the record or filing of any such instrument in addition to the matters now required by law to be stated shall state the number of the land block under which such instrument was indexed, and said Register shall be liable to any person for any loss or damage occurring to him by reason of an erroneous certificate of said Register in that behalf.

SEC. 24. All indexes by this act directed to be made and kept in the office of said Register, and the entries made in said indexes shall, for the purpose of notice, be deemed and taken to be a part of the record of the instruments to which such entries respectively refer or relate, and such indexes and entries shall be deemed and held to be constructive notice to all subsequent purchasers, mortgagees, incumbrancers and dealers in land of the instruments to which such entries respectively refer or relate, and of the record or filing thereof and of the execution and contents of such instruments, in the same manner and to the same extent as the recording or filing of such instruments now is or may be notice.

SEC. 25. Whenever a judgment or decree shall have been made and entered by any court changing, declaring or establishing the freehold title to any person in land in said city, upon the production to said Register of a certified copy of said judgment or decree and leaving the same with him for record, it shall be the duty of said Register to record said judgment or decree in the Book of Land Transfers, and to enter a reference to the said judgment or decree in the Local Index of Transfers under the block in which said land is situated; and whenever a mortgage or other lien upon a freehold interest in land in said city shall be foreclosed and a title to such interest shall have been transferred or transmitted to any person by virtue of an order, judgment or decree, it shall be the duty of said Register upon the production to him of certified copies of such mortgage or other instrument creating such lien and of such order, judgment or decree, and of the deed of conveyance made thereupon, to record such certified copies in the Book of Land Transfers in his office, and also to enter the same in the Local Index of Transfers under the block in which the land affected is situated, and to note the fact of such foreclosure on the margin of the originals of said instruments in his office, and on the Local Index of Caveats where they are entered if entered on such local index.

SEC. 26. Any devisee or heir at law of a freehold interest in land in said city under and by virtue of a will which has been duly proved in this State, or grantee of such devisee or heir-at-law, may have a certified copy of such will and the probate thereof recorded in the office of said Register and entered on the Local Index of Transfers in case he shall file and record with such certified copy of such will, his affidavit stating that he is such

devisee, heir or grantee, his place of residence and relationship to the testator, if any, and containing a description or diagram of the property claimed by him under or through such will, together with the land block number thereof.

SEC. 27. Satisfactions, assignments and releases of mortgages which shall be recorded prior to the date when this act goes into operation, and also assignments of leases which shall be recorded prior to that date, and also instruments offered to said Register for record or filing, changing the effect or interpretation of instruments recorded or filed prior to that date, shall be recorded, entered and filed in the same offices and in the same manner as is now authorized by law for the recording or filing of such satisfactions, assignments, releases and instruments, to the intent that the entries of all such satisfactions, assignments, releases and instruments which relate to instruments filed or recorded prior to the above last-mentioned date, shall be entered in the same offices, and in the same books and under the same system of recording, entry and indexing as at present.

SEC. 28. Said Register shall, on and after the date when this act shall go into operation, keep in his office a lexicographical list of the names of all grantors and grantees of land entered from time to time on the local index of transfers in his office, referring after each name to the numbers of the blocks of land in the said index under which such name is entered. Said Register shall also keep in his office a similar separate list of mortgagors and mortgagees whose names appear upon the local index of caveats. He shall also keep in his office a similar separate list of registered owners and caveators, other than mortgagors and mortgagees, whose names appear upon the local index of caveats. Such lists shall be made up complete every three months from the time said local indexes are commenced, and the same shall be public records.

SEC. 29. Whenever any new or different blocks of land than the blocks now existing in said city shall be formed by the opening or closing of any street, avenue, road, boulevard or parkway, it shall be the duty of the then acting Mayor and Corporation Counsel of said city to cause such new blocks from time to time to be numbered consecutively upwards from the last number then upon said land map, and to cause maps of such new blocks to be made, certified and filed in the same manner and in the same offices as the previous land maps. And the separate maps of such blocks may be consolidated into one or more maps, and also said new blocks may be subdivided into land sections whenever, in the judgment of said Mayor and Corporation Counsel, it shall be advisable to do so, and upon said maps or any of them being certified and filed as aforesaid, they shall constitute land maps of said city and become public records. The land blocks and land sections and the numbers of said blocks and sections shall not be changed after they have been once designated and entered on said maps.

SEC. 30. Whenever, in the judgment of said Register, the local indexes authorized by this act cannot in exceptional cases for any reason be conveniently and safely used for indexing transfers of land caveats, liens and instruments as provided by this act and the use of such indexes is not in fact in any such case practicable, said Register may, with the approval in writing of the Corporation Counsel of said city, in such cases substitute such other methods of indexing or entering in said Register's office such transfers, caveats, liens and instruments as said Register and Corporation Counsel shall determine and said Register may with like approval establish sub-indexes or sub-records in cases where he shall think the circumstances warrant, and the methods so substituted and put into operation in the office of said Register shall be of the same force and effect as any other method authorized by this act.

SEC. 31. In case where there shall have been an erroneous indexing of any instrument in the office of said Register, he shall, on being satisfied thereof, re-index such instrument in the proper index, and he shall at the same time make a note of such new indexing upon the index in which the instrument was so erroneously indexed, opposite the entry thereof.

SEC. 32. No entry in any book or index in said Register's office shall be erased so as to be illegible, but in case of any correction the same shall be made without destroying the original entry by drawing a line through such original entry.

SEC. 33. Any person presenting to said Register an instrument for record or filing under this act, shall pay to said Register, in addition to the fees now required by law for recording or filing like instruments, the further sum of one dollar for the entry of such instrument on the local index.

SEC. 34. Whenever an instrument transferring land or any interest in land has been entered on the local index of transfers, and the next succeeding instrument transferring the same land or any part thereof is executed by a person other than the last preceding registered owner, said Register shall not place such last instrument on the local index or transfers unless such instrument shall contain or be endorsed with a statement of the name of the last preceding registered owner of said land as indexed, signed by the grantee named in such last mentioned instrument or by his attorney, and such instrument shall thereupon be indexed according to such statement.

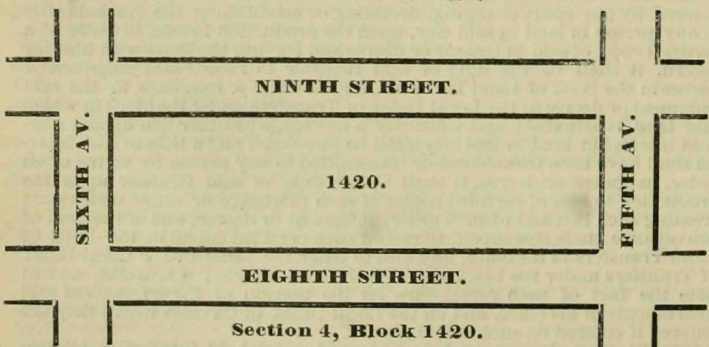
SEC. 35. This act shall be construed liberally by all courts according to the true intent and purpose thereof, which is declared to be to establish the use of local indexes for public records relating to land in the city of New York, and in case the construction of said act or any part thereof shall be doubtful the courts are hereby directed to give such construction thereto as shall carry out the general purpose, meaning and intent of this act as herein declared, and said act is hereby declared and shall be deemed and taken to be a general and public act and not a local act.

SEC. 36. All acts and parts of acts inconsistent with this present act are hereby repealed, but all existing acts so far as this act is not inconsistent therewith shall be deemed to remain in force.

SEC. 37. This act shall go into operation on the first day of July in the year one thousand eight hundred and eighty [], except as is by this act otherwise expressly provided.

SCHEDULE A.

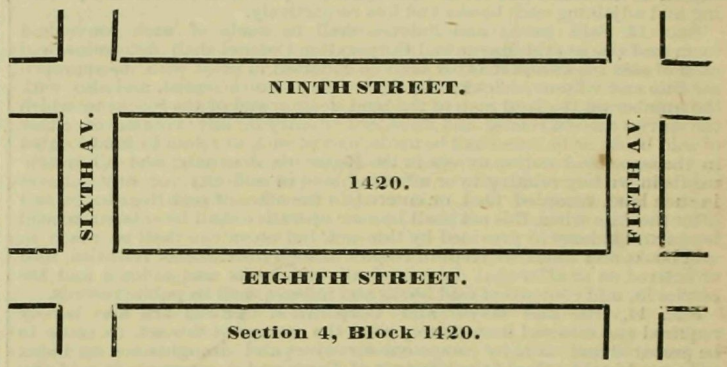
FORM OF LOCAL BLOCK INDEX FOR INDEXING TRANSFERS OF LAND AND CERTIFICATES OF SEARCH.



GRANTORS.	GRANTEES.	TRANSFERS.		DATE OF REGISTRATION.	WARD OR LOT NO.	CERT. OF SEARCH.	
		VOL.	FOL.			VOL.	FOL.
John Doe.	Richard Roe.	1	4	1886, January 2.	3	2	6
Richard Roe, by Geo. Sharp, Sheriff.	William Black.	10	8	1866, March 1.	3		
James White.	Robert Moore.	21	9	1887, April 20.	10	16	€2
William Black, by Joel Young, executor.	John Young.	40	11	1890, Sept. 19.	3		
Robert Moore, by Mary Moore, heir.	Frank Hart.	77	3	1891, May 1.	10	84	34
Frank Hart.	Thomas Scott.	101	5	1892, Novem. 1.	10	112	86
Henry Brown.	Ira Smith.	230	10	1892, Novem. 5.	6	140	7
Ira Smith, by Charles Clute, attorney.	Lewis Green.	220	8	1893, March 4.	6	145	3

SCHEDULE B.

FORM OF LOCAL BLOCK INDEX FOR INDEXING LIENS ON LAND AND CAVEATS.



REGISTERED OWNERS.	CAVEATORS.	NATURE OF LIEN OR CLAIM.	BOOK.	VOL.		WHEN REGISTERED.	W'D OR LOT NO.	WHEN DIS-CH'RGD.	DISCH'G.	
				VOL.	FOL.				VOL.	FOL.
Richard Roe.	James Dunn.	Mortgage.	Mortgages.	4	3	1886, Jan. 6.	3	1887, Mar. 2.	10	8
Rob't Moore.	Emil Smith.	Lease.	Leases.	20	4	1888, April 1.	10			
Wm. Black.	Amos Wright	Attachment.	Caveats.	5	12	1889, Oct. 8.	3	1891, May 1.	14	1
Frank Hart.	Sam. Jones.	Notice of action.	Caveats.	6	4	1891, June 2.	10			
Ira Smith.	Chas. Clute.	Power of att'y.	Powers	1	8	1892, Nov. 7.	6			
Ira Smith.	Henry Burke	Execution.	Caveats.	14	3	1893, Feb. 2.	6	1893, Mar. 1.	18	9
Thomas Scott	John Flint.	Mechanics lien.	Caveats.	15	2	1893, Mar. 4.	10			

SCHEDULE C.

REGISTER'S CERTIFICATE OF SEARCH.

Office of the Register of the City and County of New York, State of New York. } Land Section IV. }
 } Block 1420. }
 } Lot 10. }

I hereby certify that I have on the requisition of *Thomas Scott* searched the Local Index of Transfers of land and also the Local Index of Caveats in my office for all entries of instruments thereon since _____, affecting the following premises, to wit:

(Here insert description or diagram)

Such search being against the names of the following persons, to wit: *James White, Robert Moore, Frank Hart and Thomas Scott*, and that the underwritten are the only said entries on either of said indexes to the date of this certificate except of such caveats on the Local Index of Caveats as appear thereon to be satisfied.

ON LOCAL INDEX OF TRANSFERS.

James White to Robert Moore, Vol. 21 of Books of Transfers, fol. 9, registered April 20, 1887, lot No. 10.
 Robert Moore, by Mary Moore, heir, to Frank Hart, Vol. 77 of Book of Transfers, fol. 3, registered May 1, 1891, lot No. 10.
 Frank Hart to Thomas Scott, Vol. 101 of Book of Transfers, fol. 5, registered November 1, 1892, lot No. 10.

ON LOCAL INDEX OF CAVEATS.

Robert Moore ads. Emil Smith, lease, Book of Leases, Vol. 20, fol. 4, registered April 1, 1888, lot No. 10.
 Frank Hart ads. Sam. Jones, Notice of Action, Book of Caveats Vol. 6, fol. 4, registered June 2, 1891, lot No. 10.
 Thomas Scott ads. John Flint, Mechanics Lien, Book of Caveats, Vol. 15, fol. 2, registered March 4, 1893, lot No. 10.

WITNESS my hand and seal of office this

day of _____ in the year _____
 [Official Seal.]

Register of the City and County of New York.