

L A W S
OF THE
STATE OF NEW-YORK

PASSED AT THE
SEVENTY-SEVENTH SESSION

OF THE
LEGISLATURE,

BEGUN THE THIRD DAY OF JANUARY, AND ENDED THE SEVENTEENTH DAY OF
APRIL, 1854, AT THE CITY OF ALBANY.



ALBANY:
GOULD, BANKS & CO., 475 BROADWAY.

NEW-YORK:
BANKS, GOULD & CO., 144 NASSAU-STREET.

1854.

Chap. 90.

AN ACT to incorporate the city of Poughkeepsie.

PASSED March 28, 1854, three-fifths being present.

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

TITLE I.

§ 1. The district of country in the county of Dutchess, now comprised in the village of Poughkeepsie, and included within the following boundaries, viz : "Beginning at the mouth of a brook falling into the Hudson river, on the north line of lands of the estate of Henry A. Livingston, deceased, and adjoining lands of Alexander Fox; thence south eighty-seven degrees and thirty minutes east, as the magnetic needle now points (1853), one hundred and thirty chains to a stone set, marked C., in the lands of William H. Worrall; thence again from the mouth of the brook aforesaid northerly along Hudson river, including the flats or shoals between high-water mark and the channel of said river, to the mouth of another small brook, or where the same joins the water of the Hudson river aforesaid, which last mentioned brook is commonly known by the name of Kidney's creek or kill, and divides the land formerly owned by Robert L. Livingston from land of Abraham Pells; then from the mouth of the last mentioned brook up the middle of the same, however it runs, to the west side of the post road leading to Albany, to a point thirty-five links southerly from the northeast corner of land now owned by Edward Giraud; thence south eighty-seven degrees thirty minutes east, parallel with the south line of said corporation as above named, ninety-two chains eight links to a stone set, marked C., in the lands of Thomas Sweet, westerly of the road leading to Union Corner, in Hyde Park, said stone being the northeast corner of the corporation, and is distant from Hudson river in a direct line one hundred and thirty chains; thence south three degrees fifty-five minutes west, one hundred and thirty-nine chains and sixty links, passing through the cooper's shop of Thomas R. Osborn, on the north side of the Dutchess turnpike, to a stone set, marked C., as aforesaid, in the

Boundaries.

lands of William H. Worrall, the chaining on the above named lines being surface measurement," shall be a city known as the city of Poughkeepsie; and the citizens of this state, from time to time, inhabitants within the said boundaries, shall be a corporation by the name of the city of Poughkeepsie, and as such may sue and be sued, complain and defend, in any court of law or equity in this state.

Wards.

§ 2. The said city shall be divided into four wards, as follows, viz: All that part lying northerly of the centre of Main-street and westerly of the centre of Garden-street, and of a line from the termination thereof north to the northern boundary of the village, shall be the first ward. All that part lying northerly of the centre of Main-street and easterly of the centre of Garden-street, and of the line aforesaid, shall be the second ward. All that part lying southerly of the centre of Main-street and westerly of the centre of Market-street, shall be the third ward. And all that part lying southerly of the centre of Main-street and easterly of the centre of Market-street, shall be the fourth ward.

TITLE II.

OF THE ELECTION AND APPOINTMENT OF CITY AND WARD OFFICERS—THEIR ELECTION AND APPOINTMENT.

Officers.

§ 1. The officers of said city shall consist of one mayor, two assessors, one collector, one recorder, two justices of the peace, four constables, one overseer of the poor, and twelve commissioners of schools, to be elected by the city at large; two aldermen, and one supervisor, to be elected in each ward; and one chamberlain, one superintendent of streets, one marshal, one chief engineer of the fire department and two assistants, and such other officers as are hereinafter authorized, who shall be appointed by the mayor and common council.

Election.

§ 2. An election shall be held in each of the wards of said city on the second Tuesday of April, 1854, and on the first Tuesday of March in every year thereafter. The trustees of the village of Poughkeepsie, for the time being, shall appoint the places of holding such first elections, and shall appoint three inspectors of elections in each ward, who shall hold the same, and who shall give public notice of the time and places of holding such first elections, and of the officers to be chosen thereat, immediately after the

passage of this act, by publishing the same in all the public newspapers printed in said village, once a week for two weeks, if there shall be sufficient time to do so after the passage of this act, and by posting written or printed notices thereof in at least two public places in each ward hereby designated and marked out.

§ 3. The like public notice of all future elections under this act shall be given by the mayor and council herein authorized to be elected; and at such first and every subsequent election, so to be held under this act, three inspectors of election shall be elected in each ward in the manner prescribed by law; and the provisions of the act concerning elections, other than for militia and town officers, passed April 5th, 1842, with the amendments and additions thereto, are hereby declared applicable to said city of Poughkeepsie, and to the elections to be held under this act, except so far as they may be inconsistent therewith.

Notice of election.

§ 4. The said wards shall constitute the election districts for all state, general and other elections to be held in said city; and the inspectors chosen under this act shall be inspectors of all such elections, and shall possess the powers and discharge all the duties of such inspectors; and all provisions of law applicable to election districts, and to the inspectors of elections therein, shall apply to said wards and said inspectors.

Election districts.

§ 5. Every inhabitant residing in said city, who shall at the time and place of offering his vote be qualified to vote for members of assembly, shall be entitled to vote for all officers to be elected by virtue of this act in the ward or district where he shall be so qualified.

Voters.

§ 6. The city chamberlain shall give notice in writing of every election, to be held under this act, to the inspectors of elections of the several election districts in said city, at least one week before the day of election; and said inspectors shall proceed as provided by the general laws of the state in relation to elections other than in towns. They shall provide one ballot box to be marked "City." All the ballots used shall be endorsed "City," and shall contain the votes of the electors depositing them for all the offices to be filled at the election.

Ballots.

§ 7. The polls of the elections in the several election districts, at the said city elections, shall be opened at eight o'clock in the morning of the day of election, and shall be kept open without intermission or adjournment until five o'clock in the afternoon, when they shall be finally closed;

Election, how conducted.

and the inspectors shall forthwith, without adjourning, canvass the votes received by them, and certify and declare the results, stating the numbers of votes given for each person for each office, and shall file such statement and certificate on the same or the next day with the city chamberlain, who shall forthwith notify the several aldermen elect of their election. Such statement of the first election to be held under this act shall be filed with the clerk of the board of trustees of the village of Poughkeepsie.

Terms of
office.

§ 8. All city officers elected as above provided, except justices of the peace and recorder, shall enter upon their respective offices on the Monday next following such election; the common council of the preceding year shall convene on that day at nine o'clock in the forenoon, at their usual place of meeting, and the statement of votes filed with the city chamberlain by the inspectors of election shall be produced by the chamberlain. The common council shall forthwith determine, declare and certify, in the manner now provided by law, who is elected to the office of mayor, and shall also in the same manner determine, declare and certify who are duly elected at the said election to the various offices hereinbefore named; such certificate shall be made in duplicate, one of which shall be filed with the city chamberlain and the other with the clerk of Dutchess county, and thereupon the said council shall be dissolved; the mayor and aldermen elect shall thereupon take the oath of office prescribed by the constitution, and the common council shall be organized. After the first election to be held under this act, the trustees of the village of Poughkeepsie shall meet on the following Monday, the statement of the inspectors shall be produced by their clerk, the said trustees shall make the certificate herein required of the common council at all subsequent elections, and the clerk of said board shall proceed to notify all persons elected of their election, as is in the next section required of the chamberlain at all subsequent elections.

Oath of
office.

§ 9. The city chamberlain, immediately upon the filing with him of the certificate specified in the last section, shall notify in writing every person so certified to have been elected of his election; every person elected to any office under this act, before entering on the same, shall take the oath of office prescribed by the constitution of this state, before the mayor or some officer authorized to take affidavits to be read in courts of justice, and file the same with the city chamberlain, except the mayor, justices of the

peace and recorder, whose oath shall be filed with the clerk of Dutchess county; and every person so elected, except justices of the peace and the recorder, who shall refuse or neglect to take and file the said oath of office for ten days after personal notice in writing of his election from the chamberlain, shall forfeit twenty-five dollars to the use of the city, and be deemed to have declined the office.

§ 10. The term of office of the justices of the peace and recorder, to be elected under this act, shall commence on the first day of January next ensuing their election, and each of such officers shall take the oath of office within ten days thereafter, and file the same as provided in the last section, or be deemed to have declined their offices, respectively, in like manner as in said section provided as the other officers.

Justices of
the peace.

§ 11. The recorder shall hold his office for the term of four years, and until his successor shall qualify and enter upon his office. A recorder shall be elected at the first election to be held under this act, and every fourth year thereafter.

Recorder.

§ 12. The justices of the peace to be elected under this act shall hold their offices for four years. All the justices of the peace who shall have been elected or shall be in office in the town of Poughkeepsie, as heretofore constituted, and who shall be residents of the city of Poughkeepsie when this act takes effect, shall qualify according to law, and shall continue to hold their offices respectively for the full terms to which they were elected, in the same manner in all respects, and shall possess the same powers and be subject to the same provisions, as if they had been elected under this act. A justice of the peace shall be elected in said city, at the election to be held pursuant to this act in the year eighteen hundred and fifty-six, who shall hold his office for four years, to commence on the first day of January, eighteen hundred and fifty-seven; and after the election of said justice in the year eighteen hundred and fifty-six, a justice of the peace shall be elected in said city every two years, which term of office shall commence on the first of January next thereafter. If the office of either or any of the justices elected in the town of Poughkeepsie, who shall become justices of said city, shall become vacant by reason of non-residence or otherwise, before the expiration of his term, the same shall be filled in the manner provided in this act in the case of justices elected in said city pursuant thereto.

Justices,
their terms
of office.

Aldermen.

§ 13. The aldermen shall hold their offices for the term of two years; but at the first election under this act two aldermen from each ward shall be elected, one of whom, from each ward, shall hold his office for one year only, and the term for which the person voted for is intended shall be designated on the ballot; at each annual election hereafter, one alderman shall be elected for each ward, and shall hold his office for two years.

Removals.

§ 14. All officers elected or appointed under this act, except aldermen, recorder and justices of the peace, shall hold their offices for one year, and until their successors shall qualify. But the common council may remove at pleasure any officer appointed by them, and appoint another in his stead, who shall hold until the expiration of the term of his predecessor, subject to the like power of removal by the common council.

**Vacancies.
Recorder.**

§ 15. If a vacancy shall happen in the office of recorder or justice of the peace, it shall be the duty of the common council to appoint a special election to fill such vacancy. Notice of such election shall be given, and such election shall be held in the manner prescribed in this act; and the person chosen at such special election to fill such vacancy shall hold such office for the residue unexpired of the term of office of the person in whose room he shall be elected.

Other offices.

§ 16. If a vacancy shall happen in any other elective office, the common council shall fill the same by appointment until the next annual election, when the residue of the term of office, if there shall be any unexpired, of the officer whose term shall have become vacant, shall be filled by some person to be elected to such office for the residue of such term, according to the provisions of this act.

Qualifications.

§ 17. No property qualification shall be required to hold any office under this act, but every person elected or appointed to any office elected hereby shall be an elector and a resident of the city; and no person shall be elected an alderman or supervisor of any ward unless he shall also be, at the time of such election, a resident of such ward; and if such officer shall remove out of said ward, during his term of office, he shall be deemed thereby to have vacated his office; and the removal from the city of any officer, elected or appointed under this act, shall render the office held by him vacant from the time of such removal.

Appointments.

§ 18. At the first regular meeting of the common council after their organization, subsequent to the annual election as prescribed in this act, or at some subsequent meeting,

and as soon thereafter as may be, it shall be their duty to appoint one city chamberlain, one superintendent of streets, one marshal, one city sealer, one chief engineer of the fire department and two assistants, and sixteen fire wardens, who shall hold their offices for one year, in the manner provided by this act. The mayor and common council shall have power to appoint, at any time they may consider the same necessary for the public interests, deputy superintendents of streets, not exceeding three in number, and so many watchmen and special constables as they may deem best, all of whom shall hold their offices at the pleasure of the common council.

§ 19. Every person elected or appointed collector under this act, before he enters upon the duties of his office and within ten days after being notified of the amount at which the common council have fixed the penalty of his bond, shall execute to the city of Poughkeepsie a bond, with two or more sureties, to be approved by the common council, in such penalty as said council shall have directed, conditioned for the faithful performance of his duties as collector, and that he will account for and pay over all moneys received and collected by him at any time under the warrant or authority of the city to the chamberlain or other proper officer appointed to receive the same. If the common council shall approve of the form and execution of said bond and the sureties thereto, they shall cause such approval to be endorsed thereon. Before any warrant to collect county taxes shall be delivered to said collector, he shall execute a bond of the penalty and in the manner with the sureties, and of the condition required by law of town collectors. The said bond shall be executed and delivered to the supervisors of the city, and shall be approved by a majority of them.

Collector.

§ 20. Both said bonds shall, after their execution and approval, be filed with the clerk of Dutchess county; and every such bond shall be entered by said clerk, and shall be a lien on the real estate of the collector and his sureties, in the manner and to the same extent as now provided by law in the case of bonds of town collectors; and in case of any breach of the condition of said bonds, suits may be maintained thereon by the city of Poughkeepsie upon any bond given for the collection of city taxes, and by the supervisors of said city or their successors in office upon any bond given for the collection of the county tax as aforesaid.

Bonds.

§ 21. Such collector and his sureties shall also be liable to the same proceedings, to enforce the payment of money

Security to county.

collected in any warrant issued by the supervisors of the county, as are provided by law in respect to town collectors and their sureties.

Bonds of
other officers

§ 22. The chamberlain, superintendent of streets, and such other officers as may be required thereto by the common council, shall severally, before they enter upon their offices, execute and file with the chamberlain (except the chamberlain, whose bond shall be filed with the mayor) a bond to the city of Poughkeepsie, in such sum as the council shall direct, and with such sureties as the mayor shall approve, conditioned that they shall faithfully discharge the duties of their respective offices and pay over all moneys received by them respectively.

Constables.

§ 23. Every person elected to the office of constable in said city shall, before he enters on the duties of his office, execute, with two sureties, to be approved by the mayor, an instrument in writing, which shall be acknowledged by all the parties in the manner that deeds are required to be acknowledged by law, and filed with the chamberlain, and by which said constable and his sureties shall jointly and severally agree to pay, to each and every person who may be entitled thereto, all such sums of money as said constable may have become liable to pay by reason or account of any execution or other precept which shall have been delivered to him for collection. All actions on any such instrument shall be prosecuted within two years after the expiration of the year for which such constable shall have been elected or appointed, and may be brought in the name of the person or persons entitled to any money to be collected by virtue of said instrument. A copy of such instrument, certified by the chamberlain and the city seal, shall be presumptive evidence in all courts of the execution thereof by said constables and his sureties.

Failing to
give bond.

§ 24. If any officer, who shall be required by any of the provisions of this act or by any ordinance of the common council to execute any bond or other instrument before entering upon the duties of his office, shall fail to execute the same in the manner prescribed by this act or by any such ordinance within ten days after he shall have been duly notified to do so, the common council may declare his office vacant, and proceed to cause the same to be filled in the manner provided in this act in cases of vacancies in offices.

Prohibition.

§ 25. No member of the common council shall be appointed to any office by the common council; nor shall any

alderman or the mayor be in any manner, directly or indirectly, interested in any contract to which the city shall be a party ; and any such contract, in which any such officer shall be or become interested, shall thereby and thereupon be and become void.

§ 26. If any person, having been in office in said city, shall not, within ten days after notification and request, deliver to his successor in office all property, papers and effects of description in his possession or under his control belonging to said city, or appertaining to the office so held, he shall forfeit and pay to the use of said city one hundred dollars, besides all damages caused by his neglect or refusal so to deliver.

TITLE III.

OF THE COMMON COUNCIL.

§ 1. The mayor and aldermen of the city shall constitute the common council thereof ; the common council shall meet at the village hall, which shall hereafter be known as the "city hall," or at such other place as the mayor shall designate, annually, on the first Tuesday next after the annual election in each year, and at such other times as hereinafter provided. At all meetings of the common council, the mayor, when present, shall preside, and when he is not present, any one of the aldermen may be called to the chair.

Common
council.

§ 2. In the proceedings of the common council, each member present shall have a vote, except the mayor when presiding, who shall have only a casting vote when the votes of the other members are tied.

Voting.

§ 3. The sittings of the common council shall be public, except when the public interests shall require secrecy. The minutes of the proceedings shall be kept by the chamberlain, and the same shall be open at all times to public inspection.

Sittings and
meetings to
be to public.

§ 4. A majority of the common council shall be a quorum for the transaction of business, but no tax or assessment shall be ordered, nor any appointment be made, except by a concurring vote of a majority of all the members of the council in office.

Quorum.

§ 5. The common council shall hold stated meetings at least twice in each month ; and the mayor, or in his absence any three aldermen, may call special meetings by

Meetings.

notice in writing served personally upon the other members of the council, or left at their usual place of abode.

Rules.

§ 6. The common council shall determine the rules of its own proceedings, and be judge of the election and qualifications of its own members; and have power to compel the attendance of absent members from time to time; to prescribe the duties of all the officers and persons appointed by them to any office or place whatever, subject to the provisions of this act; and to remove all officers and persons appointed by them for any neglect of duties or misconduct; and to revoke, or cause to be revoked, any license given under this act.

Powers of a board of excise.

§ 7. The common council shall possess and exercise within the city all the powers vested by the ninth title of the twentieth chapter of the first part of the Revised Statutes, entitled, "of excise and the regulation of taverns and groceries," and of chapter ninety-seven of Session Laws of eighteen hundred and forty-three, in the commissioners of excise of the several towns of this state, and the said title is, and is hereby declared to be applicable in all its provisions, save as far as they are modified by this act, to the city of Poughkeepsie, as though it were a town. The bonds required by the said title shall be taken in the name of the people of the State of New-York, and filed in the office of the city chamberlain. All penalties imposed by, and every breach of the conditions of any bond given in pursuance of said title, or of chapter ninety-seven of the Laws of eighteen hundred and forty-three, shall be sued for and recovered in the name of the said city, and when so recovered shall be paid to the chamberlain of said city for the use of the poor of said city.

Sureties.

§ 8. It shall be the duty of the common council to examine into the sufficiency of any surety proposed by any person applying for such license, and to judge of the sufficiency thereof. The chamberlain of the city shall file the bond given on granting of such license, certified by him under the corporate seal as having been duly approved as required by this section; and a copy of such instrument, certified by such chamberlain, shall be presumptive evidence in all courts of the execution thereof.

Accounts, how audited.

§ 9. All accounts and claims against the said city, and all accounts and claims for services rendered or moneys expended by any officer within said city, which would be charges and accounts against a town if they were rendered or expended by the officers thereof, shall be presented to

the common council, and the same shall be referred to a standing committee of said board, to be composed of one member from each ward, to be called "committee on auditing accounts." It shall be the duty of said committee to inquire or examine into said accounts, and they may send for persons and papers, and may examine the claimant on oath in respect thereto. The said committee shall report the matters referred to them to the common council, either favorably or adversely, with their reasons, and the said common council shall then hear, examine and determine the same as a board of town auditors, and for that purpose shall possess the powers and be subject to the duties of town auditors.

§ 10. The common council shall have the management and control of the finances, and of all the property, real and personal, belonging to said corporation, and shall have power within said city to make, establish, publish and modify, amend and repeal rules, regulations and by-laws, for the following purposes :

General
powers.

1. To prevent vice and immorality, to preserve peace and good order, to prevent and quell riots and disorderly assemblages.

2. To restrain and suppress disorderly and gaming-houses, all instruments and devices used for gaming, and to prohibit all gaming and fraudulent devices within the said city.

3. 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 shall deem it advisable, to license the same, upon such terms as the common council may direct.

4. To suppress and restrain disorderly houses, or houses of ill-fame, billiard tables, bowling-alleys and pistol galleries.

5. To determine the existence, and direct the removal of a public nuisance in any part of the city; and if the same be not removed in such time as the council shall direct, to cause the same to be removed at the expense of the city, and to declare such expense to be a lien on the lot, and to enforce the collection thereof by leasing or selling the premises in the manner provided in this act for the collection of taxes or assessments, or by action against the owners of the lot or any other person who may have erected, suffered or maintained such nuisance; and in case of the non-

removal or abatement of any nuisance, the common council may impose a penalty therefor and enforce the collection thereof as prescribed by this act.

6. To direct the location of all houses for storing gunpowder and other combustible and explosive substance, and to regulate the keeping, selling and conveyance thereof, and the use of candles and lights in barns, stables and out buildings.

7. To prevent horse-racing, immoderate driving in the streets of said city, to prohibit and punish the flying of kites, and every other game, practice or amusement, in the public streets or elsewhere, having a tendency to frighten teams and horses, or to injure or annoy persons passing in or along the highways of the city, or to endanger property.

8. To regulate and determine the places of bathing in the river and in the streams or ponds within said city.

9. To restrain and punish vagrants, mendicants, street beggars and common prostitutes.

10. To establish and regulate public pounds.

11. To restrain the running at large of cattle, horses, swine, sheep, goats and geese, and to authorize the distraining, impounding and sale of the same, for the penalty incurred and costs of keeping and proceedings.

12. 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, powder or other explosive compounds, and the making of any improper noise which may tend to disturb the peace of the city, and the sale of fire-crackers, rockets, squibs or other explosive compounds.

13. To make regulations for taxing and confining dogs, and for destroying such as may be found running at large contrary to any ordinance.

14. To direct the keeping and returning of bills of mortality.

15. To regulate and keep in repair the reservoir, hydrants, water pipes and the public wells in said city, and to regulate the taking and using water from the same; to regulate and keep in repair the engines, hose carts, hose and hook and ladders belonging to the said city, and the public buildings of said city, and to regulate the sales of fish and vegetables within said city.

16. Concerning the lighting of the said city, and the protection and safety of the public lamps, to assess and collect

from the real and personal estate within the lamp district, the amount required under the provisions of this act.

17. To regulate and restrain hawking and peddling in the streets.

18. To license and regulate cabmen, the drivers of hackney carriages, stages or omnibuses for the transportation of passengers within the city, to fix their rates of compensation and require them to have licenses.

19. To regulate runners, stage drivers and others in 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.

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

21. To compel, direct and regulate the planting of shade and ornamental trees along the streets and side-walks of said city, and to prevent the injury or destruction of such trees; and to prevent the injury and defacement of fences, posts and buildings in said city.

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

23. To cause buildings and other structures encroaching on the streets to be removed at the expense of the owners or occupants thereof, to make such expense of removal a lien on the lot, and to issue warrants against any such owner or occupant to collect the necessary expenses of such removal, as assessments and taxes are collected.

24. 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.

25. To give names to streets and numbers to the lots and tenements, and to change the same.

26. To employ an attorney and counsel when the business of the board requires one, and to pay them a reasonable compensation.

27. To do all such acts and make all such ordinances as shall be necessary to carry into effect any general power, or discharge any duty conferred or imposed by this act, although such acts or ordinances may not be specially enumerated herein.

Penalties.

§ 11. The common council shall have power to enforce observance of all provisions of this act, by ordaining penalties to be incurred for each and every violation of the same, not exceeding fifty dollars for any one offence, to be recovered, with costs, in a civil action in any court having cognizance thereof, or to remit the same or any part thereof. Every such ordinance or by-law, imposing any penalty or forfeiture for a violation of its provisions, shall, after the passage thereof, take effect at such time as the common council shall direct, and shall be published at least two weeks successively in at least one public newspaper printed and published in said city.

Actions for penalties.

§ 12. All actions brought to recover any penalty or forfeiture incurred under this act, or the ordinances, by-laws or police regulations made in pursuance of it, shall be brought in the name of the city; and in case of the recovery of judgment against any defendant, execution may be issued thereon immediately on the rendition of judgment. If the defendant in such action have no goods or chattels, lands or tenements, whereof the judgment can be collected, the execution shall require him to be imprisoned in close custody in the jail of Dutchess county, or in the penitentiary, if one be established, for a time not exceeding thirty days. All expenses incurred, in prosecution for the recovery of any penalty or forfeiture, shall be defrayed by the corporation; and all penalties and forfeitures, when collected, shall be paid to the chamberlain for the use of said city.

Appeals.

§ 13. If any judgment rendered in any such action may be removed by appeal by either party to the county court of the county of Dutchess, in the same manner and upon the same terms that appeals are taken to county courts from judgments rendered by justices of the peace in towns, except, when such appeal is made by the city, that no bond shall be required to be executed by or on behalf of the city. Every such appeal in behalf of the city shall be sued out and prosecuted under the direction of the common council.

§ 14. The entries in the book of by-laws, journals and minutes of the common council and of the board of health, or sworn copies thereof, shall be presumptive evidence in all courts and places of the facts therein stated; and the certificate of the chamberlain shall be sufficient evidence of the authenticity of such journals and minutes and book of by-laws.

TITLE IV.

OF THE POWERS AND DUTIES OF THE CITY OFFICERS.

§ 1. It shall be the duty of the mayor to take care that, Mayor.
within said city, the laws of this state and the ordinances and by-laws passed by the common council be faithfully executed, and to arrest or cause the arrest of all persons violating the same; to exercise a constant supervision over the conduct of all subordinate officers, to receive and examine into all complaints against them for misconduct or neglect of duty, and to report the facts to the common council; to recommend to the council from time to time, such means as he shall deem necessary or expedient for them to adopt to expedite and cause to be carried out all such as shall be resolved upon by them; and in general, to maintain the peace and good order of the said city. He shall have power to administer oaths and take affidavits, and to take the proof and acknowledgments of deeds within said city, and receive therefor the same fees that are allowed to justices of the peace for the same services. In case the mayor shall be unable to perform the duties of his office, in consequence of continued sickness or absence from the city, or if there shall be a vacancy in the office, the common council shall appoint, by ballot, one of their number to preside at their meetings, and the presiding officer thus chosen shall be vested with all the powers and perform all the duties of mayor of the city, until the mayor shall resume his office or the vacancy shall be supplied according to law. No salary or compensation shall be allowed or paid to the mayor or any alderman for any services rendered in the discharge of the duties of their respective offices, pursuant to the provisions of this act.

§ 2. It shall be the duty of every alderman in said city Aldermen.
to attend the regular and special meetings of the common council, to act upon committees when thereunto appointed by the mayor or common council, to arrest or cause to be arrested all persons violating the laws of the state, or the ordinances, by-laws or police regulations of the city, to report to the mayor all subordinate officers who are guilty of any official misconduct or neglect of duty, and to aid in maintaining peace and good order, and to perform or assist in performing all such duties as are by this act enjoined upon the aldermen of said city separately, or upon the common council thereof.

Supervisors.

§ 3. The supervisors, collector and the overseer of the poor, provided for by this act, shall have the same powers and duties as supervisors, collectors and overseers of the poor in any town in the county of Dutchess, except as otherwise provided by this act; and the said supervisors shall be members of the board of supervisors of the county of Dutchess. The said overseer shall receive for his services a salary not exceeding three hundred dollars in each year, to be fixed by the common council, and shall not take or receive any other fee or reward for any services whatever. The supervisors shall receive the compensation allowed by law, in the same manner as other supervisors of towns.

The city to be a town for certain purposes.

§ 4. The city shall be regarded as a town, under the provisions of the fourth title of the seventh chapter of the third part of the Revised Statutes, respecting the return of jurors; and the supervisors and chamberlain of said city shall perform the duties thereof, enjoined upon the supervisors, assessors and town clerks of the several towns of the state, except that a duplicate of the return of jurors made by them shall be filed in the office of the chamberlain of the city. Each ward of the city shall be regarded as a town, under the fourth article of the fourth title of the eleventh chapter of the first part of the Revised Statutes, and the supervisor and aldermen of each ward shall be fence viewers, and shall possess all the powers and authority in respect to division fences or walls in their ward, which are given by the said article to town fence viewers with respect to division fences.

Assessors.

§ 5. The assessors elected in the city of Poughkeepsie, as herein provided, shall perform all the duties hereinafter specified in relation to the assessment of property within the city, as well for the purpose of levying the taxes imposed by the supervisors of Dutchess county, as by the common council of the city of Poughkeepsie. Each assessor shall receive for compensation, for all services to be rendered under this act or by virtue of any statute, the sum of sixty dollars. The assessors elected under this act shall possess all the powers and authority of town assessors, and shall make the assessment roll of the city in the same manner as such assessors, under and in pursuance of the second article of the second title of the thirteenth chapter of the first part of the Revised Statutes, except as herein provided. The notice required by the nineteenth and twentieth section of said article shall be given as provided by said nineteenth section, and shall also be published

in all the public newspapers printed in said city, and shall designate the chamberlain's office as the place where the assessors will review their assessments, and where the roll may be examined. The roll shall be completed, and, with all other papers required by said article to be filed, shall be delivered to the city chamberlain on or before the third Tuesday in August in each year.

§ 6. The common council shall be vested with the exclusive power to correct the assessment roll in respect to taxes imposed by virtue of this act, in the same manner as a board of supervisors may by law correct the town rolls of their county, and shall possess all the powers, in relation to such city assessment roll, that boards of supervisors have by statute in the case of town assessment rolls and town and county taxes. The city chamberlain shall correct all clerical errors in the description or valuation of property, under the direction of the common council, and make correct and exact copy of the assessment roll, so made as aforesaid, and certify the same to be correct, and deliver the said copy to one of the supervisors of the said city, on or before the first day of October in each year, to be by him presented to the board of supervisors, as and for the town roll of the city. Nothing in this section shall be construed to prevent the board of supervisors of Dutchess county from exercising, in respect to the assessment roll of said city delivered to them, or the taxes imposed by them thereby, the same powers which are vested in boards of supervisors in respect to town assessment rolls and town and county taxes, or any corrections thereof.

Assessment
roll.

§ 7. The city chamberlain shall keep all papers belonging to said city; he shall act as the clerk of the council and of the board of health, and attend all their meetings. His office is hereby declared a town clerk's office, for the purpose of depositing and filing therein all books and papers required by law to be filed in a town clerk's office, and he shall possess all the powers and discharge all the duties of a town clerk, except so far as the same shall be inconsistent with other provisions of this act. He shall be the treasurer of said city, shall receive all moneys belonging thereto, and keep an accurate account of all receipts and expenditures in such manner as the common council shall direct. All moneys shall be drawn from the treasury in pursuance of the order of the council, by warrants signed by the mayor or presiding officer of the council; such warrants shall specify for what purpose the amount therein named is to

Chamber-
lain's duties.

be paid, and the chamberlain shall keep an accurate account of all orders drawn on the treasury in a book, to be provided for that purpose, which shall be open to the inspection of any elector of the city at all reasonable hours. The chamberlain shall exhibit to the common council, at least fifteen days before the annual election in each year, a full account of all receipts and expenditures after the date of his annual report, and also of the state of the treasury, which exhibit or report shall be printed and published in all the newspapers published in said city, and in such other manner as the council may direct. The city chamberlain shall receive for his services such compensation, not exceeding five hundred dollars in each year, as the council shall fix, and he shall not receive for any service whatever any other fee or reward from the city or from any person or persons.

Marshal.

§ 8. The marshal shall possess the power and authority of a constable at common law and under the statutes of this state, except that he shall not have power to serve any civil process issued by any justice of the peace. He shall also perform such duties as shall be prescribed by the council for the preservation of the public peace, the care of the public property, and the maintenance of the police regulations and the municipal ordinances of said city. He shall receive no fees for any services, but shall be allowed a compensation to be fixed by the council.

Sealer of weights.

§ 9. The city sealer of weights and measures shall possess the like powers and be subject to the like obligations as the sealers of the several towns of this state, and, on application for that purpose, the county sealer of weights and measures shall furnish to him copies of the standards in his office, at the expense of the city.

Collector.

§ 10. The collector of taxes and assessments in the city shall perform the duties and be subject to the liabilities and obligations prescribed by law for town collectors, subject to the provisions of this act; and all taxes to be collected within the limits of the city shall be collected by him, except as herein provided.

Superintendent of streets.

§ 11. It shall be the duty of the superintendent of streets to superintend, under the general direction of the common council, all work to be done, or performed or ordered, or required to be done or performed upon any of the public highways, streets, walks, bridges, sewers or public pumps, reservoirs or grounds, or property of said city; to purchase or provide at the expense of said city all necessary implements and utensils, to hire and employ the requisite labor-

ers, to direct them as to the time and manner of the execution of their work, and to certify to the common council, weekly, all persons who shall have been by him employed on any of the streets, walks, buildings, structures, reservoirs, and generally to act under the direction of the common council of the city, and such superintendent shall receive therefor such compensation as shall be prescribed by the common council, not exceeding two dollars per day for the time he shall be actually employed at work.

§ 12. The chief engineer and assistant engineers of the fire department shall perform such duties and possess such powers as shall be prescribed by the common council.

Engineers.

§ 13. The justices of the peace of the said city shall have and exercise all the powers, authority and jurisdiction, and discharge all the duties and be entitled to the fees and compensation of justices of the peace of the several towns in this state, except as modified by this act. And all laws applicable to justices of the peace of the several towns, and to their official acts, duties and powers, shall apply to the justices of the peace of said city and to their official acts, duties and powers, and they shall have and exercise all the powers of commissioners of deeds in and for cities of this state, and no commissioner of deeds shall be appointed in and for said city. Appeals from any judgment, rendered by any such justice, may be taken to the county courts of Dutchess county within the time and in the manner prescribed by law for appeals from judgments rendered by justices of the peace in towns, and all provisions of law relative to appeals from such judgments shall apply to appeals from judgments rendered by any justice elected by this act.

Justices of the peace.

TITLE V.

OF THE ASSESSMENT AND COLLECTION OF TAXES FOR CITY PURPOSES.

§ 1. The common council shall direct and cause a sum not exceeding four thousand dollars, for the purpose of defraying the salaries and pay of officers and other necessary and contingent expenses of the city, not herein otherwise especially provided for, to be raised annually by a general tax.

Contingent fund.

Salaries and pay of officers.

§ 2. The common council shall also direct and cause such additional amounts to be raised annually, by general tax, as shall be required to pay the interest and all installments of principal, as the same shall become due, on the

Public debt.

public debt of the village of Poughkeepsie, and any permanent debt which shall be incurred or contracted by the city of Poughkeepsie, pursuant to the provisions of this act.

Taxes, how assessed and collected.

§ 3. The tax, so directed to be raised, shall be assessed upon all the taxable real and personal property in the city, according to the valuation of the city assessment roll of the current year, after the same shall have been corrected as hereinbefore provided. The said tax, together with any special tax which shall have been voted as herein provided, shall be assessed by the common council, at some meeting thereof on or before the first day of December in each year. The common council shall fix the compensation of the city collector, for collecting the taxes which shall not be paid to said collector within the fifteen days hereinafter mentioned, not exceeding five per cent on the amount actually collected by him. The city chamberlain, under the direction of the common council, shall extend and apportion said tax on the assessment roll delivered to him, as aforesaid, shall forthwith file the same, and shall make a full duplicate or copy of the same, with the tax so extended and apportioned, and shall certify such copy to be a correct duplicate of the city tax roll; such roll shall then be delivered to said collector, with a warrant annexed under the seal of the city, commanding him to receive, levy and collect the several sums in the roll specified as assessed against the persons or property therein mentioned or described, with such rate per cent upon said sums for collecting the same as the common council shall have fixed, in the manner provided by law for the collection and levying of county taxes by town collectors, and to return the said warrant and roll within ninety days after the date of the warrant. Immediately on the delivery of the roll and warrant to the city collector, he shall publish notice thereof in one or more newspapers published in said city, designating some central and convenient place within the city where said city collector will attend, and giving notice that he will attend at such place with said roll and warrant, together with the roll and warrant for the collection of county taxes, on the same days upon which he shall attend to receive county and state taxes, as required by statute, and in the same manner in all respects, for the purpose of receiving payment of taxes; and it shall be the duty of said collector to attend accordingly. And any person may pay his taxes at the time and place so designated, on paying one per cent fees thereon, on any of the said days, and the city collector shall not

receive over one per cent fees for collecting or receiving any taxes which shall be so paid to him. At the time of the delivery to him of any such roll and warrant, the collector shall endorse on the assessment and tax roll, on file with the chamberlain, a receipt acknowledging the reception by him of the duplicate of such tax roll and warrant as city collector, and he shall proceed to collect the unpaid taxes in said roll specified, in the manner provided by law for the collection of county taxes, and shall have and possess all the powers and authority conferred by law on the collectors of county taxes, and shall in like manner pay over all moneys collected by him to the city chamberlain, and shall take his receipt therefor, and shall make return to the said chamberlain of the amount collected and paid over by him, and of the taxes remaining unpaid, and upon making oath before some officer authorized by law or this act to administer oaths and take affidavits, similar in all respects to the oath required by law of collectors of county taxes, he shall be credited by the city chamberlain with the amounts so remaining due and unpaid. The collector shall deposit all moneys in his hands with the city chamberlain, from time to time, as the common council shall direct. But no such settlement, nor any settlement had by the council, or by any city officer with any collector of any tax or assessment, shall be final or conclusive; and no bond or other security given by any collector shall be invalidated by or canceled on any such settlement, but shall remain in full force, and be held for one year thereafter by the city.

§ 4. The mayor, by the direction of the common council, may renew, from time to time, any warrant issued for the collection of any tax or assessment, whenever any tax or assessment shall be returned uncollected or shall not be collected, or issue a new warrant for the collection thereof; and in such renewal or warrant shall specify the time when the same shall be returned, and direct the collection of interest on such taxes or assessments, as the same is given to the city by this act, and the same proceedings shall be had thereon as upon the first warrant. All the provisions of this act shall apply to said taxes and the collection thereof, and to the power and duties of the collector in relation to the same, after such renewal or new warrants, in like manner as is herein provided upon the warrant as originally issued.

Renewal of
warrants.

Unpaid
taxes.

§ 5. The common council may provide by ordinance that all taxes and assessments, that shall remain unpaid for six months after the date of the original warrant authorizing the collection thereof, shall bear interest at twelve per cent per annum from the date of the warrant, and such tax and interest may be sued for and recovered by the city against any person liable therefor.

Lien of taxes
on real es-
tate.

§ 6. Every tax or assessment, for whatever purpose imposed or charged upon any real estate within the city by virtue of any provision of this act, shall be a lien upon the real estate so charged, from the time of the filing of the roll containing the same with the chamberlain, for two years after such filing; and if such tax or assessment shall be returned as unpaid by any officer authorized to collect the same, the common council may employ and direct an attorney or other proper officer to advertise and sell such real estate in the manner hereinafter provided. The attorney or other officer conducting such sales, for the full performance of his duty therein, shall be entitled to demand and have such fees as the council shall fix, not exceeding ten dollars for each parcel of land so ordained to be sold, in case the sale thereof shall be stopped by payment after advertisement, and not exceeding twenty dollars for each parcel that shall be actually sold.

Sales of real
estate for
taxes.

§ 7. Before any such sale, an order shall be made by the common council, which shall be entered at large in the records of the city, designating and directing the attorney or officers of the city to sell, and particularly describing the premises to be sold, and the owner or agent thereof, so far as the same is known to the common council, and the assessment for which the sale is to be made, a copy of which order shall be delivered to the officer so designated, who shall forthwith advertise the sale of said premises in the manner and for the time required in the case of sales of real estate on execution, and the sale shall be conducted in the same manner, except as herein provided. The proceedings may be stopped at any time before sale by any person, by paying the said officer his fee and the amount of the tax or assessment, with the interest allowed thereon by this act and the expense of advertising. All sales in such cases shall be made for the shortest period for which any person will take the premises and pay the assessment, interest and expenses. Two certificates of the sale of each parcel of land so sold shall be made by said officer, one of which shall be delivered to the purchaser, and the other

filed in the city chamberlain's office ; such certificate shall contain a description of the property, and the term for which it was sold, and state the particular tax or assessment, and the amount of the assessment interest, and the expenses for which the sale was made, and the time at which the right to redeem will expire.

§ 8. If any real estate so sold shall not be redeemed in fifteen months after the sale, as hereinafter provided, the common council shall grant to the purchaser, his legal representatives or assigns, a declaration in writing, under the corporate seal, signed by the mayor and attested by the chamberlain, containing a description of the premises, the fact of assessment, advertisement and sale, the date of the sale and the period for which the premises were sold, which declaration may be recorded as a lease of real estate, and shall be presumptive evidence in all courts and places that such tax and assessment was legally imposed, and that the proceedings to authorize such sale were correct ; and such grantee may obtain possession thereof, in the manner prescribed by law in relation to the persons holding over demised premises after the expiration of their terms, without the consent of their landlords, and shall have, hold and enjoy the said premises during the term for which the same were granted, to be computed from the expiration of fifteen months after the day of sale thereof, free and clear from all claims and demands of any other owner or occupant of the same, but subject however to the lien of all taxes and assessments that may have been charged or levied thereon at the time of such sale, or at any time thereafter ; and at the expiration of such term, such grantee, his heirs or assigns, may remove any building or fixtures that may have been erected on said premises during the said term. The city chamberlain shall keep a register of all declarations of sale granted pursuant to this section. Such certificates shall be assignable by the purchaser or his legal representatives, and such assignments shall be acknowledged or proven in the manner required by law to entitle deeds of real estate to be recorded. The common council shall not grant a declaration of sale to any one claiming to be the assignee of any such certificate, unless all the assignments necessary to prove his claim thereto be produced and found to be regular, and be filed with the city chamberlain ; nor shall they grant any such declaration, in any case, without the production, and canceling, and filing with the city chamberlain of the original certificate of sale, unless the loss or

destruction of any such certificate or of any such assignment be satisfactorily established, by the oath of one or more persons, before the council or a committee thereof.

City may
bid.

§ 9. If at any such sale no bid shall be made for any parcel of land, the same shall be struck off to the city for the term of fifty years; and if such sale be made for the non-payment of any tax for highway purposes, the money due on such tax at the time of the sale shall be paid to that fund by the city, and thereupon the city shall receive in the corporate name one of the certificates of the sale thereof, and shall be vested with the same rights as any other purchaser.

Time for re-
demption.

§ 10. Any owner or any claimant of any parcel of any real estate so sold, or of any specific part or undivided interest in or share of such parcel, may at any time, upon the expiration of fifteen months from the day of such sale, redeem the same by paying to the purchaser, his representatives or assigns, or to the city chamberlain for his or their benefit, the amount paid by him, with the addition of twenty per cent per annum on such amount, and the expense of any publication and all other expenses incurred by him or them, and allowed by this act, and on such payment being made, the title required by such sale shall cease and determine. Any person having a judgment or decree which shall be a lien on the premises at any time after such sale, or within fifteen months thereafter, may defeat the sale thereof, at any time within the said fifteen months after such sale, in the same manner and with the same effect as the owner or claimant of said premises may do, and shall thenceforward have a further lien on the said premises, for the amount paid by him to defeat the sale thereof, with interest, which may be added to his judgment or decree, and enjoyed and enforced by him in the same manner as though it formed a part thereof. The receipt of the city chamberlain, acknowledged or proven in due form of law to entitle conveyances of real estate to be recorded, shall be evidence of such payment.

Rights of
Mortgagees.

§ 11. All and singular, the provisions of the act entitled "An act authorizing mortgagees to redeem real estate, sold for taxes and assessments," passed May 14, 1840, except so far as they are inconsistent herewith, are hereby declared to apply to all sales of real estate for taxes or assessments made under or by this act. The clerk of Dutchess county, when thereunto requested by the owner of any certificate or declaration of sale issued under this act, shall

search and certify the title of and incumbrances upon the real estate therein described, and shall be entitled to and receive therefor the fees authorized by law for searches in like cases.

§ 12. The common council are hereby restricted, in making appropriations for and on account of the expenses of the city, in the second section of this title mentioned, to the sums that are or may be authorized to be raised therefor by the said section or by any future acts of the Legislature. Whenever any assessment or tax shall have been levied and confirmed by the said common council, they may borrow, upon the credit of the city, a sum not exceeding two-thirds of said tax or assessment, to be repaid from the same within a term of time not exceeding ten months.

Debts not to be incurred.

§ 13. Whenever the common council shall be of opinion that the interests of said city require the expenditure of money for an extraordinary, or special purposes, which, in their opinion, cannot be paid from the said sum of four thousand dollars, in the second section mentioned, after defraying the ordinary expenses, or that the ordinary current and contingent expenses of any year cannot be defrayed without raising an additional sum, as a contingent fund, they may make an estimate of the sum necessary to be raised for said purposes, and for each of them, if there be more than one such object, and to state the amount and the objects for which it is required, together with the reasons for their opinion, and cause such statement and estimate to be published in all the newspapers printed in said city, and shall give notice therein that on a day, and at a place to be therein specified, a special election will be held, at which the question, whether the said sum or sums shall be raised or not, will be submitted to the qualified voters for their determination. Said statement and notice shall be published once in each week for three weeks next preceding the said day of election. The common council shall designate in said notice some central and convenient place in said city for holding the polls of said election, and they shall appoint three inspectors, as a board of inspectors for the poll of said election, and may fill all vacancies in said board, and said inspectors shall take the oath required by law to be taken by inspectors of charter elections in said city, and in the same manner, and they shall have the same powers and perform the like duties as the last mentioned inspectors. Every male resident of said city, of the age of twenty-one years, whose name shall be in the as-

People to vote upon the question of debts to be incurred.

assessment roll made by the assessors of said city next preceding said special election, and upon whose property, or upon whom, as the owner or possessor of property, a tax shall be assessed or imposed in and by said roll, and no other person or persons whatever shall be entitled to vote at said special election. The said assessment roll made by the assessors, or a copy thereof, certified by the chamberlain and by the mayor or presiding officer of the said council, shall be evidence of the names and assessment aforesaid. The inspectors of said election, thus appointed, on the day and at the place thus specified, and from nine o'clock in the forenoon until sunset, without closing the polls, and in the manner provided by law for holding charter elections in said city, shall proceed to receive the ballots for the persons qualified to vote at the said special election, on which ballots shall be written or printed, or partly written and partly printed, on the inside thereof, the object for such special tax, and in the margin, and opposite to such object or statement, shall be placed the words "for" or "against;" and if there shall be more than one object for or special tax proposed at any such election, then those several objects shall be specified on one piece of paper, and in the margin, and opposite each one of those several objects or statements shall be placed the words "for" or "against," and deposit the same in a box similar to the boxes required to be used at said charter elections. If any person offering to vote at such election shall be challenged in relation to his right to vote thereat by any other person entitled to vote at said election, one of the inspectors shall tender to him the following oath: "You do swear (or affirm) that you are a resident of the city of Poughkeepsie, and are of the age of twenty-one years, and that you have not voted at this election." If he shall take such oath, and shall be named and assessed upon said roll as aforesaid, his vote shall be received; if he shall decline to take said oath, his vote shall be refused. All the provisions of law for punishing false swearing and fraudulent voting at the said charter elections, so far as the same can be applied, and for preserving order at the polls, shall be applicable to the said special election and the proceedings thereat. The said inspectors shall canvas the votes received at said special elections, immediately after closing the polls, without adjournment, and then make a certificate under their hands, or the hands of two of them, stating the whole number of ballots received, in the case of every tax voted upon at

such election, the whole number for each special tax, and the whole number against each special tax, and return the same by the hands of one of them to the common council or to the mayor or chamberlain forthwith, thereafter. The said certificate, if received by the mayor or chamberlain, shall be delivered by them to the common council at their next meeting, and the said council shall cause the result of said election, as appearing by said certificate, to be entered in their minutes; and if it shall appear that the whole number of votes received at such election, with the word "for" in the margin, and opposite any several object voted for, exceed the whole number of votes with the word "against" in the margin, and opposite any several object voted for, it shall be the duty of the common council to cause the said sum or sums of money to be assessed, levied, and raised, with and in addition to the said sum of four thousand dollars and all other taxes, in and by the next assessment roll, or in and by successive equal annual instalments thereafter, and in the same manner and with the same power and authority as is herein described and conferred, in reference to said four thousand dollars: Provided always, that the total amount proposed to be raised and to be voted for in any one year, at a special election, or elections, shall not exceed ten thousand dollars, and that not more than one such election shall be held in any year, unless such amount is recommended or such elections directed by a vote of three-fourths of all the members of the common council. After any such special tax or taxes shall have been authorized, as herein provided, the common council may proceed to authorize the expenditure of the amount thereof, for the object or objects specified in their published statement and sanctioned by such election; the common council may borrow, if they shall deem it necessary to do so, the amount so voted, in anticipation of the collection of said tax, for a time not exceeding five years, payable in equal annual instalments, if the loan shall be made for more than one year, which instalments shall be levied and collected in the same manner as the general tax of the city, and the amount so borrowed shall be expended upon the objects for which the special tax is raised, and shall be repaid, as soon as the same shall become due, from the proceeds of the tax. The sum and sums of money raised by any special tax shall be paid to and kept by the treasurer of the city, distinct from other money, and entered in a separate account, and shall be appropriated by the

common council exclusively to the object or objects mentioned in their public statement.

**Borrowing
limited.**

§ 14. The said common council shall not have power to borrow, and are hereby expressly prohibited from borrowing any money on account of the city, except as hereinbefore provided, and except for the purpose of anticipating as far as may be necessary the receipt of the general annual tax, and all sums borrowed for that purpose shall be paid within the fiscal year in which the laws are made. The said council shall not create any pecuniary obligation whatever, on the part of the city, which shall not be payable within the year for which the council creating such obligation was elected, and which cannot be discharged from the income of the same year; but this prohibition shall not affect the provisions of this act, before contained, in regard to obligations for or respecting the expenditure of any sum raised by special tax. The civil year in said city shall be deemed to commence on Tuesday next after the annual charter election.

TITLE VI.

OF HIGHWAYS, STREETS AND BRIDGES, AND THE TAX FOR THE IMPROVEMENT THEREOF.

**Commissioners of
highways.**

§ 1. The common council shall be commissioners of highways in and for said city, and shall have all the powers and discharge all the duties of commissioners of highways in the towns in this state, subject to the provisions of this act. They shall also have power to make and maintain cross-walks, and to regulate, repair, amend, discontinue, alter, clean, and to prevent the incumbering of the streets, alleys, highways, bridges, side and cross-walks, drains, sewers, wharves, piers and docks in said city; to compel every person to clean the snow, ice and dirt from off the side-walks and water ways, and to sweep and clean the side-walks, water ways and street in front of the premises owned or occupied, in whole or in part, by such person, and to keep such side-walk in good repair; and to direct the removal of dirt from the streets.

**Laying out
of streets.**

§ 2. The common council shall have the same power as commissioners of highways, in towns, to cause such of the streets, lanes, alleys or roads used as highways in said city, or any part or parts thereof, as shall have been heretofore laid out but not recorded or sufficiently described,

and such as shall have been used for twenty years but not recorded, to be ascertained, described and entered or recorded in a book to be kept by the chamberlain of said city.

§ 3. It shall be the duty of the common council, as soon as practicable after every annual election under the provisions of this act, to determine what sum shall be raised for the ensuing year, not exceeding two thousand five hundred dollars, by a general tax for highway purposes, in addition to the sum hereby authorized to be raised for necessary and contingent expenses of said city, to defray the expenses of making, repairing and keeping in order the roads, highways, streets, sewers, bridges and public grounds in said city.

Highway
tax.

§ 4. The common council shall, on or before the first day of April in every year, proceed to assess the amount which they shall have determined to raise by tax for highway purposes, as aforesaid, on or among the owners or occupants of the real estate and personal property, incorporated companies and associations in said city—the first year according to the last preceding assessment rolls made by the assessors of the town of Poughkeepsie, and after the first year, according to the assessment roll made by the assessors of said city. In the highway assessment roll, to be made under this section, all persons who would be liable by law to be assessed to work on highways, if they reside in any of the towns in this state, shall, if their names are upon the assessment roll of said city, be enumerated, and may be taxed by the common council a sum not exceeding fifty cents as a poll-tax, forming a part of the amount directed to be raised, as hereinbefore specified, which tax roll, when completed, shall be filed with the clerk; and a copy thereof, and a warrant thereto annexed under the corporate seal, directing the collection of said tax, including all poll tax then upon the roll, or which shall be thereafter added thereto, as herein provided, shall be given to the superintendent of streets, who shall possess the same power and authority to collect all taxes thereon, except the poll taxes, is by this act given to the collector of said city to collect city taxes. All the provisions of this act relating to the collection of city taxes, and the sale of personal and real estate to satisfy the same, shall apply to said highway tax and the collection thereof. The said common council shall have power to renew, from time to time, any

Assessment
roll.

warrant annexed to any tax roll authorized by said council, providing the time for collecting such taxes is not extended beyond the first day of December next after the date of said warrant. It shall be the duty of the street superintendent, during the month of March in each year, to deliver to the common council a list of persons in said city whose names are not on the last assessment roll, and who are by law and according to this act liable to be assessed to work on the highways in the city; whereupon the common council shall assess and direct each person, so enumerated in such list to labor upon the highways in the city, the sum of fifty cents as a poll tax. The names of all such persons shall be added by the city chamberlain to the highway tax roll, at the time when the same is delivered to said superintendent or at any time thereafter. The said superintendent shall possess all the power and be vested with all the authority, in relation to persons so assessed for labor as a poll tax, as is conferred by statute upon overseers of highways in towns, except that such tax shall be payable in money only, and on demand; and if any such person shall neglect or refuse to pay such poll tax, as aforesaid, after first having been called upon so to do by the said superintendent, he may be sued in the name of the city, in a proper action, for a penalty of two dollars, in any court having cognizance thereof, and shall be adjudged to pay the same, with the costs of such action.

Highway
moneys, to
whom paid.

§ 5. The amount of said highway tax so collected shall be paid to the city chamberlain by the said superintendent, as the same shall be collected, and shall be kept by said chamberlain as a separate fund, to the credit of the highways and bridges of said city. The moneys shall be paid out upon the warrant of the mayor or presiding officer of the council, in pursuance of an order thereof, and shall not be used or applied to any other purpose than those for which it was raised.

How dis-
bursed.

§ 6. The said fund shall be disbursed by said council, or by the city superintendent under their direction, in the making, maintaining and repairing the roads, streets, highways, bridges, sewers and public squares and grounds in the city of Poughkeepsie. The pay or salary of the city superintendent, and of deputies who may be appointed under him for the purpose of working or improving the highways or bridges from time to time, shall at all times be paid out of said highway fund. No such deputy shall

receive more than two dollars a day, for the time he shall actually be employed, for his services.

§ 7. The common council shall have power, whenever they shall deem it expedient that a street or streets, or a section of a street or streets should be paved or improved, or that side-walks of stone, brick, plank or hard material should be laid along any street or section of a street, or that curb and gutter stones should be set, or a drain or water way made along or through any street or section of a street, to call a meeting of the owners of the lots fronting on said street or side-walks, or section of said street or streets intended so to be paved or otherwise improved, at some convenient place in the said city, by causing a notice, in which shall be expressed the object of said meeting, to be published four weeks successively in a public newspaper printed in said city, and a copy of said notice to be put up at three public places in said city at least six days previous to said meeting; and the said owners of lots fronting on said street or streets, or side-walk, or section of said street or streets intended to be paved or improved, or a major part of them, in interest (estimating the same by the extent of ground fronting on such street), by themselves or their agents duly authorized, as hereafter mentioned, in open meeting voting or assenting to the paving or improving of the same, it shall and may be lawful for the said common council to cause a tax sufficient for the purpose aforesaid to be assessed, levied and collected of and from the owners or occupants of all the houses and lots adjoining and fronting on said street or streets, or side-walk, or section of said street or streets so intended to be paved or improved, in proportion to the number of feet in front which they shall respectively own or possess on said street or streets, or side-walk, or section of said street or streets, so intended to be paved or improved; and of the owners or occupants of corner lots, in addition to the above ratio, in proportion to one-half of the number of feet in width of the street intersecting at their corner of the said street or section of a street so to be paved or improved, or the whole width of the side-walk so intersecting, if such improvement be the making a side-walk. Provided, always, that to authorize said common council to levy or collect such tax, it shall be necessary that the owner or owners of at least one-half of the land fronting on such street or streets, or side-walks, or section of said street or streets so intended to be paved or improved, be present at such meeting and by his or their agent or agents, by him or them

Paving of
streets.

assenting to such paving or improving, either in person or by his or their agent or agents, by him or them authorized in writing for that purpose. And provided also, that if, upon the completion of any such paving or improving as aforesaid, it shall appear to the common council that a greater sum of money hath been bona fide expended for the same than the sum assessed, levied and collected as aforesaid, it shall then be lawful for the said common council to cause a further assessment, equal to the excess, to be made and collected in the manner aforesaid; and further, in case the sum actually expended shall be less than the sum so assessed and collected as aforesaid, the surplus shall be forthwith returned to the persons from whom the same was collected or their legal representative.

Assessment,
how col-
lected.

§ 8. The said council shall deliver said assessment to the superintendent of streets, with a warrant thereto attached under the corporate seal and attested by the mayor, directing the collection of said tax in the manner prescribed by this act for the collection of city taxes; and all the provisions of this act, respecting taxes and their collection, shall apply to the said assessments in the same manner as to the general highway tax of the said city, except as hereinafter specifically stated; the same proceedings shall be had to enforce the collection of said tax, the warrant and assessment shall in like manner be returned, and the money paid to the city chamberlain. If the said superintendent shall return said assessment and warrant, and certify on oath that he has not been able to collect such assessment from any of the persons therein named, and that such person or persons have no goods or chattels whereof such assessment could be made, the common council shall proceed to sell the real estate of said person, situated in such street, for the improvement of which such assessment was made, or any other real estate owned by such person or persons in said city, at the time of this filing of the assessment aforesaid. Such sale shall be conducted in all respects in the same manner, and shall have the same effect as sales of real estate made according to this act for general city taxes, imposed in pursuance thereof.

Lien of
assessments.

§ 9. Every tax or assessment imposed for a local improvement of a street or side-walk or part thereof, or for any other object in pursuance of this title, shall be a lien upon all real estate owned by the person or persons against whom it shall be assessed, from the time of the filing of such

assessment roll by the chamberlain, and for two years thereafter.

§ 10. The words paving and improving a street, and paved or improved, wherein the same are used in this act, shall apply both to the paving, grading or otherwise improving the centre or carriage ways of said street in such manner as said council may determine, and also to the making, flagging, or otherwise finishing and improving the side-walk or side-walks along any street or portion of a street, and to the making of gutters and drains, and the setting of curb and gutter stones.

Paving and improving.

§ 11. The acts by this title required to be done and performed by the common council or the superintendent of streets or any other officer, in relation to highways during the month of March, or on or before the first of April, shall be done and performed in the year 1854, as soon after the Monday succeeding the first Tuesday in April as may be.

TITLE VII.

OF THE POLICE DEPARTMENT.

§ 1. The recorder of the said city shall (except in case of his absence from the city, or inability, from sickness or other cause, to act) have sole and exclusive jurisdiction in said city to issue all criminal process, and all such process as are required to be issued by justices of the peace of the several towns of this state, to hear all complaints and to conduct all examinations in criminal cases, hold courts of special sessions, and with the power and jurisdiction of such courts be regulated by statute to do and perform all the duties of such courts, and to conduct and try all matters of a criminal nature, which may by law be done or tried by a justice of the peace, or by two justices of the peace.

Recorder, his jurisdiction.

§ 2. The common council of said city shall provide a suitable office in said city for said recorder, whose duty it shall be to attend at such office at all reasonable hours, and to hear all matters within his jurisdiction.

His office.

§ 3. In case of sickness, absence from the city, disability or inability to act, of the said recorder, his powers and duties are hereby conferred and imposed upon either of the several justices of the peace of the said city. And in case any warrant issued by the said recorder shall be returned during his absence from the said city, or sickness,

Who to act in his absence.

any further proceedings of such warrant may be had before any justice of the peace of said city; and a justice of the peace having once obtained jurisdiction over any matter under this section, may retain it, and proceed to the determination of it, and shall be entitled to receive for his services the same fees that justices of the peace are by law entitled to receive, to be audited, allowed and paid in the same way. In signing process, he shall add to his official title, "acting as recorder."

Fees, how disposed of.

§ 4. The said recorder shall not be entitled to receive, for his own benefit, any fees for services performed under this act; but he shall demand and receive, before issuing any process or taking any recognizance, the fees provided by law, and all fees and charges which may be legally payable whenever any suit or proceeding pending before him shall be settled or dismissed, by consent, including constables' fees. All such costs and fees, and all fines imposed and collected by said recorder, shall be paid to the chamberlain once in every month. The recorder shall keep an account of all such fees and fines, and of all the criminal business done by him, in two separate parts, one of which shall consist of such items as are town charges, and the other of such as are county charges, and in lieu of fees he shall receive an annual salary of five hundred dollars per annum, and be entitled to the use and occupation of a suitable room, to be furnished by the common council, as provided in section second, which salary shall not be altered during his term of office, and shall be paid and allowed by the board of supervisors of the county of Dutchess, on presentation of his account as aforesaid, duly verified; and said salary shall be apportioned by said board of supervisors, from and according to the account of fees and services, as town and county expenses; so much of said salary as shall be properly chargeable to the county shall be paid by the county, and the balance of said salary shall be paid by said city of Poughkeepsie, and the said salary shall be raised and paid by the said board of supervisors, as town and county charges are allowed and paid and as herein provided.

Summary powers.

§ 5. The recorder of the city may hear, in a summary way, any complaint for any violation of the laws of the state, or the ordinances of the corporation, against any person to whom a license of any description may have been granted in pursuance of this act, and may compel the attendance of witnesses on the hearing of such complaint, in the same manner as justices of the peace in the trial of

civil causes, and on such hearing may annul such license, or suspend the same for any certain time. Every determination on such complaint shall be forthwith filed with the chamberlain of the city, who shall serve a certified copy thereof on the person holding the licence affected by such determination, either personally or by leaving the same at his or her usual place of abode or business; and from the time of such service, such license shall be deemed to be annulled or suspended, according to the tenor of such determination, until the same shall be reversed by the common council. At least twenty-four hours' notice of the time and place of hearing such complaint shall be served on the person complained of, and such person may appeal from the determination of the recorder within forty-eight hours after the same shall have been made to the common council, who shall have power to reverse or affirm the same, but such appeal shall not suspend, or in any manner affect such determination, until the decision of the common council thereon.

§ 6. The common council of said city shall annually, at their first meeting after the annual election of city officers, appoint from among the constables elected or appointed two of their number, who shall act as police officers of said city, and who shall have sole and exclusive power of serving all process issued by the recorder or acting recorder of said city, and of performing all business of a criminal nature that constables or police officers are by law required to perform. But nothing herein contained shall be construed to prevent the recorder or acting recorder from appointing any person, in case of the absence, continued detention, or inability to act of both said constables acting as police officers, to serve any process issued by said recorder. Such appointment must be in writing, and must specify or refer to the particular process to be served.

Police
officers.

§ 7. It shall be the duty of such constables acting as police officers to attend at the office of the recorder, in said city, at all reasonable hours, and remain at or in the vicinity of the office of such recorder during the day time, when not necessarily absent in the execution of their official duties, or detained away by sickness or other unavoidable cause, and to serve all process of every kind issued by the recorder of said city, or issued by any justice of the peace acting as such recorder.

Their duties.

§ 8. The said constables acting as such police officers shall not be entitled to receive, for their own use, any fees

Their pay.

for services performed by them of a criminal nature, issued by the recorder or any justice of the peace acting as recorder under this act; but each one shall receive the annual compensation of three hundred and fifty dollars, and, in addition thereto, the usual mileage in all cases of felonies in which he shall have traveled more than two miles to perform the services. Each one of said officers shall keep a book in which shall be entered all business done by him, and shall make out his account of all such business, in cases of felonies, against the county of Dutchess, duly verified by him, which shall be audited, and shall annually, at the time of the presentation of claims against the county, make out an account of all charges made by him against the county for services rendered in cases of felonies, duly verified, and present the same to the board of supervisors of the county of Dutchess, which board shall audit and levy the same as other county charges, and hand the same over to its chamberlain, as money belonging to the said city. And all fines received by said constables acting as police officers shall be paid over to said chamberlain. The said salary of said constables acting as police officers, and their mileage fees, allowed by this section, shall be audited and paid, as other charges against the said city, out of the contingent fund thereof.

TITLE VIII.

OF THE FIRE LIMITS AND THE PREVENTION AND EXTINGUISHMENT OF FIRES.

Fire limits.

§ 1. The fire limits as now established in the village of Poughkeepsie, and the provision regulating the erection of buildings within such limits, shall remain in force under this act, subject to the power of the common council to alter the same; and hereafter the said common council, for the purpose of guarding against calamities by fire, shall have the power, by ordinance from time to time, to prescribe limits in said city within which wooden buildings shall not be erected or placed without the permission of said common council, and to direct that all or any buildings within the limits prescribed, shall be made or constructed of stone or brick, with partition walls, fire-proof roofs and brick or stone cornices and eave-trough, under such penalties as may be prescribed by the common council, not exceeding one hundred dollars for any one offence, and the

further sum of twenty-five dollars for each and every week any building so prohibited shall be continued.

§ 2. Every building hereafter erected contrary to the foregoing provisions, or to any ordinance made in pursuance of the foregoing section, is hereby declared to be a common nuisance, and may be abated and removed, as such, by the direction of the common council of said city. But the common council shall have the power, in their discretion, on an application to them for that purpose, to authorize the owner of any building constructed of wood, within said fire limits, to make additions and repairs thereto of wood, provided such additions shall not be of sufficient size to constitute a dwelling-house, work-shop or store, if the main buildings should be removed, or exceed in front twelve feet in width.

Certain buildings to be deemed nuisances.

§ 3. The common council of said city is hereby vested with all the powers and subject to all the duties of the trustees of the village of Poughkeepsie, in the act entitled "An act to prevent fires in the village of Poughkeepsie," passed July 8th, 1851. And the recorder of said city is vested with all the powers and subject to all the duties of the police justice vested in said act, which is hereby continued in full force.

General powers.

§ 4. The common council shall have power by ordinance to regulate the construction of chimneys, so as to admit chimney sweeps, and to compel the sweeping and cleaning of chimneys, flues, stove pipes and other conductors of smoke, and to prevent chimney sweeps from sweeping unless licensed as they shall direct; to prevent a dangerous construction or condition of chimneys, fire places, hearth stones, stove pipes, ovens, boilers and apparatus used in any building or manufactory, and to cause the same to be removed, or placed in a safe and secure condition when considered dangerous; to prevent the deposit of ashes in unsafe places; to regulate and prevent the carrying on of manufactories dangerous in causing or promoting fires; and to regulate, prevent the use of fire-works and fire-arms within the city limits; to compel the owners and occupants of houses and other buildings to have scuttles in roofs, and stairs and ladders leading to the same; to authorize the mayor, aldermen, fire wardens, or other officers of said city to keep away from the vicinity of any fire all idle and suspicious persons; to compel all officers of said city, and other persons, to aid in the extinguishment of fires and in the preservation of property exposed to danger thereat, and

Special powers.

generally to establish such regulations for the prevention or extinguishment of fires as they may deem expedient.

Fire wardens.

§ 5. The mayor and aldermen shall be fire wardens, and shall possess all the powers of fire wardens under this act.

Their powers.

§ 6. The fire wardens shall have power at all reasonable times, and shall be their duty, to enter into and examine all the dwelling-houses, outhouses, lots and yards in their respective wards, in the day time; to inspect all places therein where fires are used, to ascertain how ashes are kept; to direct obedience to all ordinances of the common council relating to the prevention of fire, and to report to the common council all infractions thereof, that are not forthwith amended.

Fire engines and apparatus.

§ 7. The common council shall procure fire engines and other apparatus used for the extinguishment of fires, and provide fit and secure engine houses and other places for keeping and preserving the same, whenever authorized by a vote of the inhabitants of said city, as prescribed by this act, or whenever there is any unappropriated funds belonging to said city, and shall have the charge and control of the same; and shall have power to organize fire, hook and ladder, hose and axe companies, to prescribe powers and duties of the chief engineer and the two assistants, and to appoint a competent number of able and reputable inhabitants of said city firemen, to take the care and management of the engines and other apparatus and implements used or provided for the extinguishment of fires; to prescribe the duties of firemen, and to make rules and regulation for their government, and to impose such reasonable fines and forfeitures upon said firemen for a violation of the same as the said council may deem proper, and for incapacity, neglect of duty or misconduct, to remove them and appoint others in their places.

Firemen exempt from certain duties.

§ 8. The engineers of the fire department, fire wardens, and all firemen, hook and ladder, hose and axe men of the city, shall be exempt from serving on juries in all cases, and from serving in the militia except in case of war, invasion or insurrection, and from the highway poll tax. The name of each person appointed to any of the said offices or posts shall be registered with the chamberlain of the city; and the evidence to entitle him to any exemption provided in this section shall be the certificate of the chamberlain, made within the year in which that exemption is claimed.

§ 9. The present firemen of the village of Poughkeepsie shall be firemen of the said city, subject to be removed by the common council in like manner as other firemen of said city.

§ 10. Every fireman who shall have faithfully served as such, in said city, including as well any period before as after the passage of this act, five consecutive years, shall be thereafter exempt from serving on juries in all courts, or in the militia, except in case of war, invasion or insurrection, and the evidence to entitle such person to the exemption, as provided in this section, shall be a certificate under the corporate seal, signed by the mayor and chamberlain.

Exempt
firemen.

TITE IX.

THE LAMP DISTRICT.

§ 1. The present lamp districts of the said village of Poughkeepsie are hereby made and constituted lamp districts of said city, under the control and management of the common council, and the costs and expenses of maintaining and keeping in repair the lamps, lamp posts and fixtures, and the expense of lighting and of gas, shall be borne by such districts respectively, which expense shall be assessed and apportioned by said common council as a tax against the real and personal estate in such districts, to be ascertained and fixed by the last assessment roll of said city, and shall be levied and collected with and at the time of the city tax, against such owner or owners of such real and personal estate.

Lamp dis-
tricts.

Lamp tax.

§ 2. Whenever the common council of said city shall deem it expedient and necessary to establish other lamp districts in said city, they shall call a meeting of the owners of the real estate fronting on the streets and sections of streets within such proposed district, at some convenient place, by causing a notice of and stating the object of such meeting to be published at least two weeks successively in one of the public newspapers printed in said city, and a copy of such notice to be posted in three public places in said city at least six days previous to such meeting; and whenever the owners of more than one-half in value of the real estate fronting on the streets, and sections of streets aforesaid, shall, at such meeting, by themselves or their agents, duly authorized in writing, vote for or assent to the lighting of the streets in such districts, under this act, then

New dis-
tricts, how
made.

the said common council shall thereby be authorized and directed to cause lamp posts and lamps, with suitable fixtures, to be placed at proper distances within such district or districts, and to cause the same to be lighted with gas or any other article, during the night, or such portion thereof as they may deem best.

Cost of
lamps and
fixtures.

§ 3. The cost and expense of purchasing, erecting and fitting up such lamp posts, lamps and fixtures shall be assessed and apportioned by said common council as a tax among the respective owners of the several parcels of real estate, according to the value thereof, as ascertained and fixed by the last assessment roll of said city, and shall be levied and collected with and at the time of the general city tax, against such owners on account of the respective parcels aforesaid; and the further costs and expenses of lighting said streets, and of making the necessary alteration and repairs of said posts, lamps and fixtures, shall be borne assessed and apportioned against the real and personal estate in such district, in the same manner as is above provided, and shall in the same manner as above provided be added, levied and collected, with and at the time of the general tax of said city, against the owners of such real and personal estate respectively.

§ 4. The said common council may from time to time make any addition to said lamp district or districts they may deem proper, and may in like manner as is provided in the second section become authorized and directed to cause lamp posts and lamps and suitable fixtures to be placed at proper distances within such additions, and the cost and expenses thereof shall be borne, assessed and apportioned among the respective owners of the several parcels of real estate fronting on the streets and sections of streets within such addition, and shall be levied and collected from such owners of said parcels in the same manner as is provided in the last section, and in every other respect every such addition shall be deemed a part of the original lamp district, and be subject to all the provisions hereinbefore made in relation thereto, in the same manner as if it had been originally included in the lamp district.

TITLE X.

OF SCHOOLS AND THE BOARD OF EDUCATION.

Commissioners.

§ 1. There shall be elected in said city at every annual election four commissioners of schools, who shall hold their

office for three years. At the first election to be held under this act twelve commissioners shall be chosen; and at the first meeting of the board of education, hereby constituted, after such election the said commissioners shall draw lots for their terms of office, so that four shall draw to hold for one, four for two, and four for three years, and their respective terms of office shall expire accordingly.

Vacancies.

§ 2. In case of vacancy in the office of any such commissioners, or in case no person shall be elected thereto by reason of two or more persons having an equal number of votes, the common council shall appoint an inhabitant of the city to fill the same, and the person appointed shall hold his office until the next election of commissioners of common schools.

Annual meetings.

§ 3. The said commissioners shall meet on the Tuesday next after the annual election and organize as a board of education; they shall elect one of their number to be president, who shall possess the powers and discharge the duties of a town superintendent of schools, so far as the same may be necessary, and not inconsistent with this act; they may employ a clerk at a reasonable compensation, and a librarian to have the charge of the public library, who shall be paid a reasonable salary out of the school funds of the city. They shall have the charge and control of the public schools in the city of Poughkeepsie, and shall exercise the powers and discharge the duties, in respect to said schools, both of trustees of school district and of town superintendent under the statutes of this state; they shall also have charge and control of the district school library, which shall be hereafter known as the city library of Poughkeepsie, and may make all necessary and proper regulations concerning the same; and they may appropriate for the benefit of said library, out of the moneys annually raised in said city by the school tax, an amount not exceeding one hundred and fifty dollars in addition to the library money received from the state.

Annual report.

§ 4. It shall be the duty of the board of education to make to the common council of the city of Poughkeepsie an annual report, on or before the first Tuesday in February of each year, setting forth the number and condition of each school under their charge, a detail of all the expenses and liabilities incurred, with all disbursements made by them during the past year, and all other particulars relating to the schools. In their annual report, the said board of education shall determine and certify the amount of money

which, when added to the money annually apportioned to the said corporation out of the funds belonging to the state, will in their judgment be necessary to support all the schools under their superintendence for the then current year. The said amount shall in no case exceed three times the amount which shall have been apportioned out of the funds belonging to the state, as aforesaid, for the year next preceding. The said council shall cause said report of the board of education, with a statement of the city chamberlain, showing the amount received by him during the same year for the support of schools from all sources and the disbursement or expenditure thereof, to be published once in every newspaper printed in said city.

School tax.

§ 5. If such amount so certified shall not exceed \$4,000, the council of said city shall have power to levy and collect the same, or any less amount which they may deem proper, at the same time and in the same manner as other general city taxes are levied and raised; and a separate column shall be provided in the general tax roll of said city, in which shall be inserted the amount of tax assessed for the support of schools.

When more than \$4,000 needed, the question to be submitted to people.

§ 6. If the said board of education shall at any time recommend the raising of more than four thousand dollars, in any year for the support of schools, the said council shall submit the question—whether the excess above four thousand dollars shall be raised—to the electors of said city, being tax payers entitled to vote at special tax elections, according to the provisions of this act, at an election to be held in the manner in which special taxes are directed to be submitted to said electors according to the provisions of the act. If a majority of the votes cast at such special election shall be given in favor of raising the amount recommended by the board of education, the same shall be levied and collected in the manner prescribed by this act for school taxes. If a majority of such votes shall be given against raising such amount, the said council shall proceed to raise such amount as they shall deem necessary, but not exceeding four thousand dollars, in the manner provided in this act for the support of schools.

Additional school-house.

§ 7. If the said board of education shall deem the purchase or erection of an additional school-house proper or necessary, they may recommend the same in their annual report, stating the location they propose, the cost of a lot, and a plan and estimate for a building. The council shall thereupon submit the question of the purchase or erection

of such school-house to the electors, being tax payers entitled to vote special taxes under this act, at an election to be held in the manner provided by this act in voting special taxes. The said electors shall vote by ballots, on which shall be written or printed, For a school-house and Against a school-house; if a majority of the votes at such election shall be cast for a school-house, and not otherwise, it shall be the duty of the common council to purchase a lot and building or to purchase a lot and erect a school in such location as they may deem best; the cost of building and furnishing such school-house shall in no case exceed three thousand dollars, and the expense thereof may be defrayed by a general tax, which shall be levied and collected in the same manner with other school taxes, or by a loan on the credit of the city, which the mayor and council shall have power to pledge for that purpose, in the same manner as is by this act provided in relation to loans by said city, as the said council shall deem best.

§ 8. The chamberlain of the city of Poughkeepsie is hereby designated as the person to receive all public money which said city or the schools therein are or shall be entitled to receive from the state. All moneys levied and raised for the support of common schools, in said city, shall be paid to said chamberlain, and he shall pay out all the said moneys which shall so be in his hands for the support of schools, upon the resolutions of the board of education, certified by the clerk, or upon drafts or orders of said board, made in pursuance of such resolutions, and referring thereto, signed by the presiding officer of said board and countersigned by the clerk thereof, and not otherwise.

School money to be paid to chamberlain.

§ 9. The board of education shall cause an enumeration of all the children within said city, between the ages of four and twenty-one years of age, to be made annually by or before the first day of July in every year, and the president of said board shall report the number of such children at the time and in the manner required by law of town superintendents of schools. For the purpose of the distribution of any moneys now or hereafter appropriated by the state for the support of common schools, in which the city of Poughkeepsie or the schools therein shall be entitled to share, every seventy-five children between the ages aforesaid, so ascertained and reported to have been within said city at the date of such annual report next preceding such distribution, shall be deemed and taken to be a school district, and the number of districts in said city shall be cal-

Census of children.

culated and stated accordingly in the reports made by the board of education, and by the president thereof acting as town superintendent.

Colored school.

§ 10. The said board may establish, and cause to be kept, a separate school for the instruction of colored children.

Board to serve gratuitously

§ 11. The services of the board of education designated by this act shall be gratuitous, except that the president shall receive ten dollars for making the report and performing such other duties as are by this act directed to be performed by him as a town superintendent of schools. Any person elected a member of this board who shall refuse to qualify and serve or to perform the duties of his office, shall forfeit and pay ten dollars, to be recovered in a proper action, to be brought for the same by the city, and the money to be applied to the benefit of the city library under the direction of the board of education.

Resignations.

§ 12. If any person elected a commissioner of schools shall resign his office after having duly qualified, such resignation shall not be accepted by the common council, to whom all such resignations shall be made, unless the person desiring to resign shall pay to the city chamberlain the sum of ten dollars, which shall be applied for the benefit of the city library by the board of education.

Library books.

§ 13. The said board may make regulations respecting the use, and imposing fines or penalties for or abuse of books belonging to the city library; and any person incurring any such fine or penalty shall be liable to an action for the same by the city, and the amount received shall be applied as aforesaid to the use of the library.

School property.

§ 14. The title to all property, real or personal, now held by the board of education of the village of Poughkeepsie, is hereby vested in and confirmed to the city of Poughkeepsie hereby incorporated.

TITLE XI.

MISCELLANEOUS PROVISIONS.

Police justice.

§ 1. The police justice, heretofore elected and in office in the town of Poughkeepsie, shall possess the powers and discharge the duties of the office of recorder, as the same is created and defined by this act, until the first day of January next, when the time of office of the recorder elected at the first election under this act shall commence, and the term and office of the said police justice, heretofore elected in the town of Poughkeepsie, shall absolutely cease.

§ 2. The town of Poughkeepsie shall continue to be one of the towns of the county of Dutchess, embracing all the territory included within the present township of Poughkeepsie, excepting that which is included within the limits of the city corporation organized by this act. All officers of said town, who shall be residents of the same as hereby altered, shall continue to hold their offices for the term and in the manner prescribed by law. All officers who shall cease to be residents of the town of Poughkeepsie, in consequence of the alteration of said town hereby, shall be deemed to have vacated their offices from the day when this act shall take effect, as if they had removed from the town, except such justices of the peace heretofore elected in the former town, who shall be residents of said city, who shall respectively continue in office, as hereinbefore provided, as justices of the peace in the said city.

Town of
Poughkeepsie.

§ 3. A town meeting of the town of Poughkeepsie shall be held after the passage of this act, on such day and at such place as the supervisor of the present town of Poughkeepsie shall appoint. The said supervisor shall, immediately after the passage of this act, give notice of the time and place of such town meeting, and of the officers to be elected at the same, by publishing such notice in at least two newspapers printed in the present village of Poughkeepsie, and by posting the same in at least five public places within said town as altered. At such first town meeting, officers shall be chosen according to law to fill all vacancies created by the provisions of this act, and all other proceedings shall be had prescribed by statute, in the organization of new towns. The present supervisor and justices of the peace of the present town of Poughkeepsie shall preside at such town meeting, and the same shall be conducted in all respects as prescribed by statute for town meetings. The officers elected at such town meetings shall hold their offices for the term and in the manner prescribed by law, as if they had been elected at a town meeting, held at the time appointed for holding town meetings in Dutchess county.

Town meet-
ings.

§ 4. The justices of the peace of said town of Poughkeepsie, as altered hereby, shall possess all rights, powers and jurisdiction, in both criminal and civil matters, of justices of the peace in towns, and shall be subject to the provisions of all statutes relative to justices of the peace, their powers, duties, courts and judgments, appeals therefrom, and all proceedings therein.

Town justi-
ces.

Village and
city property

§ 5. All property and rights of property, and all estate, real and personal, vested in or belonging to or held in trust by the trustees of the village of Poughkeepsie at the time this act shall take effect as a law, shall be and are hereby vested in the city of Poughkeepsie, and the said corporation, by its corporate name of the "city of Poughkeepsie," shall succeed to all the rights and liabilities of said corporation under the name of the trustees of the "village of Poughkeepsie," and all such rights and liabilities may be enforced by or against the said city of Poughkeepsie with the same effect and to the same extent as if this act had not been passed; and in all actions pending in any court at the time this act shall take effect, in which the said corporation, the trustees of the village of Poughkeepsie, shall be a party, the court in which such action is pending shall substitute the said city of Poughkeepsie, in the place of the trustees of the village of Poughkeepsie, and the same proceedings shall thereupon be had as if the city of Poughkeepsie had been the original party.

Oaths, before
whom taken.

§ 6. The chairman of any committee or special committee of the common council shall have power to administer any oath or take any affidavit in respect to any matter pending before the common council or such committee; any person who may be required to take any oath or affirmation, or to make any affidavit or statement under oath or affirmation, under or by virtue of any provision of this act, who shall under such oath or affirmation, in any such statement or affidavit, or otherwise, wilfully swear falsely as to any material fact or matter, shall be guilty of perjury.

Freedom
from arrest.

§ 7. 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.

Property ex-
empt from
tax.

§ 8. All property exempt from taxation by chapter thirteen, part first, title first of the Revised Statutes, and all property belonging to the city, shall be exempt from taxation for any purpose.

Double
costs.

§ 9. 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.

Penalty for
neglect to
pay tax.

§ 10. Whenever any person or corporation shall refuse or neglect to pay any tax or assessment, duly assessed, according to any of the provisions of this act, against any

such person or corporation, the same may be collected by action, in the name of the city, against such person or corporation; but such action shall not operate to release any lien upon property, or such tax, until the judgment rendered in such suit shall have been fully satisfied.

§ 11. The present town clerk of the town of Poughkeepsie shall transfer all books, papers and filings in his custody, or belonging to his office, to the chamberlain of the city of Poughkeepsie, in whose office and keeping they shall continue. All books, papers, records and filings of the village of Poughkeepsie, or the trustees thereof, or in the custody of the clerk of said trustees, shall also be transferred to and remain with the said chamberlain of said city.

Town clerk.

§ 12. 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.

Property of joint tenants.

§ 13. The expenses of apprehending, examining, trying and committing offenders against any law of the state, in said city, and of their confinement, properly chargeable against the county of Dutchess, shall be audited, allowed and paid by the supervisors of said county, in the same manner as if such expenses had been incurred in any town of said county of Dutchess.

§ 14. All taxes or appropriations made or voted by the electors of the village of Poughkeepsie for any special purpose before this act shall take effect, and not levied and collected, shall be levied, raised and collected in the same manner that special taxes are directed to be raised hereby, and as if the same had been voted as special taxes at an election held pursuant hereto. All moneys which are by any law directed to be paid to the treasurer of the village of Poughkeepsie, and which shall not have been paid when this act takes effect, shall be paid to the chamberlain of the city hereby created.

Taxes not yet collected.

§ 15. From and after the passage of this act, all acts and parts of acts inconsistent with or repugnant to this act are hereby repealed; but nothing herein contained shall be construed so as to destroy, impair or take away any right or remedy acquired or given by any act hereby repealed, and all proceedings commenced under any such former act shall and may be carried out and completed, and all prosecutions for any offence committed, or penalty or forfeiture incurred, shall be carried on with the same effect as though this act had not been passed.

Repeal.

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

§ 17. The Legislature may at any time repeal or modify this act.

§ 18. This act shall take effect on the Monday next after the second Tuesday in April next, except such parts thereof as by the terms of the same are to take effect or require some act or duty immediately or previous to said Monday, which said parts shall take effect immediately.

Chap. 91.

AN ACT to amend an act entitled "An act to provide for the extension of the Black creek or Crozier swamp, in the county of Ulster," passed June 4th, 1853.

PASSED March 28, 1854, three-fifths being present.

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

§ 1. Section second of an act to amend "An act to provide for the extension of the draining of the Black creek or Crozier swamp, in the county of Ulster," passed June fourth, eighteen hundred and fifty-three, is hereby amended so as to read as follows:

It shall be the duty of said commissioners to extend the Crozier ditch in a southerly direction (commencing at or near the New Paltz turnpike road), to and including the lands of Ezekiel Deyo, Jr., and as far north or northerly, commencing at the north end of said ditch, as shall be necessary to make the draining effectual and complete.

§ 2. It shall be the duty of said commissioners to cause a survey and map of said swamp, along said extension, to be made by a competent engineer, exhibiting the quantity of each and every of the several tracts of land belonging to the different persons interested therein, and to estimate the costs and expenses incident to the cutting of said ditch, and to assess and apportion the amount of said costs and expenses among the several owners of the lands along each end of said extension separately, according to the number