

## NY CLS CPLR § 4530

Current through 2025 released Chapters 1-207

*New York*

*Consolidated Laws Service* >  
*Civil Practice Law And Rules (Arts. 1 — 100)* >  
*Article 45 Evidence (§§ 4501 — 4551)*

### § 4530. Certificate of population

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**(a) Prima Facie Evidence.** A certificate of the officer in charge of the census of the United States, attested by the United States secretary of commerce, giving the result of the census is, except as hereinafter provided, prima facie evidence of such result.

**(b) Conclusive Evidence.** Where the population of the state or a subdivision, or a portion of a subdivision of the state is required to be determined according to the federal or state census or enumeration last preceding a particular time, a certificate of the officer in charge of the census of the United States, attested by the United States secretary of commerce, as to such population as shown by such federal census, or a certificate of the secretary of state as to such population as shown by such state enumeration, is conclusive evidence of such population.

### History

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Add, L 1962, ch 308, eff Sept 1, 1963.

Annotations

### Notes

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**Prior Law:**

Earlier statutes: CPA § 401; CCP § 944.

**Advisory Committee Notes:**

This section is the same as former § 401, except for a number of minor language changes. Reference to the power of the Secretary of the Interior to certify has been stricken in view of the fact that he has lacked such power since 1903. 32 Stat 767, 825, 826 (1903); see 13 USC §§ 1, 2, 8 (Supp IV, 1957).

**Notes to Decisions**

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**1. In general**

For purpose of determining constitutionality of salary disparities under CLS Jud §§ 221-d and 221-e, census data from New York State Statistical Yearbook was proper subject of judicial notice because it was taken from public record. *Affronti v Crosson*, 95 N.Y.2d 713, 723 N.Y.S.2d 757, 746 N.E.2d 1049, 2001 N.Y. LEXIS 544 (N.Y.), cert. denied, 534 U.S. 826, 122 S. Ct. 66, 151 L. Ed. 2d 32, 2001 U.S. LEXIS 5664 (U.S. 2001).

**Research References & Practice Aids**

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**Jurisprudences:**

57 NY Jur 2d Evidence and Witnesses §§ 109., 110. .

58 NY Jur 2d Evidence and Witnesses § 507. .

58A NY Jur 2d Evidence and Witnesses § 979. .

5 Am Jur Pl & Pr Forms (Rev ed), Census, Forms 1 et seq.

**Law Reviews:**

Evidence symposium. 52 Cornell L.Q. 177.

## **Treatises**

### **Matthew Bender's New York Civil Practice:**

Weinstein, Korn & Miller, New York Civil Practice: CPLR Ch. 4530, Certificate of Population.

### **Matthew Bender's New York AnswerGuides:**

### **Matthew Bender's New York Practice Guides:**

LexisNexis AnswerGuide New York Civil Litigation § 10.08. Admitting Record Under Exceptions to Admission Requirements.

### **Warren's Weed New York Real Property:**

Warren's Weed: New York Real Property § 50.26.

### **Matthew Bender's New York Evidence:**

1 Bender's New York Evidence § 118.02. Authentication of Public and Official Documents Dealing with Natural Persons.

### **Matthew Bender's New York Checklists:**

Checklist for Introducing Documents and Information into Evidence LexisNexis AnswerGuide New York Civil Litigation § 10.05.

### **Hierarchy Notes:**

NY CLS CPLR, Art. 45

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