

ANNOTATED CONSOLIDATED LAWS

OF THE

STATE OF NEW YORK

AS AMENDED TO JANUARY 1, 1918

CONTAINING ALSO

THE FEDERAL AND STATE CONSTITUTIONS

WITH

NOTES OF BOARD OF STATUTORY CONSOLIDATION,
TABLES OF LAWS AND INDEX

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L. 1909, ch. 88.

Anarchy.

§§ 160, 161.

vocation statement on each person or firm with whom such principal shall have transacted any business through such agent or manager within six months previous to such filing. But failure to make service of such statement shall not invalidate such revocation except as to persons not so served, said statement to be acknowledged before an officer authorized to take acknowledgments of deeds and to be published in at least three consecutive issues of the newspaper published in the county and nearest to the place where the business of said agent or manager is carried on; but if no newspaper is published in said county, then said statement shall be published in the newspaper published nearest to the place where such business shall be carried on.

Source.—Penal Code, § 363-a, subd. 2, as added by L. 1893, ch. 708, amended by L. 1895, ch. 890, § 1.

ARTICLE XIV.

ANARCHY.

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§ 160. **Criminal anarchy defined.**—Criminal anarchy is the doctrine that organized government should be overthrown by force or violence, or by assassination of the executive head or of any of the executive officials of government, or by any unlawful means. The advocacy of such doctrine either by word of mouth or writing is a felony.

Source.—Penal Code, § 468-a, as added by L. 1902, ch. 371.

“You (are) an anarchist” is a charge of criminal anarchy. *Von Gerichten v. Seitz* (1904), 94 App. Div. 130, 87 N. Y. Supp. 968.

§ 161. **Advocacy of criminal anarchy.**—Any person who:

1. By word of mouth or writing advocates, advises or teaches the duty, necessity or propriety of overthrowing or overturning organized government by force or violence, or by assassination of the executive head or of any of the executive officials of government, or by any unlawful means; or,

2. Prints, publishes, edits, issues or knowingly circulates, sells, distributes or publicly displays any book, paper, document, or written or printed matter in any form, containing or advocating, advising or teaching the doctrine that organized government should be overthrown by force, violence or any unlawful means; or,

3. Openly, wilfully and deliberately justifies by word of mouth or writing the assassination or unlawful killing or assaulting of any executive or other officer of the United States or of any state or of any civilized

nation having an organized government because of his official character, or any other crime, with intent to teach, spread or advocate the propriety of the doctrines of criminal anarchy; or,

4. Organizes or helps to organize or becomes a member of or voluntarily assembles with any society, group or assembly of persons formed to teach or advocate such doctrine,

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

Source.—Penal Code, § 468-b, as added by L. 1902, ch. 371.

The advocacy of criminal anarchy, that is, advising or advocating the overturning by violence of organized government, is condemned by law, and can be made the basis of a criminal prosecution. *Von Gerichten v. Seitz* (1904), 94 App. Div. 130, 87 N. Y. Supp. 968.

§ 162. **Assemblages of anarchists.**—Whenever two or more persons assemble for the purpose of advocating or teaching the doctrines of criminal anarchy, as defined in section one hundred and sixty, such an assembly is unlawful, and every person voluntarily participating therein by his presence, aid or instigation, is guilty of a felony and punishable by imprisonment for not more than ten years, or by a fine of * more than five thousand dollars, or both.

Source.—Penal Code, § 468-d, as added by L. 1902, ch. 371.

§ 163 **Permitting premises to be used for assemblages of anarchists.**—The owner, agent, superintendent, janitor, caretaker or occupant of any place, building or room, who wilfully and knowingly permits therein any assemblage of persons prohibited by section one hundred and sixty-two, or who, after notification that the premises are so used permits such use to be continued, is guilty of a misdemeanor, and punishable by imprisonment for not more than two years, or by a fine of not more than two thousand dollars, or both.

Source.—Penal Code, § 468-c, as added by L. 1902, ch. 371.

Consolidators' note.—The reference to Penal Code, § 468, contained in this section, is an obvious error, as said § 468 relates to discharging firearms. Section 468-d, consolidated in Penal Law, § 162, which relates to the assemblages of anarchists, is evidently intended. The reference to Penal Law has been changed to § 162.

§ 164. **Liability of editors and others.**—Every editor or proprietor of a book, newspaper or serial and every manager of a partnership or incorporated association by which a book, newspaper or serial is issued, is chargeable with the publication of any matter contained in such book, newspaper or serial. But in every prosecution therefor, the defendant may show in his defense that the matter complained of was published without his knowledge or fault and against his wishes, by another who had no authority from him to make the publication and whose act was disavowed by him so soon as known.

* So in original.

L. 1909, ch. 88.

Animals.

§§ 165, 166, 180.

Source.—Penal Code, § 468-c, as added by L. 1902, ch. 371.

§ 165. **Leaving state with intent to elude provisions of this article.**—A person who leaves the state, with intent to elude any provision of this article, or to commit any act without the state, which is prohibited by this article, or who, being a resident of this state, does any act without the state, which would be punishable by the provisions of this article if committed within the state, is guilty of the same offense and subject to the same punishment, as if the act had been committed within this state.

Source.—Penal Code, § 461.

§ 166. **Witnesses' privilege.**—No person shall be excused from giving evidence upon an investigation or prosecution for any of the offenses specified in this article upon the ground that the evidence might tend to convict him of a crime. But such evidence shall not be received against him upon any criminal proceeding.

Source.—Penal Code, § 469.

ARTICLE XVI.

ANIMALS.

Section 180. Definitions.

181. Keeping a place where animals are fought.
182. Instigating fights between birds and animals.
183. Officer may take possession of animals or implements used in fights among animals.
184. Disposition of animals or implements used in fights among animals.
185. Overdriving, torturing and injuring animals; failing to provide proper sustenance.
186. Abandonment of disabled animal.
187. Failure to provide proper food and drink to impounded animal.
188. Selling or offering to sell or exposing diseased animal.
- 188-a. Selling disabled horses.
189. Carrying animal in a cruel manner.
190. Poisoning or attempting to poison animals.
191. Throwing substance injurious to animals in public place.
192. Keeping milk cows in unhealthy places and feeding them with food producing unwholesome milk.
193. Transporting animals for more than twenty-eight consecutive hours without unloading.
194. Running horses on highway.
195. Leaving state to avoid provisions of this article.
196. To whom fines and penalties are to be paid.

§ 180. **Definitions.**—1. The word "animal," as used in this article, does not include the human race, but includes every other living creature;
 2. The word "torture" or "cruelty" includes every act, omission, or neglect, whereby unjustifiable physical pain, suffering or death is caused or permitted;