§ 139. Commissioners of deeds within the state. 1. Commissioners of deeds in the cities of this state shall be appointed by the common councils of such cities respectively, and shall hold office for the term of two years from the date of their appointment, and until others are appointed in their places. A vacancy occurring during the term for which any commissioner shall be appointed, shall be filled by the common council. The common council of the several cities of this state, except in cities of this state situate in a county which has a population of not less than one hundred and eighty thousand, and not more than six hundred and fifty thousand, according to the last state or federal enumeration, shall at the end of every even numbered year, by resolution of the board, determine the number of commissioners of deeds to be appointed for such cities respectively.

2. The term of office of each commissioner of deeds appointed by the common council in cities of this state situate in a county which has a population of not less than one hundred and eighty thousand, and not more than six hundred and fifty thousand, according to the last state or federal enumeration, shall expire on the thirty-first of December of the even numbered year next after he shall be appointed. The common council of any such city shall in the month of November in every even numbered year, by resolution, determine the number of commissioners of deeds to be appointed in such cities, respectively, for the next succeeding two years.

3. Any person who resides in or maintains an office or other place of business in any such city and who resides in the county in which said city is situated shall be eligible to appointment. Such commissioners of deeds may be appointed by the common council by resolution, and the city clerk shall immediately after such appointment, file a certificate thereof with the county clerk of the county in which such city is situate, specifying the term for which the said commissioners of deeds shall have been appointed; the county clerk shall thereupon notify such persons of their appointment, and such persons so appointed shall qualify by filing with him his oath of office, duly executed before such county clerk or before any person authorized to administer an oath, together with his official signature, within thirty days from the date

of such notice.

4. The county clerk shall make a proper index of certificates of appointment and official signatures filed with him. For filing and indexing the certificate of appointment and official signature, the county clerk shall be paid a fee of one dollar by the appointee, which fee shall include the administration of the oath by the county clerk, should he administer the same.

5. If a person appointed commissioner of deeds shall not file his oath of office as such commissioner of deeds, in the office of the clerk of the county of his residence, within thirty days after the notice of his appointment as above provided, his appointment is deemed revoked and the fee filed with his application forfeited.

6. A commissioner of deeds may file his autograph signature and certificate of appointment in the office of any county clerk, and the county clerk of the county in which such city is located, upon request of any commissioner appointed under the provisions of this section and upon payment of twenty-five cents for each certificate, must make and deliver to such commissioner such number of certificates as may be required. Such certificates shall be issued under the hand and seal of the county clerk of the county in which such city is located, showing the appointment and term of office of such commissioner and stating the county in which he resides. Such a certificate may be filed in the office of any county clerk upon the payment of one dollar for such filing in each office. The clerks of the counties outside the city of New York, shall each keep a book or card index file in which shall be registered the signature of the commissioners so filing such certificates.

7. The county clerk of the county in which said city is located shall, upon demand and upon payment of the sum of fifty cents, authenticate a certificate of acknowledgment or proof of oath taken before such commissioner of deeds within such city, by subjoining or attaching to the original certificate of acknowledgment or proof of oath a certificate under his hand and official seal specifying that at the time

of taking the acknowledgment or proof of oath the officer taking it was duly authorized to take the same; that the authenticating officer is acquainted with the former's handwriting, or has compared the signature on the certificate of acknowledgment or proof of oath with the autograph signature deposited in his office by such officer, and that he verily believes the signature is genuine.

8. Any instrument or paper sworn to, proved or acknowledged before a commissioner of deeds within a city and authenticated as hereinbefore provided by the clerk of a county within which such city is located shall be recorded and read in evidence in any county in this state without further proof; provided, however, that a county clerk's certificate of authentication shall not be necessary to entitle any deed or other instrument or paper so proved or acknowledged to be recorded in any office where such commissioner has filed his autograph signature and certificate of appointment or to be read in evidence in any county in which such commissioner has filed with the county clerk his autograph signature and certificate of appointment, as herein provided.

9. The foregoing provisions of this section shall not apply in the city of New York.