§ 140. Commissioners of deeds in the city of New York. 1. The council of the city of New York is hereby authorized and is empowered to appoint commissioners of deeds in such city from time to time, who shall hold their offices for two years from the date of their appointment.

2. No person shall be appointed a commissioner of deeds except an attorney-at-law unless such person shall have submitted with his application proof of his ability to perform the duties of the office. Applicants serving clerkships in the offices of attorneys, and whose clerkship certificate is on file with the proper officials, shall submit an affidavit to that effect. Other employees of attorneys shall submit an affidavit sworn to by a member of the firm of such attorneys that the applicant is a proper and competent person to perform the duties of a commissioner of deeds. Every other applicant shall furnish a certificate of the city clerk of such city stating that he has examined the applicant and believes such applicant to be competent to perform the duties of a commissioner of deeds; provided, however, that where a commissioner of deeds applies, before the expiration of his term, for a reappointment or where a person whose term as commissioner of deeds shall have expired applies within six months after such expiration for appointment as a commissioner of deeds, such examination shall not be required. Upon any such application for such renewal the city clerk shall furnish the applicant with a certificate stating that the applicant has theretofore qualified for appointment and indicate the date of the applicant's original appointment thereon. The fee for issuing each such certificate shall be fifty cents.

3. Such appointment shall not require the approval of the mayor, and hereafter, at the time of subscribing or filing the oath of office, the city clerk shall collect from each person appointed a commissioner of deeds the sum of twenty-five dollars, and he shall not administer or file such oath unless such fee has been paid.

4. The city clerk shall designate a commissioner of deeds clerk, whose duties shall be to enter the names of commissioners of deeds appointed in a book kept for that purpose, make out certificates of appointment and discharge such other duties as the city clerk may designate.

5. Any person hereafter appointed to the office of commissioner of deeds in and for the city of New York by the council, before entering upon the discharge of the duties of such office and within thirty days after such appointment, shall take and subscribe before the commissioner of deeds clerk in the office of the city clerk or before any person authorized to administer oaths the following oath of office: that the applicant is a citizen of the United States, and a resident of the state of New York, the city of New York and the county of (naming the county); that he will support the constitution of the United States and the constitution of the state of New York and faithfully discharge the duties of the office of commissioner of deeds. A person regularly admitted to practice as an attorney and counsellor in the courts of record of this state, whose office for the practice of law is within the city of New York, may be appointed a commissioner of deeds in and for the city of New York and may retain his office as such commissioner of deeds although he resides in or removes to another city in this state or to an adjoining state. For the purposes of this and the following sections of this article such person shall be deemed a resident of the county where he maintains such office.

5-a. A person regularly admitted to practice as an attorney and counsellor in the courts of record of this state, whose office for the practice of law is within the city of New York, may be appointed a commissioner of deeds in and for the city of New York and may retain his office as such commissioner of deeds although he resides in or removes to any other county in this state or to an adjoining state. For the purposes of this article such person shall be deemed a resident of the county where he maintains such office.

6. Any commissioner of deeds who may remove from the city of New York during his term of office vacates his office and is hereby required to notify the city clerk of such removal, and immediately upon the receipt of such notice of removal the city clerk shall cause the name of such commissioner to be stricken from the roll of commissioners of deeds of the city.

7. Any person appointed to the office of commissioner of deeds under the provisions of this section, upon qualifying as above provided, may administer oaths and take acknowledgments or proofs of deeds and other instruments in any part of the city of New York.

8. A commissioner of deeds may file his autograph signature and certificate of appointment in the office of any county clerk in the city; and the city clerk, 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 such commissioner may require. Such certificates shall be issued under the hand and official seal of the city clerk, showing the appointment and term of office of such commissioner and stating the county in which he resides, which certificates may be filed in the office of the several county clerks in the city upon payment of one dollar in each office for filing.

9. The clerks of the counties of New York, Kings, Queens, Richmond and Bronx shall each keep a book or card index file in which shall be registered the signature of the commissioners so filing such certificates; and the county clerk of any county in the city with whom such commissioner has filed a certificate of appointment 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, without regard to the county in the city in which such acknowlgment or proof was taken or oath administered, by subjoining or attaching to the original certificate of acknowledgment or proof or oath a certificate under his hand and official seal specifying that at the time of taking the acknowledgment or proof or 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, proof or oath with the autograph signature deposited in his office by such officer, and that he verily believes the signature is genuine.

10. Any instrument or paper sworn to, proved or acknowledged before a commissioner of deeds within the city of New York and authenticated as

hereinbefore provided by the clerk of any county within the city with whom such commissioner has filed his autograph signature and certificate of appointment 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 or read in evidence in any office of the county clerks within the city of New York or the office of the register of the city of New York.

11. A commissioner of deeds must affix, in black ink, to each instrument sworn to, acknowledged or proved, in addition to his signature, the date when his term expires and his official number as given to him by the city clerk, and must print, typewrite or stamp his name in black ink beneath his signature.

12. The mayor of the city of New York may remove any commissioner of deeds appointed under the provisions of this section for cause shown; but no such commissioner shall be removed until charges have been duly made against him to the mayor and the commissioner shall have had an opportunity to answer the same. At any proceedings held before the mayor for the removal of such commissioner of deeds the mayor shall have power to subpoena witnesses and to compel the attendance of the same, and to administer oaths, and to compel the production of books and papers, and upon the termination of such proceedings shall make his decision thereon in writing, and cause the same to be filed in the office of the city clerk of the city of New York, provided, however, that the mayor may, whenever a hearing is granted by him on complaint against a commissioner of deeds, designate an assistant corporation counsel to preside who shall have power to subpoena witnesses and to compel the attendance of the same, administer oaths, compel the production of books and papers and receive exhibits; such assistant shall, upon the termination of such proceedings, certify a copy of the stenographer's minutes of such hearing and such exhibits as may be received in evidence, together with his recommendations on the issues presented, whereupon the mayor shall render a decision on all matters presented on such hearing.

13. In case such commissioner shall be removed from office the city clerk, immediately upon the receipt by him of the order of removal signed by the mayor, shall cause the name of such commissioner so removed to be stricken from the roll of commissioners of deeds of the city.

14. No person who has been removed from office as a commissioner of deeds for the city of New York, as hereinbefore provided, shall thereafter be eligible again to be appointed as such commissioner nor, shall he be eligible thereafter to appointment to the office of notary public.

15. Any person who has been removed from office as aforesaid, who shall, after knowledge of such removal, sign or execute any instrument as a commissioner of deeds or notary public shall be deemed guilty of a misdemeanor.

16. In case of the removal for cause, or removal from the city or resignation of a commissioner of deeds, the city clerk shall immediately notify each county clerk and the register of the city of New York of such removal or resignation.