

L A W S  
OF THE  
STATE OF NEW YORK

PASSED AT THE  
NINETY-FIRST SESSION

OF THE  
LEGISLATURE,

BEGUN JANUARY SEVENTH, AND ENDED MAY SIXTH, 1868,  
IN THE CITY OF ALBANY.

VOL. I.



ALBANY:  
VAN BENTHUYSEN & SONS' STEAM PRINTING HOUSE.  
1868.

## Chap. 335.

## AN ACT to incorporate the city of Ogdensburg.

Passed April 27, 1868 ; three-fifths being present.

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

## TITLE I.

## OF THE BOUNDARIES AND CIVIL DIVISIONS OF THE CITY.

SECTION 1. That district in the county of St. Lawrence, included within the bounds described in the next section, shall hereafter be called the city of Ogdensburg, and the inhabitants from time to time therein shall form a body politic and corporate by the name of "The city of Ogdensburg."

Corporate name.

§ 2. The boundaries of said city shall be as follows : Beginning at a point in the center of the river St. Lawrence at the northerly corner of the town of Oswegatchie and running thence along the easterly line of said town, southerly to the division line between sections number one and two of the Van Solingen tract ; thence southwesterly along the said division line, and the northerly line of section two and numbers five, six and seven of the same tract to the center of the Oswegatchie river ; thence to and along the southerly line of the "Mansion House property," and the continuation thereof to the land of the late Henry Van Rensselaer ; thence northerly along the easterly line of said Van Rensselaer lands and the southerly and westerly bounds of the ship yard lands to the center of the river St. Lawrence, and thence along said center to the place of beginning.

City boundaries.

§ 3. The said city is divided into three wards as follows: All that part lying between the center of the river Oswegatchie and the center of Franklin street, is the First ward. That part lying westerly of the center of the river Oswegatchie, is the Second ward ; and that part lying easterly of the center of Franklin street, is the Third ward.

First ward.

Second ward.

Third ward.

§ 4. The common council may divide said city into so many highway districts as they may deem proper, and change the same at pleasure.

Highway districts.

## TITLE II.

## OF THE ELECTION AND APPOINTMENT OF OFFICERS.

City officers.

§ 5. The officers of said city shall be as follows:

1. A mayor.
2. Three aldermen for each ward.
3. One supervisor for each ward.
4. A recorder.
5. One assessor for each ward.
6. A collector.
7. A chief of police and policemen.
8. A chief engineer of the fire department and two assistants.
9. A treasurer.
10. A clerk.

11. One or more street commissioners, not exceeding one in each highway district.

Eligibility to hold office.

But no person shall be eligible to more than one of said offices at the said time; and the election or appointment to and acceptance of one office shall be deemed to be a resignation of any previous office held by such person and disqualify him for further action in the same, and the same shall be deemed vacant. The mayor and aldermen shall constitute the common council of the city.

Common council.

Appointive offices.

§ 6. Chief of police, policemen, assessors, chief engineer of the fire department and assistants, treasurer, clerk, and street commissioners, shall be elected by the common council, and hold office during its pleasure. The recorder shall be elected at elections as hereinafter provided, and hold office for one year from the first day of January next succeeding the election, and until another is elected and qualified, but may be removed for cause, in the same manner as justices of the peace; and when elected to fill a vacancy shall hold only until the expiration of the term. Provided, however, that the term of office of the recorder elected at the first election held under this act, shall expire on the thirty-first day of December, eighteen hundred and sixty-eight. The other officers shall be elected at elections to be held as hereinafter provided; shall hold office for one year from the first day of January next succeeding the election, and until others are elected and qualify (except that the

Recorder and his term of office.

Terms of office of other officers.

terms of office of all officers elected at the first election held under this act, shall terminate on the thirty-first day of December, eighteen hundred and sixty-eight). The concurrence of five votes shall be necessary to elect or remove an officer by the common council. The assessors shall hold for three years, one to be elected each year. At the first election held under this act, three assessors shall be elected, one of whom shall reside in each ward; and whose several terms of office shall terminate December thirty-first, eighteen hundred and sixty-eight. At the first annual election under this act, three assessors shall be elected, one of whom shall reside in each ward; and the common council shall determine their respective terms of service, and thereafter supply the vacancies as they occur.

Quorum  
requisite to  
appoint or  
remove  
officers.

Assessors,  
terms of  
office and  
classifica-  
tion.

§ 7. An annual election shall be held in said city, on the second Tuesday of December in each year, at such places in each ward, as the common council shall appoint, and the terms of office of the several officers elected at such elections, shall commence on the first day of January thereafter. It shall be the duty of the clerk to publish notices of the elections, in two newspapers printed in the city, at least two weeks before the elections. If no place should be appointed for the elections they shall be held as in the previous year; provided, however, that the first election under this act, shall be held in said city on the second Wednesday of May, eighteen hundred and sixty-eight, at such places in each ward as shall be appointed by the board of trustees of the village of Ogdensburgh, who shall submit resolutions for raising money by taxation to be voted upon at such first election pursuant to this act. And provided further that the term of office of all officers elected on the said second Wednesday of May, eighteen hundred and sixty-eight, shall expire on the thirty-first day of December, eighteen hundred and sixty-eight.

Annual  
elections.

Notices of  
election.

First  
election.

Terms of  
first city  
officers.

§ 8. Every resident of said city qualified to vote for Member of Assembly, may vote at such elections in the ward in which he resides and has resided for five days next preceding; but no person shall vote upon a proposition to raise money by taxation, unless he shall have resided in said city six months next preceding the time

Qualifica-  
tions of  
voters.  
at city  
elections.

At tax  
meetings.

he offers to vote, and shall be a bona fide tax payer therein, and been assessed on the last assessment roll of the city or town for property in the city.

Inspectors  
of election.

Manner of  
voting.

§ 9. The trustees in each ward or a majority of them, shall be inspectors at the first election; and the aldermen of each ward or a majority of them, shall be inspectors of subsequent elections. The inspectors shall appoint suitable persons to keep poll lists. The election shall be by ballot. The aldermen and supervisors shall be elected only by the voters of the wards in which they respectively reside at the time of the election; and no ballot having the name of more than two persons for aldermen shall be valid. The polls shall be kept open at least four hours; and the time of closing shall be proclaimed on opening the polls. The qualifications of voters shall be determined by the inspectors, who may examine any person offering to vote on oath, in respect to his qualifications. The inspectors shall publicly canvass the votes before adjourning, and shall certify the result to the common council. The persons having the largest number of votes for each office respectively, shall be declared elected; and the common council shall cause the certificates to be recorded in the city records, with a statement of the results. In case of a tie, the common council shall appoint one of those having the highest number of votes.

Canvass of  
votes and  
certificate  
of result.

Ward  
officers  
to be resi-  
dents when  
elected.

§ 10. The aldermen, supervisors and assessors must, at the time of the election, be residents of the wards for which they are respectively chosen; but a subsequent removal into another ward shall not vacate their offices. But no person can be elected to, or hold any office under this charter, when he is not a resident of the city.

Constitu-  
tional oaths  
of office.

Compensa-  
tion of  
officers.

§ 11. The several officers shall each, before entering upon the duties of his office, take and file with the clerk the oath of office prescribed by the Constitution; and the mayor, supervisor and recorder shall file a similar oath in the office of the county clerk. The mayor and aldermen shall receive no compensation for their services. The assessors shall receive such compensation as the common council may prescribe, not exceeding thirty dollars each in each year. The supervisors shall receive compensation as supervisors of towns. The compensa-

tion of the treasurer, clerk, chief engineer and assistants, street commissioners, and police, except for such services as may be a town or county charge, shall be determined by the common council.

§ 12. Any vacancy in any office may be filled by the common council, by appointment, to hold until the next election.

Vacancies,  
how filled.

### TITLE III.

#### POWERS AND DUTIES OF THE MAYOR.

§ 13. The mayor shall be the chief executive officer of the city; shall preside at all meetings of the common council when present; shall only vote when there is a tie; but may submit propositions in the common council. He shall have the general powers conferred by law upon mayors of cities, and upon filing in the office of the county clerk of St. Lawrence county, his oath of office with a certificate of the city clerk of his election, he shall have the same power as justices of the peace to take affidavits and proofs and acknowledgments of deeds and other instruments. He shall take care that this act and the ordinances of the city are faithfully executed; and shall receive complaints and institute prosecutions for their violations. He shall have the power, and it shall be his duty to veto any resolution or ordinance of the common council, by his order, to be entered upon the journal, with his reasons therefor, within ten days after its passage, when in his judgment it is in violation of law, or appropriates money, or involves expenditures improvidently. If adopted by the next common council, it shall not again be vetoed.

Duties of  
mayor.

May take  
affidavits  
and ac-  
knowledg-  
ments.

Veto  
power.

§ 14. The mayor, in behalf of the city, shall execute all leases, contracts, licenses and other papers to be executed, as the act of the city, when so authorized by the common council.

To execute  
licenses,  
leases, &c.

§ 15. The mayor shall submit to the common council annually, a report of the financial transactions of the city for the year, showing :

Annual  
financial  
report.

1. All moneys raised or received, and from what sources, distinguishing also the funds and the purposes to which they belong.

2. All payments, specifying each item and out of what fund.

Estimate  
of tax to  
be raised.

3. The entire indebtedness of the city, if any, distinguishing the funds indebted, and stating the payments thereon and when made. He shall also submit an estimate of the amount required to be raised by tax for the ensuing year for ordinary expenditures, specifying details as far as practicable; and such other statements as he may deem useful. The mayor's report shall be submitted to the common council at least five days before the annual election, and printed and circulated under their direction.

Power to  
suppress  
riots, &c.

§ 16. The mayor shall have the power and it shall be his duty to suppress riots, and to order and compel all tumultuous assemblies to disperse, and he shall have all the power for these purposes given by law to sheriffs in cases of resistance to the execution of process.

#### TITLE IV.

##### POWERS AND DUTIES OF THE COMMON COUNCIL.

Quorum of  
common  
council.

§ 17. The common council shall only transact business as a board, sitting in public. At least five must be present, and all their acts shall be entered on the city journal. The concurrence of five shall be necessary to pass any resolution or ordinance which necessarily involves the appropriation of money or property, or for any assessment upon lots for sidewalks or streets, or laying out, altering or discontinuing a street, or declaring a nuisance and directing its removal or abatement.

Special  
meeting,  
how called.

§ 18. Meetings of the common council may be held pursuant to adjournment, or upon call by the mayor or three aldermen. It shall be the duty of the mayor or aldermen calling the meeting, to cause to be notified all members in the city at the time. Votes on any question shall be taken by yeas and nays, whenever required by the mayor or any alderman.

Votes may  
be record-  
ed.

Acting  
mayor.

§ 19. Whenever the mayor shall be absent from the city, or from any meeting, the aldermen may appoint one of their number mayor for the time being, who shall hold office until the mayor returns, but shall vote as an alderman, and not have the casting vote, nor the veto power.

§ 20. It shall be the duty of the common council, and they shall have the power,

Duties of common council.

1. To appoint the usual officers, whose offices are held by appointment under them, and to fill vacancies therein, and to fill any vacancy in any other office, by appointment of a suitable person, who, if the office is elective, shall hold only until the next annual election; and if the vacant term be not then terminated, it shall then be filled for the residue of the term by election.

Appointments.

2. To provide for the care, custody and preservation of the public property, records and papers of such city, and to sell, lease or otherwise dispose of such property as shall not be required for the public use, and to procure insurance against fire upon any of the public property, if they deem proper.

Custody of city records and property.

3. To organize and keep under good and sufficient organization, such and so many fire companies, and such hose, hook and ladder, and other companies as they may deem proper for the extinguishment of fires, and for the security and protection of property thereat.

Fire department.

4. To see that the officers of the city perform their duties faithfully and correctly, and to cause measures to be taken to punish neglect of duty by any of them.

Supervision of city officers.

5. To call special meetings of the electors, when in their judgment the interest of the city shall require it, and to give notice in the manner provided for by law, for the annual and special elections.

Special meetings.

6. To examine all accounts and claims against the city, and to allow all such as are just and legal.

Auditing of accounts.

7. To fix the amount and decide upon the sufficiency of the sureties in the official security of the treasurer, collector, street commissioner and policemen, and other officers from whom they may require security; and to require additional security from any such officer, when they may deem it necessary, and suspend him until it is given.

Bonds and sureties thereon.

8. To prescribe the manner in which the treasurer shall keep the accounts and vouchers of his office, and also in which the clerk shall keep the records and papers of the city, and to examine such accounts, vouchers and

To prescribe duties of treasurer and clerk.



records from time to time, in order to detect errors therein.

Collection  
of taxes.

9. To issue warrants for the collection of taxes and assessments, and the expenses of making and repairing sidewalks, and for abating nuisances. Such warrants shall require the moneys therein mentioned to be paid to the treasurer and shall be returnable to the clerk in sixty days from the time of issuing the same; and if not wholly collected the common council may from time to time renew the same, returnable in thirty days.

Sale of  
real prop-  
erty for  
taxes, etc.

10. To order real property to be sold to satisfy taxes, expenses or assessments charged thereon, and not paid or collected.

Fire war-  
dens and  
measures  
to prevent  
fires.

11. To prevent the use of any unsafe fire-places, stoves, chimneys, stovepipes, smokehouse or repository of ashes; and to empower a fire warden in each ward, whose duty it shall be to inspect in the daytime every house and lot in the city, in relation to its security against fire.

Sidewalks,  
etc.

12. To direct the manner and superintend the making and repairing of sidewalks and crosswalks in said city.

Care of  
streets.

13. To exercise the duties of commissioners of highways of towns, within the limits of the city, so far as those powers and duties are consistent with other parts of this act, and are applicable to the city; and to direct the application of the highway money to the grading, paving, flagging, planking, draining and otherwise improving the highways, in such places within the city or leading to it, as they may deem best; and also to direct the application of a part thereof to the grading of any public grounds, and the planting and securing trees thereon; and to the construction and repair of sewers.

Shade  
trees.

Sewers.

Disorderly  
houses.

14. To suppress and restrain disorderly houses and houses of ill fame.

Location  
of slaugh-  
ter houses.  
Storing of  
gunpow-  
der, etc.

15. To direct the location of all slaughter houses, markets or shops for the selling of meat, houses for the storing of gunpowder, and other combustible and explosive substances, and to regulate the keeping, selling or conveying thereof.

Public  
cleanliness.

16. To prohibit the depositing, and prevent the keeping of any unwholesome or nauseous substance, and to compel the cleaning of any filthy place or building.

Horse rac-  
ing.

17. To prohibit horse racing and immoderate driving

in the streets, and sidewalks; to limit the speed of locomotives in the city and prescribe precautionary measures to prevent injury to persons in the streets, and to compel railroad companies to enforce such measures. Also to compel every person to clear the snow and dirt from off the sidewalk in front of the premises owned or occupied, in whole or in part, by such person; and to clear the dirt from the street in front of the same, when such street is paved or planked.

Precautionary measures against railroad accidents. Cleansing of sidewalks.

18. To prevent or regulate the ringing or tolling of bells; except those of railroad cars and engines, blowing of horns, or crying of goods or wares, firing of guns, gunpowder, or other explosive compounds, and the making of any unnecessary noise which may tend to disturb the peace of the city; and the sale or exposure to sale of fire crackers, rockets, squibs or other explosive compounds.

To prevent ringing of bells and unnecessary noises.

19. To regulate and determine the places of bathing in the rivers, canals or ponds within the city.

Bathing.

20. To regulate the burial of the dead, and protect the public cemeteries.

Cemeteries.

21. To perform all the duties imposed upon them by this act, or by any other law of the State.

General duties.

§ 21. The common council shall have the power, in their discretion:

Discretionary powers.

1. To establish and regulate public pounds, and appoint and define the duties of pound masters.

Public pounds.

2. To restrain cattle, horses, sheep, swine and geese, from going at large in the streets, under a penalty not exceeding five dollars for each animal; and to cause any such animals to be impounded and sold, as may be provided in the by-laws, to satisfy such penalty and the expenses; and the owner of any such animal shall be liable to the penalty.

Running at large of animals.

3. To cause buildings and other structures encroaching on the streets, to be removed at the expense of the owners or occupants thereof, and to issue their warrant against any such owner or occupant, to collect the necessary expenses of such removal.

Removal of encroachments on streets.

4. To permit building materials to be deposited on the street in front of any lot, to such extent and for such time as they may prescribe.

Building materials in streets.

Abatement  
of nuis-  
ances.

5. To determine the existence of a public nuisance in any part of the city, and to compel its removal or abatement ; and if not done within such time as the common council may allow, to cause the same, by their warrant to the chief of police and policemen, to be removed or abated at the expense of the city, and to declare such expense to be a lien upon the lot, and to enforce the collection thereof by leasing or selling the premises in the manner prescribed in this act, or by action against the owner of the lot, or any person who may have erected or maintained such nuisance.

Erection of  
wooden  
buildings.

6. To prohibit the erection of wooden buildings within or in the vicinity of the compact parts of the city to be specified ; but such power shall only be exercised upon a vote of two-thirds of the common council.

Trimming  
of shade  
trees.

7. To authorize and direct the trimming of shade and ornamental trees in the streets.

Ball play-  
ing and  
other  
games.  
Firemen.

8. To prohibit the flying of kites, playing ball, rolling hoops, in any specified streets or parts of the city.

9. To appoint and dismiss firemen, including members of fire engine and hook and ladder companies, and to make regulations for their conduct and government.

Annual  
census of  
city.

10. To provide for an annual census of the population of the city.

Names of  
streets.  
Survey of  
street.

11. To give names to streets, and numbers to the lots and tenements, and to change the same ; to cause streets to be surveyed, and maps of the city to be made and lithographed, and to sell copies to defray the expenses thereof.

Prosecu-  
tion and  
collection  
of fines.

12. To cause prosecution upon any contract or liability in which the city is interested, or for fines and penalties imposed by this act, or by any by-law of the city, and to enforce the collection thereof, or to remit the same, or any part thereof.

Attorneys.

13. To appoint or employ attorneys for the transaction of any of the business of the city requiring professional skill.

Auction  
sales.

14. To regulate and limit the places of holding auction sales.

Wells,  
pumps, etc.

15. To establish and regulate public wells, pumps, aqueducts and reservoirs.

Weighers

16. To regulate and prescribe the places of weighing

hay and straw, and of marketing the same, and wood and coal. To appoint weighers and measurers, limit their fees, and to prohibit and prevent the offering for sale of any such commodities in any public street of said city, without the same having been weighed or measured, and to require such weight or measure to be made known to purchasers, and as the common council may prescribe.

and meas-  
urers.

17. To prevent rubbish, carcasses of animals, or any nauseous or improper substances to be deposited on the shores or banks of the rivers, and to prescribe the places for dumping and depositing refuse matter.

Removal  
of rubbish,  
etc.

18. To grant licenses for saloons and eating houses, not kept as inns, taverns or hotels, to sell liquors and ale to be drank on the premises, and fix the price of such license at a sum of not less than fifty dollars for one year, and to regulate all such establishments.

Licenses  
for saloons,  
etc.

19. To prevent runners, stage drivers and others from soliciting passengers and others to travel or ride in any stage, omnibus, boat, or upon any railroad, or to go to any hotel, or otherwise.

Soliciting  
of passen-  
gers.

20. To license, regulate and control all porters, cartmen, hack or cabmen, horse cars, stages or omnibusses for the transportation of passengers within the city, to fix their rates of compensation, and require them to have licenses, and prescribe the amounts to be paid therefor.

Licenses to  
porters,  
hackmen,  
horse cars,  
etc.

21. To make regulations for taxing and confining dogs, and for destroying such as may be found running at large, when in the judgment of the common council the same may be dangerous or ferocious in any degree.

Taxation  
of dogs.

22. To prohibit all exhibitions of any natural or artificial curiosities, caravans, circuses, theatrical and other shows or exhibitions or performances for money within the bounds of the city; or, if the common council deem advisable, to license, or authorize the mayor to license the same on such terms as they may think proper.

Caravans,  
shows, etc.

23. To do any act necessary to carry into effect any resolution, ordinance or other proceeding which they are authorized to adopt by this act or by any statute.

24. To construct, establish and maintain wharves and docks upon any of the streets which extend into the river, and to regulate and charge for the use thereof, or to lease the same.

Docks and  
wharves

Prevention  
of riots,  
etc.

Punish-  
ment of  
disorderly  
persons.

25. To make such regulations as they may deem proper to prevent riots, disturbances and disorderly assemblages; to restrain and punish vagrants, mendicants, common prostitutes, gamblers and disorderly persons; and for the protection of the public property, and the regulation and protection of the streets and public highways in said city.

Auction  
sales and  
duty  
thereon.

26. To adopt ordinances for licensing sales at auction in said city of goods belonging to persons not residing therein, or which goods shall have been purchased with intent to sell the same at auction, and preventing such sales without license. Also requiring any resident of said city, owning any such goods, to be examined on oath before the recorder, touching any violation of any such ordinance. To require the payment to the city of not exceeding ten per cent upon the amount of such sales; to require security therefor as a condition for the license; and to require accounts of such sales to be rendered to the treasurer.

By-laws  
and ordi-  
nances.

§ 22. The common council may make, amend and repeal all such by-laws, ordinances and police regulations not contrary to the laws of this State, as may be necessary or proper to carry into effect the provisions of this act, and of any other laws applicable to said city and to the powers vested in any officer thereof, and may prescribe penalties not exceeding fifty dollars for each violation of any such by-law or ordinance. Every such by-law or ordinance imposing any penalty or forfeiture shall be published two weeks successively, once in each week, in two newspapers printed in said city, and shall not take effect until after such publication. Proof of such publication, by the affidavit of the printer of such paper, his foreman or clerk, shall be filed with the clerk of the city, and shall be prima facie evidence of such publication.

Penalties.

By-laws  
and ordi-  
nances to  
be publish-  
ed.

Duties of  
appointive  
officers.

§ 23. The common council shall have power from time to time to prescribe the duties of the several officers appointed by them, subject to the provisions of this act.

Ineligibility  
of alder-  
men and  
mayor.

§ 24. No alderman shall be appointed to any office by the board; nor shall the mayor or any alderman be interested in any contract made with the corporation.

§ 25. The common council shall have power, by order recorded in the city records, to lay out, make and open any street, alley or highway of such width as they shall deem proper, and to cause any street, alley or highway already laid out to be opened, altered, extended or widened whenever they shall deem the public good to require it, and the owners of any lands over which such street, alley or highway shall be laid out or altered shall be paid a reasonable compensation for such damages as they shall sustain by reason thereof; and the manner of ascertaining or assessing such damages shall be the same as is now provided by law in cases of laying out and opening highways. The damages shall be provided for by the common council within thirty days and paid on demand after such time; or, in default thereof, the said street, alley or highway, or the alteration thereof, shall be of no avail as against the rights of the owner of said land.

Opening of streets

Compensation to owners of lands.

§ 26. The common council shall have the power, by a vote of two-thirds of all the members elected, and on the application of more than half the parties in interest (as parties on whom the expense is to be imposed), to cause any sidewalks in said city to be raised, leveled, graded, curbed, flagged or planked in such manner and with such material as they may deem proper. And their action on any such application shall be taken as conclusive evidence that the requisite number made the application. They may also exercise the same power on the application of less than such majority, or on their own motion, provided they shall first publish, in at least one daily newspaper in said city, notice of such intention, and that they will hear any arguments or statements for or against the same which may be offered at their next meeting, six days or more after the publication of the notice, and the said board shall assess the expenses of every such improvement against the owner of the lot along or adjoining which such work shall be done, and which shall be a lien upon such lot, and a charge against the owners respectively thereof. Before doing such work it shall be the duty of the common council to cause a notice to be served on each of the owners resident in said city, and each known agent of

Power of common council over sidewalks.

Assessment for improvements to be a lien on lands.

Service of notice on owners.

Sewers  
and drains.

Assess-  
ment of ex-  
penses.

Occupants  
may be  
deemed  
owners.

non-resident owners personally or at their residences, specifying the improvement to be made, of what material, and the manner in which they require the same to be done, and the time, not less than twenty days, in which the owners may do such work along their respective lots. The common council may also, in their discretion, cause common sewers and drains to be made in any part of the city upon the application, in writing in each case, of a majority of the resident owners of the lots along which the proposed sewer or drain is to be built, and may determine what share or proportion, if any, of the expense of the same shall be paid by the city, and may apportion and assess the expenses thereof, or the residue of such expenses, upon the owner or owners of, or others interested in the buildings, tenements, lots, and real estate which they shall deem benefited thereby, in proportion, as near as may be, to the benefits and advantages which each shall acquire thereby, and such assessment shall be binding and conclusive upon the owner or owners and others interested, and shall be a lien upon such lots and real estate. And for all such liens and charges the common council shall issue their warrants and cause the same to be collected, with interest from the date of the assessment, in the same manner as other city taxes and assessments are collected. Any person in possession of any real estate under contract for the purchase thereof, may, in the discretion of the common council, be deemed the owner thereof for all the purposes of this act.

## TITLE V.

### FINANCIAL REGULATIONS AND RESTRICTIONS.

General  
fund.

§ 27. The common council may cause to be raised by taxation upon the taxable property in the city, the sum of not exceeding one thousand dollars in each year for the general fund; and further sums for the general fund, and for special purposes upon the adoption of propositions therefor submitted to be voted upon at general and special elections as herein provided, if a majority of the votes cast upon such propositions shall be in favor thereof. The additional amount to be raised for

the general fund pursuant to such vote shall not exceed one thousand dollars in any year. Limitation of taxation.

§ 28. Only the following items shall be included in the ordinary expenses of the city, payable out of the general fund : Items payable from general fund.

1. The compensation to those officers of the city to whom compensation is expressly allowed by law. Salaries.

2. For publishing the charter and by-laws, the proceedings of the common council and of notices. Printing.

3. For the necessary expenses of surveys and maps of the city, and of any streets and public grounds. Surveys and maps.

4. For procuring the necessary blank books, blank forms, book cases and stationery for the use of the clerk and other officers, and for rent of rooms, and purchase of furniture, fuel and lights, for the meetings of the common council and of the electors, and for rent of a court room. Stationery and incidentals.

5. For prosecuting and defending actions in which the city is a party, or bound to indemnify a party, and for other services requiring legal skill. Legal services.

6. For the necessary advances in making or repairing sidewalks, or abating nuisances, after such proceedings have been had as to make such expenses a lien upon real property, upon failure of the owner to comply with the directions of the common council in respect thereto. Advances for sidewalks and abatement of nuisances.

7. For maintaining and keeping in repair and serviceable condition the fire engines, fire hooks and ladders, and other apparatus for extinguishing fires; and furnishing fuel for the steam fire engines. Repair of fire engines and apparatus.

8. For maintaining and keeping in good repair an engine house for each engine and its apparatus, or for hiring suitable places for those purposes. Repair of engine house.

9. For procuring and maintaining a public pound. Public pound.

10. For keeping in repair any public reservoirs, and the water pipes and fixtures connected therewith, and for maintaining supplies of water therein, and for keeping in repair any other property belonging to the city. Reservoirs and water pipes.

11. For making and maintaining sidewalks in front of any public grounds in said city, set apart, or which may be set apart and dedicated to public use, and for planting and securing trees in and about such grounds, Sidewalks and planting of trees about public grounds



and for paying any taxes or assessments thereon, or upon any property belonging to the city.

Lighting of streets.

12. To light such of the streets as the common council deem proper.

Damages for street opening.

13. To pay any damages lawfully ascertained or assessed upon laying out, opening or altering any street.

Necessary expenses and judgments.

14. For the necessary expenses of doing any act expressly authorized by law, and to pay any lawful judgment against the city.

Surplus; how appropriated.

15. Any surplus of the general fund may be appropriated by the common council to any of the special purposes enumerated in section twenty-nine.

Taxation for special purposes.

§ 29. The common council may also submit, to be voted upon at annual or special meetings and elections, propositions for raising, by taxation upon the taxable property in the city, specified sums of money for special purposes, for one or more of the following objects :

Purchase of fire engines and apparatus. Sites for engine houses.

1. To purchase fire engines, fire hooks, ladders, hose and other apparatus for extinguishing fire.

2. To purchase or hire sites, and to hire, purchase or erect buildings for suitable engine houses when necessary.

Reservoirs.

3. For the construction of public reservoirs of water, and the necessary apparatus for conducting water to and from them, and the necessary fixtures therefor for the extinguishment of fires.

Improvement of public grounds. Lock-up, etc.

4. For improving any public grounds of the city.

5. For procuring and fitting up a lock-up and police court room.

Lamps and lighting of streets.

6. For procuring the necessary fixtures, and lighting the streets when the general fund shall be insufficient.

Highway fund.

7. For increasing the highway fund when deemed insufficient.

Grounds for city purposes.

8. For purchasing or leasing grounds for city purposes, and for erecting, improving, furnishing or repairing any public buildings owned or used for city purposes.

Walk to cemeteries.

9. For constructing and maintaining a walk to the cemeteries situate on the westerly side of the State road, in the vicinity of said city.

Notice of tax meeting.

§ 30. Before any tax can be voted for at any such election or meeting, a notice must be published by order

of the common council, and signed by the mayor or clerk, for at least two weeks, in two newspapers published weekly in said city, stating that the tax-payers will vote for or against a tax, specifying the object or objects; stating the sum proposed to be raised for each object, and an estimate, by items, of the cost of each proposed object, and submitting one or more resolutions substantially in the following form :

*Resolved*, That the sum of \_\_\_\_\_ dollars be raised by tax for the purpose (stating concisely the purpose of raising the proposed tax). If more than one resolution be proposed, they shall be numbered. The vote thereon shall be taken by ballot, which shall have on the inside the words "For the resolution," or "Against the resolution," and be deposited in a separate box, to be labeled "city tax;" and when more than one resolution is submitted, the vote shall have the words "For the first resolution," or "Against the first resolution," and so as to each resolution submitted.

Form of resolution raising tax.

Form of ballot.

§ 31. A resolution to raise money by tax shall be to defray the ordinary expenses, or for some of the objects enumerated in the twenty-ninth section of this act, and must specify the amount to be raised, and the purpose for which it is to be raised, and shall embrace but one such special purpose. And any resolution adopted in violation of this title shall be void.

Resolutions to specify amount to be raised and purpose.

§ 32. The money raised by taxation must be applied to the purpose only for which it was raised, and must be kept in distinct funds in separate accounts on the treasurer's books; but its purpose and object may be changed to any other object by a subsequent resolution of another election, submitted by the common council and adopted after due notice, in the same manner as herein provided for the resolution directing such tax, when such change can be made without violating a contract. The vote on such resolution shall be taken by ballots having on the inside the words "For the resolution," or "Against the resolution."

Accounts; how kept by treasurer.

§ 33. When the entire estimated expenses of all special objects for which a tax shall be directed to be raised in any one year, shall not exceed two thousand dollars, the whole amount shall be assessed, and the warrant

Common council may apportion tax in certain cases.

for the collection thereof issued, within the year in which the resolution or resolutions are adopted. If the whole amount required exceed that sum, the common council may direct what portion shall be assessed the first year; and the residue shall be assessed, and a warrant issued therefor, in equal portions in subsequent years, with the necessary interest.

Incurring  
of debts  
and liabilities.

§ 34. No debt or liability shall be incurred by the city, except for its ordinary expenses within the income of the current year, applicable to that purpose, except that when the raising of money for a special purpose shall be ordered, as provided in this act, the amount, when necessary, may be borrowed, or a liability, by contract, for the special purpose may be incurred, not exceeding the expense ordered, until the amount can be raised by tax, as herein provided.

Claims;  
how to be  
paid.

Claim to be  
verified.

§ 35. Claims against the city shall only be paid when presented, allowed and certified as follows:

1. The claim must be in writing, showing the nature thereof, and when comprising several items, specifying them, and must be verified by the affidavit of the claimant or some other person, to the effect that the services were rendered or disbursements made, or otherwise proving the facts constituting the claim, and that no payment has been made thereon, or if any, how much.

Common  
council to  
allow the  
same

2. The claim must be presented to the common council and allowed by resolution, adopted by ayes and nays, to be entered in the journal for such sum, if any, as the common council shall be satisfied is justly and legally due from the city thereon, stating the fund from which it is payable, if other than the general fund.

Orders for  
payment;  
how signed

3. The order for the payment of the amount so allowed, shall be signed by the mayor and countersigned by the clerk, who shall keep a record of all orders, with a reference to the resolutions authorizing the same.

Advances  
to treasurer.

4. The common council may authorize the treasurer to advance sums, to be specified to street commissioners or other officers, to pay day laborers. And all such moneys shall be immediately accounted for by presentation and audit of claims as above provided.

TITLE VI.

DUTIES OF THE SUPERVISORS, TREASURER AND CLERK.

§ 36. The supervisors shall be members of the board of supervisors of the county of St. Lawrence, and shall perform the duties of supervisors in and for their respective wards and the county, the same as supervisors of towns.

Duties of ward supervisors.

§ 37. The treasurer, before entering upon his official duties, shall execute a bond to the corporation, in such penalties and with such sureties as the common council approve, conditioned that he will faithfully perform the duties of his office, and account for and pay over, according to law, all moneys belonging to the corporation, that shall come into his hands. He shall receive all moneys belonging to the city, and shall pay out the same only from the proper fund, on the order of the mayor, countersigned by the clerk.

Treasurer to execute official bond.

§ 38. The treasurer shall, one week before each annual meeting, present to the mayor a statement, showing the state of the treasury as to each fund, and the several sums received and paid out during the year, and when received and paid, and from and to whom.

Annual statement by treasurer.

§ 39. The clerk shall attend and act as clerk at all the meetings of the common council, and record in the proper journals of the city all resolutions, ordinances, directions and determinations adopted, and all elections of officers. He shall also enter in a book, to be called the clerk's minutes, a memorandum of the service of all notices by him, stating the time and manner of service, and of any other acts appertaining to the duties of his office. He shall serve all notices and file all papers required by the common council or by this act, make copies of such assessment rolls and other papers as may be required by the common council or mayor, and shall keep in good order the books and papers pertaining to his office. He shall enter in the journal the names of the aldermen voting on each side on any question on which a vote is taken by yeas and nays.

Duties of clerk.

§ 40. The entries in the journals and clerk's minutes, or sworn copies thereof, shall be presumptive evidence of the truth of the statements there made.

## TITLE VII.

## OF THE ASSESSMENT AND COLLECTION OF TAXES.

Assessors  
to prepare  
assessment  
roll.

§ 41. It shall be the duty of the assessors, in each year, before the first day of July; to prepare an assessment roll of property subject to taxation in said city, and to complete the same in all respects, as nearly as practicable, in the manner prescribed by law in respect to town assessors, and to deliver the same to the clerk of the city; and the assessors are hereby invested with the same powers in respect to assessments as town assessors have, including the power to administer oaths, and to correct valuations on the application of persons interested; but the notice of the time and place of meeting to hear applications to correct the valuations, must be published weekly, in two newspapers printed in the city, at least two weeks prior to the time appointed for such hearing.

Powers of  
assessors.

Notice of  
review of  
assess-  
ments.

Apportion-  
ment of  
taxes.

§ 42. Upon the completion of the assessment roll and upon receiving from the common council their directions as to the sums to be raised by general or special tax for the current year, the assessors shall proceed to apportion the amount required to be raised, according to the valuation and assessment, in the same manner as is required for town and county tax lists.

Highway  
poll tax.

§ 43. The assessors shall assess against every person liable to a poll tax in said city, except firemen, one dollar for the benefit of the highway fund; and such further sum as may be directed by the common council to be raised for highway purposes, not exceeding fifteen cents upon every one hundred dollars of the valuation of property upon the assessment roll, shall also be assessed upon said roll; and any further sum, if any, voted as a general and special tax pursuant to the provisions of this act. If the names of any persons liable to a poll tax are omitted, the collector shall add the name, from time to time, assessing against each the sum of one dollar, subject to an appeal to the common council, and it shall be the duty of each street commissioner to inform him of all such omissions and new comers, and he may continue to assess and collect against all such, after the final return of his warrant.

General  
and special  
tax.

Power of  
collector to  
add names  
liable to  
pay poll  
tax.

§ 44 The warrant to collect the taxes shall be signed by a majority of the common council; shall specify the amounts of the taxes applicable to the respective funds; shall require the return of the warrant and roll to the treasurer within sixty days after its receipt by him, but may be renewed, from time to time, in the discretion of the common council. The warrant may be in other respects, in the form, substantially of warrants to town collectors.

Warrant;  
how signed  
and when  
returnable.

§ 45. The collector shall be vested with the same powers, and entitled to the same compensation in respect thereto, as collectors of taxes in a town, and shall proceed in the same manner, except as herein otherwise provided, and except that the notices of the times and places at which he will receive taxes, required to be posted, shall instead thereof be published in two newspapers printed and published in said city; and he shall be entitled to the same fees as town collector, and shall within the time fixed for the return of his warrant, pay over to the treasurer, all moneys collected by him, and return the said warrant to the clerk.

General  
powers of  
collector.

Notice of  
receiving  
tax to be  
published.

Fees.

§ 46. If any property owned by a non-resident of the city shall be insufficiently described upon the assessment roll, to enable a sale thereof to be made, the common council may alter and correct such description, at any time before the final return thereof. All taxes on property of non-residents, shall be liens on the said property.

Common  
council  
may alter  
description  
of non-  
resident  
property.

§ 47. Whenever any person or corporation, upon whose estate or property a tax or assessment shall be imposed or assessed in pursuance of this act, shall refuse or neglect to pay the same within the life of the warrant issued for the collection thereof, and there shall be no sufficient personal property of such person or corporation found within the limits of said city, whereof the same can be levied and collected, the collector holding such warrant shall make return thereof to the common council, and such return shall be conclusive proof of the non-payment, and of the want of personal property as aforesaid. The common council are thereupon hereby authorized to cause the estate upon which such tax or assessment is imposed or assessed, to be sold, at public

Duty of  
collector in  
case of  
failure to  
collect.

Sale of  
lands for  
unpaid  
taxes.

Notice of  
sale.

Manner of  
sale.

Redemp-  
tion from  
tax sale.

Rights of  
purchasers.

Ibid.

Street  
commis-  
sioners not

auCTION, for a term of time, for the payment of the amount of the tax or assessment, and the interest thereon from the return day of the warrant, and the costs and expenses of the publication and expenses, (not exceeding two dollars,) of the sale, giving six weeks' notice of such sale in two newspapers printed in said city, and serving personal notice an equal time before the sale upon the owner, if he be a resident of the city known to the person conducting the proceedings, or on the agent in the city if known, and if the owner is a non-resident, or by mail to his residence out of the city if known to such person. And the said estate shall be sold to the person who shall offer to take it for the shortest term for the payment of such tax, assessment, interest and expenses, and the expense of the lease, affidavits and recording. Affidavits made as provided in cases of foreclosure of mortgage by advertisement, may be made and recorded with the lease, and shall be presumptive proof of the facts, and have the same effect as the record of other leases of real estate.

§ 48. Whenever any real estate shall be sold for the collection of any tax or assessment, and the owner thereof, his heirs or assigns, shall not, within one year thereafter, have paid or tendered to the purchaser thereof, or his legal representatives, or deposited for him with the treasurer of the city of Ogdensburg, the amount of the bid on such sale, with interest at the rate of fourteen per cent. per annum, from and after the time of such sale, the lease shall be absolute. But on proof by affidavit filed in the office of the county clerk, showing such payment or tender and deposit, the lease shall be discharged of record and shall cease to be of force.

§ 49. The purchaser at any such sale, on receiving such lease, or his heirs or assigns may immediately enter into possession of such real estate, and hold, occupy and enjoy the same for the term for which it was sold; and such lease shall in all courts and places, be held presumptive evidence of the right of such purchaser, his heirs or assigns to such premises, during such term, as against the said owner or those claiming under him.

§ 50. The street commissioners severally shall only act as such; shall be in no wise, either directly or indi-

rectly, interested in any job work, team or labor of any person employed on the highway work, or streets of the city; shall when required by the common council, make a report to them under oath, of all the moneys received by them officially, stating who from, and what for, together with the amount expended, and what for, and to whom paid, giving name and date, the work done, and place where, and by whom done; and for each and every omission to make and deliver such report, he shall forfeit ten dollars, to be sued for and collected by the common council, and until paid suspended from office.

to be interested in work.

Report to common council.

§ 51. The provisions of the twenty-ninth section of the act entitled "An act to reduce the number of town officers, and town and county expenses, and to prevent abuses in auditing town and county accounts," passed May tenth, eighteen hundred and forty-five, shall only apply to the collector of said city, in the collection of taxes apportioned pursuant to section forty-two of this act. Under all other warrants issued to said collector, he shall collect interest from the date of the original warrant, at the rate of seven per cent., upon all sums required thereby to be collected, when any warrant may have been rendered.

Provisions of act of 1845 to apply to collector.

## TITLE VIII.

### FERRIES.

§ 52. The common council of the city of Ogdensburg are hereby vested with the power to control, regulate, lease and license such and so many ferries across the St. Lawrence river, from said city to the Canada shore opposite the same, as they shall deem proper; to fix the rates of ferriage for persons and property, the kind and character of the boats to be used on the same, the places where the same shall run, and the times when the same shall leave, and to adopt such other rules and regulations in relation thereto as said board may from time to time deem proper.

Ferries.

Rates of ferriage.

§ 53. No lease or license shall be granted by said board for any one period over five years; and such lease or license shall in all cases be granted to terminate on the first Monday of April. Before the expiration of

Terms of license.



Resolutions governing ferries.

Proposals for leases.

Ferry leases to issue.

Conditions.

Ferry rents, how payable.

Lessees to enter into bonds.

Conditions.

any lease or license of such ferries, the common council shall annually resolve what number of ferries to allow, the lines or points between which shall be the landing places, the period for which leases and licenses should be granted, the kind of boats to be used, the rates of ferriage on passengers and property, and the date at which they will hold their first meeting to consider proposals for one or more of such leases. Such resolution shall be published once a week for two weeks next before the time last referred to, in two newspapers printed in the city of Ogdensburg. At the time designated they shall hear all proposals that may be made, and negotiate for the leasing of any or all such ferries, and lease the same, if terms shall be offered which in their judgment, it is for the interest of the city to accept, and shall cause the agreement, lease and license to be executed on receiving security as hereinafter provided. And in such agreement shall be stated the particular place at which the ferry boats shall land, the number of trips to be made daily, the hours of departure and return, and any other suitable provisions that may be agreed upon by the parties. Should not all the ferries be leased at the first meeting, the common council shall lease the same as soon thereafter as can be done consistent with the interests of the city. The amount of rent to be paid to the city for the lease and license shall be payable at the office of the treasurer, in equal payments every three months. The common council may vary any of the terms of their resolution, if necessary or expedient, before any lease is granted, pursuant to the resolution, and thereafter in any respect not detrimental to a prior lease.

§ 54. No person shall receive a lease or license of any such ferry until he shall enter into a bond to the city of Ogdensburg in the penalty of two thousand dollars with two or more sufficient sureties, approved by the mayor, conditioned that he will pay the rent punctually during the whole continuance of the lease, and that he will faithfully keep and attend such ferry, and will at all times run the same at such rate, with such boats at such time and in such manner as is specified in his said lease, and that he will faithfully keep and observe all

the by-laws and regulations which may be adopted by said board relating to ferries, under a forfeiture of twenty-five dollars, to be paid to the city for each and every neglect or violation, unless the same shall be excusable by reason of accident or stress of weather. Such bond shall be filed with the clerk, and the common council shall cause prosecution thereon to recover the penalty for every violation which they shall consider not excusable.

§ 55. The moneys received for all leases and licenses, and for all penalties recovered on the bonds, and for violation of the laws relative to ferries, shall be paid into the city treasury to the credit of the general fund.

Moneys received from ferry leases to be paid into treasury.

§ 56. Any person or persons who shall carry on any ferry, or be in anyway concerned or engaged in carrying on the business of ferrying across the St. Lawrence river between the said city of Ogdensburg and the Canada shore opposite, unless by virtue of a lease and license granted by the said common council as herein provided, shall be deemed to use and carry on such ferry for profit or hire, and shall be deemed guilty of a misdemeanor, and, on conviction, shall be subject to a fine of twenty-five dollars, for the use of said city, or to imprisonment not exceeding sixty days, or to both such fine and imprisonment, in the discretion of the court: provided, that no person shall be guilty of crime or subject to forfeiture for conveying his own property in his own boat.

Penalty for carrying on ferry without license.

## TITLE IX.

### OF THE FIRE DEPARTMENT.

§ 57. The chief engineer of the fire department shall, under the direction of the common council, have the general superintendence and custody of the fire engines, engine houses, hooks, ladders, hose, public cisterns, and other conveniences for the prevention and extinguishment of fires. It shall be his duty to see that the same are kept in proper order, and to make detailed reports to the mayor, of the condition of that department, three weeks before each annual election, and to make like reports to the common council as often as they may require.

Duties of chief engineer.

Annual report.

Duty at  
fires.

§ 58. It shall be the duty of the chief engineer to be present at fires of buildings and take the command of the fire companies, hose companies, and hook and ladder companies, and the general control of all apparatus for extinguishing such fires.

Duties of  
assistant  
engineers.

§ 59. The assistant engineers shall aid the chief engineer at all fires, and in case of the absence of the chief engineer, the duties and powers of the office shall be exercised by the first assistant engineer, or, in his absence, by the second.

Powers of  
mayor, al-  
dermen and  
engineers  
at fires.

§ 60. The mayor, or any engineer or alderman, may keep all idle or suspicious persons away from the vicinity of any fire, and may require the inhabitants of said city, or any bystanders, to form ranks or lines to carry water for the extinguishing of any fire in said city, and to aid the firemen in working their engines, hooks, ladders and hose, and to aid in removing and protecting property thereat; and every person refusing to obey any such order shall be subject to a fine of three dollars, to be sued for and recovered in the name of the corporation and paid to such fire company as the chief engineer may direct.

Firemen  
exempt  
from jury  
and militia  
duty.

§ 61. The present firemen of the village of Ogdensburgh shall be firemen of said city, subject to removal by the common council. The firemen shall, during the term of their service, be exempted from serving on juries, and in the militia, except in cases of war, insurrection or invasion, and also from any poll tax.

Registry of  
firemen in  
clerk's  
office.

§ 62. The name of each fireman, with the date of his appointment and term of service, shall be registered with the clerk of the city, in a book to be kept for that purpose; and the only evidence necessary to entitle a fireman to his exemptions, shall be the certificate of the mayor and clerk under the seal of the city, and which shall be granted without fee.

## TITLE X.

### OF THE POLICE DEPARTMENT.

Powers  
and juris-  
diction of  
recorder.

§ 63. The recorder shall have the same power and jurisdiction, and be subject to the same duties and liabilities, as justices of the peace of the town of Oswegatchie, except as herein provided; and he shall have

jurisdiction of all the civil and criminal suits and proceedings for violations of this act and of the city ordinances; and his judgments and proceedings may be reviewed in the same manner as is or may be provided in cases of judgments and proceedings of justices of the peace.

§ 64. Such recorder shall attend in a room in the city of Ogdensburg, to be provided by the common council for that purpose, from eight o'clock to ten o'clock in the forenoon of every day, except Sunday, and as much longer as the duties of his office may require, and hear all complaints, hold courts of special sessions, and conduct all other criminal business that may by law be done by a justice of the peace in cases of crimes or offences committed within the city of Ogdensburg.

To keep an office.

§ 65. No justice of the peace of the town of Oswegatchie shall be bound to render any service, or be entitled to receive any fees, in criminal cases arising in said city, except during a vacancy in the office of recorder; and except that in case a complainant shall, by his own oath or that of any other person, prove to such justice of the peace that said recorder is absent from the city, or is sick, or is otherwise unable to attend to such application, then the justice to whom application is made shall hear the complaint, and may issue the warrant to apprehend the person charged with the commission of the offence, and shall be entitled to receive therefor the fees allowed by law; but such warrant shall be made returnable before the said recorder; but on its return, the justice who issued it shall proceed upon it as in the cases mentioned in the sixty-seventh section.

Powers of justices of the peace of Oswegatchie during absence of recorder.

§ 66. Whenever there shall be a vacancy in the office of recorder, and in case of his absence or inability to act, by reason of sickness, or interest, or other disability, every justice of the peace in said city shall have the same jurisdiction of civil actions which is conferred by law upon said recorder, and shall be entitled to the fees prescribed by law for his services.

City justices may act in civil cases in absence of recorder.

§ 67. It shall be the duty of every policeman and constable arresting any person on a criminal warrant issued by any justice of the peace in said city, to take such prisoner before the said recorder, unless it shall

Duty of policemen and constables in case of criminal arrests.

appear by the warrant that the offence charged was committed out of the city of Ogdensburg; and the recorder shall proceed thereon as though the warrant was issued by or returnable before him. And in case the recorder is absent from the city, or by reason of sickness or other cause unable to hear the case, then the policeman or constable shall take the prisoner arrested before one of the justices of the peace of the town of Oswegatchie, who shall proceed thereon, and be entitled to fees for his services.

Duty of the recorder to issue subpoenas in certain cases.

§ 68. It shall be duty of the recorder, whenever requested by the mayor, to issue subpoenas requiring any persons to appear before him to give evidence upon a complaint for an offence committed in said city. Upon the return of such subpoena, the recorder shall examine the witness or witnesses on oath, in relation to the offence supposed to have been committed; and if it shall appear that any such offence has been committed, he shall proceed thereon in the same manner as though such witnesses had voluntarily made such complaint before him.

Jurisdiction of recorder in civil actions defined.

§ 69. Such recorder shall have no jurisdiction to try civil actions, except such as are brought to recover a fine, penalty or forfeiture for the violation of this act, or of some by-law or ordinance of said city. Every such action brought in the recorder's court shall be in the name of the corporation, and may be commenced in such manner as provided by law. If judgment be given against the defendant in such action, execution may be issued thereon immediately, and shall require, if the officer to whom it is issued cannot find goods or chattels of the defendant whereof the judgment can be collected, that the defendant be imprisoned in close custody in the county jail or city lock-up for a term therein to be mentioned, not exceeding thirty days; or such execution may, in the discretion of the recorder, require that the defendant be subject for a term, not exceeding thirty days, to work upon the streets or public works of said city, or otherwise, for the corporation, under such superintendence and restraint as said recorder may deem advisable.

Proceedings on execution.

Imprisonment for default.

Sentence to work upon public works or streets.

Town jus-

§ 70. No justice of the peace in the town of Oswe-

gatchie, except the one elected as recorder, shall have jurisdiction of any civil action enumerated in the last preceding section, unless by this act specially given.

tices to have no jurisdiction in actions for violating city charter. Salary of recorder.

§ 71. The said recorder shall not be entitled to receive, for his own use, any fees for services performed by him; but shall receive an annual salary, to be fixed by the common council, of not less than two hundred nor more than six hundred dollars, and which shall not be increased or diminished while he holds the office, and shall be audited and paid in the usual form, quarterly, by an order drawn on the treasurer.

§ 72. The recorder shall keep a docket, in which he shall enter all business done by him in regular form, and also a journal, in which he shall enter a charge of all fees which may be a town or county charge, with all the details, and name of defendant, and date of warrant, and of arrest and of trial; and also of all suits for infringement or violation of the excise law, and fines imposed, and whether paid or otherwise; and each book shall at all times be open to the inspection of any alderman or elector of the city. The recorder shall make out his accounts of all business done by him, which may be a town or county charge against the town of Oswegatchie, or county of St. Lawrence, in the same manner as bills of justices of the peace in like cases, and in which he shall charge the fees as allowed by law, to justices of the peace, and which shall be duly verified by him, and be audited by the board of supervisors of said county, and the amount audited shall be levied as other town and county charges, and paid over to the treasurer of the city. The docket and journal of the recorder shall belong to the city, and on the expiration of his term shall be delivered to the clerk of the city, where it shall remain of record; and transcripts therefrom, certified by the clerk under the seal of the city, shall be evidence to the same effect as transcripts from the docket of a justice of the peace, subscribed by him and verified by the certificate of the county clerk under the seal of the county.

Recorder to keep account of charges

Town and county charges.

§ 73. In all cases when the complainant or the defendant in any civil action shall be adjudged to pay the costs, the said recorder shall tax for his services such fees as

Costs and fines received in civil action.

actions to  
be paid to  
city

are allowed by law to justices of the peace, for like services, which costs shall be collected according to law, and when collected shall be paid to the city treasurer. And all fines imposed by said recorder, and by justices of the peace when acting in his place, for criminal offences, shall be received by him, from the person who shall collect or pay the same, and, with his fees, paid over to the treasurer, as herein provided.

Recorder  
to render  
monthly  
account of  
fines and  
fees.

§ 74. Such recorder shall, at the end of each month, render an account on oath to the common council of the city, in writing, in which shall be specifically stated the name of each person arrested, the fine imposed, if any, the amount received from each person, if any, the legal fees for a justice and constable in each case, the amount paid to the treasurer during the month, and since last report.

Powers to  
chief of po-  
lice and po-  
licemen.

§ 75. The chief of police and policemen shall, within the bounds of the city, have the same power and be subject, to similar duties in criminal cases, and in civil cases cognizable by the recorder, as constables in the town of Oswegatchie; shall give security in the same manner, but to be approved by the mayor and filed with the clerk.

Their duty.

§ 76. It shall be their especial duty to arrest any and all persons in the city guilty of any crime, misdemeanor or offence against the peace and good order of society, and if any arrest be made after the adjournment of the recorder's court for the day, to guard such offender safely until morning, and then them take before the recorder to be dealt with according to law. The police shall also be bound to take strict notice of any unnecessary noise or disturbance in the streets or other places in the city, particularly in the night time; to admonish offenders, and if the offence be of sufficient magnitude to arrest them, and take them before the recorder to answer for the offence. They shall also act as watchmen in the night, whenever the common council require it.

Uses of city  
lock-up.

§ 77. The city lock-up provided by said corporation shall be used for the confinement of persons under arrest until they can be otherwise disposed of according to law; and persons convicted before the recorder of petty offences and misdemeanors punishable by impris-

onment in the county jail, may in his discretion be sentenced to confinement in the lock-up, and may be compelled to work on the highways under the direction of the street commissioners. The common council shall appoint a keeper of the lock-up and provide for his compensation by fees or otherwise.

Keepers.

## TITLE XI.

### MISCELLANEOUS PROVISIONS.

§ 78. No person shall be an incompetent judge, justice, witness or juror by reason of his being an inhabitant of the city of Ogdensburg, or liable to taxation therein, in any action or proceeding in which the said city is interested.

Inhabitants not to be incompetent as judges or jurors, etc.

§ 79. No person entitled to vote at any election held under this act shall be arrested on civil process, within said city, on the day on which such election is held.

Freedom from arrest on election day.

§ 80. Every person elected or appointed to any office under this act who shall be sued for any act done or omitted to be done, in virtue of his office, and who shall have final judgment rendered in his favor whereby he shall be entitled to costs, shall recover double costs, as defined in the Revised Statutes.

Costs in favor of officials.

§ 81. Whenever any person or corporation shall refuse or neglect to pay any tax or assessment duly assessed against any such person or corporation, the common council may collect the same by action in the corporate name against such person or corporation; but such action shall not operate to release any lien upon property for such tax until the judgment rendered in such suit shall have been fully satisfied.

Common council may collect taxes by suit.

§ 82. Whenever any real estate in said city shall be owned by two or more persons jointly, or as tenants in common, a notice served on one of such persons shall be sufficient notice to all, for any purpose requiring a notice under this act.

Notice to owners of real estate.

§ 83. The common council may take precautionary measures to guard the public health in times of pestilence, and to provide against infectious and pestilential diseases when they appear in the city, by providing suitable places for the temporary removal of persons having such diseases from the populous part of the city

Precautionary measures to preserve health.



and issuing their warrant to the chief of police and policemen to execute such removal, and the common council shall defray the expense incident to such removal.

Water districts.

Water rates.

Word "city" changed to village, etc.

Proceedings to supply city with water works.

Expense.

§ 84. Whenever water-works shall be constructed supplying said city with water for public purposes, the common council shall lay out and establish a water district, and from time to time, as may be necessary, extend the same, so that the boundaries thereof shall at all times be outside of and not more than fifteen hundred feet beyond the line of the outermost hydrants. In each year thereafter the said board shall certify to the assessors, during the time in which they are by law required to make their roll, the amount of the expense of furnishing water for one year in said district, for public purposes, which amount shall be assessed upon the taxable property in the district, and be collected and paid over to the treasurer, with other taxes, if any, and appropriated for that purpose. And the "Act to incorporate the Ogdensburgh Waterworks Company," passed April first, eighteen hundred and fifty-four, is hereby amended by striking out the word "village," wherever it occurs, and inserting in place thereof, "city;" also changing "trustees" of the village to "aldermen;" and changing "president" and "trustees" to "mayor and aldermen;" and "board of trustees" to "common council." And the statute limiting the time within which a corporation shall organize and commence business, is hereby declared not to apply to said act

§ 85. The common council of said city may at any time or times before any contract shall have been made for supplying said city with water for public purposes under the preceding section of this act, cause explorations, examinations, surveys, tests, plans and estimates to be made in order to determine how said city can be best supplied with water for public and private purposes from rivers, streams or artesian wells. The expenses incurred in arriving at such determination or determinations, not exceeding in all the sum of five thousand dollars, shall be assessed, levied and collected with other city taxes, and be kept in a separate fund, to be termed "the water fund," and the amount thereof may be in-

creased from time to time, by resolution, approved in the manner hereinbefore provided for raising money by taxation.

§ 86. Whenever the common council shall have determined upon any plan for procuring such supply of water, they shall publish a statement thereof in one or more newspapers printed in said city, with an estimate of the cost and the annual expense of keeping the works in repair, with their proposition as to how the money shall be raised for the purpose by issuing the bonds of the city and by taxation, and shall submit a resolution or resolutions to approve such plan, and authorize the issue of such bonds, and such taxation which shall be voted upon at a general or special meeting or election, in the manner and upon the notice hereinbefore provided; and if a majority of the votes given thereupon shall be in favor of any such resolution, the common council shall cause the water works to be constructed according to the plan so approved, and issue the bonds and levy the taxes, as provided by the resolution or resolutions so adopted. Such bonds shall, in favor of the holder, be conclusive evidence of the regularity of the proceedings under which the same were issued.

Common council to publish statement and estimate.

Tax meeting to vote thereon.

Duty of common council upon favorable vote to issue bonds.

§ 87. Upon the adoption of any such resolution by vote of tax-payers, as hereinbefore provided, the said common council shall have the powers and franchises, and be subject to the duties, and shall proceed in the manner prescribed for the Ogdensburgh Water Works Company, in sections ten, eleven, twelve and fifteen, of the act entitled "An act to incorporate the Ogdensburgh Water Works Company," passed April first, eighteen hundred and fifty-four. The common council may submit such plans from time to time, until one shall be adopted, and may in a like manner submit plans for extension or improvement of water works to be carried into effect, if approved as before provided.

Powers and franchise vesting in common council.

§ 88. If any person shall willfully do or cause to be done any act whereby such water works or the appurtenances shall be in any manner injured, or shall corrupt the water or render it impure, every such person shall be deemed guilty of a misdemeanor, and punished accordingly. And the common council may, by ordinance,

Injury to water works; how punished.

provide for punishing for any such injuries by fine not exceeding fifty dollars for each offence.

Provisions  
of act of  
1857 ap-  
plied to  
saloons,  
etc.

§ 89. The provisions of sections seven, ten, fourteen, fifteen, eighteen, twenty-one, twenty-eight, twenty-nine and thirty-two, of chapter six hundred and twenty-eight, of the laws of eighteen hundred and fifty-seven, is made applicable to saloons and eating houses in said city, and the keepers thereof, so far as consistent with this act, and with said law of eighteen hundred and fifty-seven, and except that the bond therein required shall be to the city of Ogdensburg, to be approved by the common council, and actions for a breach thereof, or for any and all penalties and forfeitures may be sued for in the name of said city.

Repeal.

§ 90. All the former acts and parts of acts, relative to the incorporation of the village of Ogdensburg, are hereby respectively repealed; but such repeal shall not affect any act done, privilege granted, right vested or established, institution located, or any proceeding, suit or prosecution had or commenced previous to the time when this act takes effect. But the by-laws and ordinances of the village shall continue in force, and be by-laws and ordinances of the city until amended or repealed; and all officers elected or appointed under or by virtue of the acts hereby repealed, shall continue in office until the first board of common council, elected under this act, shall become organized. And the city organized by this act shall succeed to all the rights, title, property and demands of village, and subject to all its liabilities and obligations, and in all respects its successor as to property, rights and obligations.

Validity of  
village by-  
laws and  
ordinances.

City to  
succeed to  
rights and  
liabilities of  
village.

Officers to  
be resi-  
dents.

Resigna-  
tions.

§ 91. All officers elected or appointed under this act must be residents of Ogdensburg, and the removal of any officer therefrom shall vacate his office. All resignations of any officer under this act shall be made to the common council, subject to their acceptance.

§ 92. This act is hereby declared a public act, and shall be construed favorably and benignly for every beneficial purpose therein contained.

§ 93. This act shall take effect immediately.