

L A W S
OF THE
STATE OF NEW YORK,

PASSED AT THE
NINETY-THIRD SESSION

OF THE
LEGISLATURE,

BEGUN JANUARY FOURTH, AND ENDED APRIL TWENTY-SIXTH, 1870,
IN THE CITY OF ALBANY.

VOL. I.



ALBANY:
WEED, PARSONS AND COMPANY, PRINTERS.
1870.

Chap. 25.

AN ACT to incorporate the city of Rome.

PASSED February 23, 1870; three-fifths being present.

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

TITLE I.

Boundaries
of town, to
constitute
city of
Rome.

Corporate
powers.

City to
contain
five wards.
First ward.

Second
ward.

SECTION 1. All that part of the county of Oneida, now known as and being the town of Rome, shall be a city known as the city of Rome, 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 Rome, and as such may sue and be sued, complain and defend, in any court, make and use a common seal, and alter it at pleasure; and may receive by gift, grant, devise, bequest or purchase, and hold and convey such real and personal property as the purposes of the corporation may require.

§ 2. The said city shall be divided into five wards respectively, as follows :

First Ward—All that part of said city bounded as follows, viz. : Beginning at a point at the intersection of James and Dominick streets in the village of Rome, running thence along the center of said James street to Embargo street; thence running along the center of Embargo street on the said line produced to Floyd street; thence running along the center of Floyd street and the Floyd road to the line of said city and the town of Floyd; thence running along said line southerly to the center of the Mohawk river; thence running up said river and the center thereof to said Dominick street; thence running along the center of said Dominick street to the place of beginning, shall comprise the first ward; embracing also the house and lot now owned and occupied by the Rev. William Beacham.

Second Ward—All that part of said city bounded as follows, viz. : Lying south of the first ward and east of a line commencing at the intersection of said James and Dominick streets, and running along the center of said James street and the Madison plank road to the intersection of said plank road with the road to Verona village at the Oneida county poor-house, and thence along the

center of said Verona road to the city line, shall comprise the second ward.

Third Ward— All that part of said city described as follows, viz.: Lying westerly of the second ward and southerly of a line commencing at the intersection of said James and Dominick streets, and running along the center of said Dominick street produced along the center of the highway to the junction of the Rome and Taberg, and former Rome and Oswego plank roads; thence running along the center of said last named road to the city line shall comprise the third ward. Third ward.

Fourth Ward— All that part of said city described as follows, viz.: Lying northerly of the third ward and westerly of a line commencing at the center of said Dominick street and George street in the former village of Rome; running thence up the center of said George street to Thomas street in said village; thence running along the center of said Thomas street to the Cemetery road, so called; thence along the line in the center of said Cemetery road produced to the line of said city and the town of Lee near the house of William H. Smith, at Lee line, so called, shall comprise the fourth ward. Fourth ward.

Fifth Ward— All that part of said city described as follows, viz.: Beginning at the intersection of said James and Dominick streets and running in the center of said James street to its intersection with Embargo street; thence along the center of said Embargo street on a line produced to Floyd street; thence running along the center of said Floyd street and the road to Floyd corners to the city line; thence along said line westerly to the center of the Cemetery road, so called, as produced to a point near the house of said William H. Smith, as mentioned in the description of the said fourth ward; thence along the center of said road to said Thomas street; thence along the center of said Thomas street to said George street; thence along the center of George street to the center of said Dominick street, and thence along the center of said Dominick street to the place of beginning, shall comprise the fifth ward. Fifth ward.

TITLE II.

OF THE ELECTION AND APPOINTMENT OF CITY AND WARD OFFICERS.

City
and ward
officers.

Appointive
officers.

Assessors.

Annual
election.

First elec-
tion, how
conducted.

Public no-
tice thereof.

Annual
notice to be
published.

Inspectors
of election,
how chosen.

SECTION 1. The officers of said city shall consist of one mayor, three assessors, one collector, one recorder, four justices of the peace, four constables and six commissioners of schools, to be elected by the city at large; three aldermen and one supervisor, to be elected in each ward; and one chamberlain, one superintendent of streets, one marshal, one overseer of the poor, and such other officers as are hereinafter authorized, who shall be appointed by the mayor and common council; and one chief engineer of the fire department and two assistants shall be elected by said fire department. There shall be three assessors elected in said city at the first election therein, who shall hold their offices respectively one, two and three years, to be determined by lot in the usual manner; and at every subsequent election one assessor shall be elected in said city, who shall hold his office for three years.

§ 2. An election shall be held in each of the wards of said city on the first Tuesday of March in every year. The first election shall be on the first Tuesday of March, eighteen hundred and seventy. The trustees of the village of Rome, for the time being, shall appoint the places of holding such first elections, and shall appoint three inspectors of elections in each ward, residents of said wards, 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, until such election, and by posting written or printed notices thereof in at least two public places in each of the wards herein designated.

§ 3. The like public notice to be published once a week for two weeks, and posted as aforesaid, 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 fifth, eighteen hundred and forty-two, with the amendments and additions

thereto, are hereby declared applicable to said city of Rome, and to the elections to be held under this act, except so far as they may be inconsistent therewith.

General election law applied.

§ 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 election therein, shall apply to said wards and said inspectors.

Wards to constitute election districts.

Power of inspectors therein.

§ 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.

Qualification of voters.

§ 6. The city chamberlain shall give notice in writing of every election to be held under this act, to the inspectors of election of the several election districts in said city, at least three weeks 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 indorsed "City," and shall contain the names of all persons voted for by the electors depositing them for all the offices to be filled at the election.

Chamberlain to give notice to inspectors.

Ballot-boxes.

§ 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; 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 persons elected 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 Rome.

Polls, how long to be open.

Duties of inspectors of election. Canvass and statement.

Statement to be filed.

§ 8. All city officers elected as above provided, except justices of the peace, shall enter upon their respective offices on the Monday next following such election;

When, city officers to enter upon duties.

Annual
cavvass by
common
council.

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 Oneida 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.

Certificate
of result,
how filed.

Certificate
of cavvass,
of first
election.

After the first election to be held under this act the trustees of the village of Rome 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.

Chamber-
lain to no-
tify officers
of election.

§ 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 Oneida 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.

Oaths of
office, how
filed.

Penalty
for neglect.

Term of
justices,
when to
commence.

§ 10. The term of office of the justices of the peace 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.

Oath of office.

§ 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.

When elected.

§ 12. One 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 seventy, and thereafter a justice of the peace shall be elected in said city every year. The present justices of the peace of the town of Rome, shall hold their offices and be justices of the peace of the said city till the expiration of their respective terms. Any vacancy in the office existing at any annual election may be filled at such election for the residue of the term.

Justice of the peace, to be elected annually.

Vacancies, how filled.

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

Term of office of aldermen.

§ 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.

Term of office, of other officers.

Removals.

§ 15. If a vacancy shall happen in any 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.

Vacancies, how filled.

Qualifica-
tion to
office.

§ 16. No property qualification shall be required to hold any office under this act, but every person elected or appointed to any office created 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.

How
vacated.

Common
council,
to appoint
certain
officers.

§ 17. 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 overseer of the poor, two police constables, one superintendent of streets and bridges, one marshal, one city sealer, who shall also have charge of the city hay scales and shall be city weigher, and one fire warden for each ward, 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, a pound master, 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.

Ibid.

Collector
to execute
bond.

§ 18. 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 Rome 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 indorsed thereon. Before any warrant to collect county

taxes shall be delivered to said collector, he shall execute a bond in the penalty with the sureties, and to be conditioned as now 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.

Additional bond to supervisors

§ 19. Both said bonds shall, after their execution and approval, be filed with the clerk of Oneida 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 Rome, 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 to be filed with county clerk.

To be a lien.

§ 20. Such collector and his sureties shall also be liable to the same proceedings, to enforce the payment of money collected in any warrant issued by the supervisors of the county, as are provided by law in respect to town collectors and their sureties.

Liability of collector and sureties.

§ 21. The chamberlain, overseer of the poor, superintendent of streets and bridges, and such other officers as may be required 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 Rome, 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.

Bonds to be executed by chamberlain and others.

§ 22. 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

Constables to execute bond.

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 under the seal of said city, shall be presumptive evidence in all courts of the execution thereof by said constable and his sureties.

Failure to execute bond, vacates office.

§ 23. 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 office.

City officers not to be interested in contracts.

§ 24. 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.

Property, to be delivered to successors in office.

§ 25. 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 every 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.

Common council.

SECTION 1. The mayor, recorder and aldermen of the city shall constitute the common council thereof. The common council shall meet at such 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

Meetings.

common council, the mayor, when present, shall preside, and when he is not present, the recorder or any one of the aldermen may be called to the chair. The mayor shall have power, and it shall be his duty, to suspend, until the next meeting of the board of trustees, the operation of any resolution or ordinance of the said board, by his order to be entered on the journal, with his reasons therefor, when it is in his judgment in violation of law, or appropriates money or involves expenditure improvidently. But if at such next or any subsequent meeting within sixty days thereafter, on a reconsideration of such resolution or ordinance, two-thirds of all the common council elected shall agree to pass the same, it shall take effect as a resolution or ordinance of the city. In all such cases the vote shall be determined by yeas and nays, and the names of the persons voting for and against the passage of the measure shall be entered on the journal.

Presiding officer.

Mayor may suspend ordinances, etc.

Passage thereof, over mayor's objections.

§ 2. In the proceedings of the common council each member present shall have a vote; on equal number of votes the question shall be declared lost.

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.

Sessions to be 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.

Quorum.

§ 5. The common council shall hold stated meetings at least twice in each month; and the mayor, or, in his absence, the recorder or any three aldermen, may call special meetings, by notice in writing served personally upon the other members of the council, or left at their usual place of abode.

Meetings.

§ 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 neg-

Rules of proceeding.

lect of duties or misconduct, and to revoke, or cause to be revoked, any license given under this act.

Accounts and claims against city, how referred.

Committee on auditing accounts.

Auditing of accounts.

Common council, to have management of finances.

To preserve peace and good order.

Suppress gaming houses, etc.

Exhibitions.

Houses of ill fame.

To abate nuisances.

§ 7. 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.

§ 8. 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:

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 common 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.

Expense thereof, how enforced.

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

Gun-powder.

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.

Horse-racing.

Amusements.

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

Bathing.

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

Vagrants, etc.

10. To establish and build by tax in said city and regulate public pounds, station-houses and lock-ups within said city.

Station-houses.

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.

Animals running at large.

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.

Ringling of bells.

Fireworks.

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

Dogs.

Bills of mortality.

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

Supply of water.

15. To contract with any hydraulic company for supply of water for said city, and regulate and keep in repair the reservoirs, hydrants, water-pipes and 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 sale of fish and vegetables within said city.

Fire apparatus.

Sale of fish, etc.

Lighting of streets.

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.

Hawking and peddling.

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

Cabmen, hackney-carriages, etc.

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.

Speed of steam cars in city.

19. To regulate the speed of running of trains of cars in the compactly inhabited portions of said city and for one mile from the depot in said city, and 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.

Runners and stage drivers.

Official bonds.

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 deem it necessary, and suspend him until it is given.

Shade trees.

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

Defacement of fences.

Burial of the dead.

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

Encroachments on streets.

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.

Expense, how enforced.

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.

Obstructions.

25. To give names to streets and numbers to lots and tenements, and to change the same ; to cause said city to be surveyed and permanent boundaries set, in the discretion of said board, and pay the expenses thereof from the city funds ; and this duty shall be performed by the first common council elected under this act.

Names of streets.

Survey thereof.

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

Attorney and counsel.

27. To protect, improve and beautify the public parks in said city, and to determine when and where, in said parks, any public building may be erected.

Public parks.

28. To provide by ordinance for the supplying the city with pure and wholesome water ; to pay therefor with funds raised in the manner and according to section thirteen of title five of this act.

Water.

29. To build a town hall on the public grounds within said city, and to provide for the payment therefor in manner and according to section thirteen of title five of this act, which shall contain all necessary public rooms and offices for said city, including a station-house or lock-up, and also to agree with the board of supervisors of said county of Oneida for the erection, in connection with said city hall, of suitable room or rooms for the surrogate's office for the county of Oneida, and rooms for the accommodation of the supervisors of said county ; and the board of supervisors are hereby authorized to contract with the city of Rome for such accommodations. No money shall be raised to build a town hall except in the manner and according to section thirteen of title five of this act, on submission of the question to the voters of the whole city ; and a special election may be provided for by the common council to vote on said question at any time they may deem best, of which two weeks' notice shall be given in the newspapers in said city.

Town hall.

Supervisors' rooms.

Special election, to vote for town hall.

30. After a vote is taken to raise money for the purposes named in the two preceding subdivisions, the common council may, in their discretion, borrow said moneys and provide for the payment thereof by installments, as they may deem meet, and levy a tax or taxes upon said city to meet said payments as they shall become due.

May borrow money.

Uniform of constables. 31. To prescribe a uniform dress for the constables and marshals of said city, and enforce the wearing thereof by such penalties as they may deem meet.

General powers. 32. To do all such acts and make 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 to be prescribed, for violation of act. § 9. 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 offense, 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, once in each week, in two public newspapers printed and published in said city.

Publication of ordinances.

Actions for penalties, how brought. § 10. 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 Oneida county, or in the penitentiary, if one be established, for a time to be therein designated, 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.

Imprisonment for default.

Appeals.

§ 11. Any judgment rendered in any such action may be removed by appeal by either party to the county court of the county of Oneida, 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.

§ 12. 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.

Entries in book of minutes, to be presumptive evidence. etc.

TITLE IV.

OF THE POWERS AND DUTIES OF THE CITY OFFICERS.

SECTION 1. It shall be the duty of the mayor to take care that, within said city, the laws of the 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.

Mayor: his powers and duties.

May take affidavits, etc.

Temporary president of council.

To receive no pay.

Aldermen: their pow-

§ 2. It shall be the duty of every alderman in said city to attend the regular and special meetings of

ers and
duties.

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.

Supervi-
sors, col-
lector, and
overseer
of poor.

§ 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 Oneida, except as otherwise provided by this act; and the said supervisors shall be members of the board of supervisors of the county of Oneida. The said overseer shall receive for his services a salary not exceeding eight 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, and shall report all cases of temporary relief, and the manner of it, to the common council at the end of every month, and in the performance of his duties shall be under the control of the common council, and shall afford no further temporary relief in cases reported as above without direction as to manner and amount of the common council, and shall give such surety, by bond or otherwise, for the performance of his duties as the common council shall prescribe. The expenses for the poor, including the salary of the overseer, as audited by the common council, shall be levied by the board of supervisors upon the city as hitherto upon the town of Rome. The supervisors shall receive the compensation allowed by law in the same manner as other supervisors of towns.

Salary of
overseer.

His duties.

Poor
expenses,
how paid.

Pay of
supervisors

Return of
jurors.

§ 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

Fence
viewers.

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.

Division fences or walls.

§ 5. The assessors elected in the city of Rome, 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 Oneida county as by the common council of the city of Rome. Each assessor shall receive for compensation for all services to be rendered under this act or by virtue of any statute the sum of one hundred and fifty 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 sections 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.

Assessors.

Compensation.

Notices of meetings to review assessments.

Roll, how filed.

§ 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

Common council may correct assessment roll.

Clerical errors to be corrected.

Delivery of copy to supervisors.

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 Oneida 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.

Chamberlain.

To act as town clerk.

To be city treasurer.

Moneys, how drawn.

Annual financial statement.

Salary.

Marshal.

§ 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 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 three 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.

§ 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, and, under the direction of the mayor, shall have the charge of the station-house or lock-up belonging to said city. He shall receive no fees for any services, but shall be allowed a compensation to be fixed by the council.

Compensation.

§ 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.

Sealer of weights and measures.

§ 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.

Collector.

§ 11. It shall be the duty of the superintendent of streets and bridges 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 laborers, 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.

Superintendent of streets and bridges.

Compensation.

§ 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.

Fire department.

Justices of
the peace.

Laws
applicable.

Appeals.

§ 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. Appeals from any judgment, rendered by any such justice, may be taken to the county courts of Oneida 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.

TITLE V.

OF THE ASSESSMENT AND COLLECTION OF TAXES FOR CITY PURPOSES.

Tax for
salaries of
officers.

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

Tax for
city debt.

§ 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 any debt which shall be incurred or contracted by the city of Rome, pursuant to the provisions of this act.

Taxes, how
and when
assessed.

§ 3. The tax so directed to be raised and all taxes which may be raised under the provisions of this title shall be assessed upon all the taxable, real and personal property in that portion of the city comprised within the limits of the present village of Rome, according to the valuation of the city assessment roll of the current year, after the same shall have been corrected as hereinbefore provided, and the assessors shall make such assessment roll so as to show a separate assessment and valuation of property within said limits. 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 indorse 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,

Fees of city collector.

Chamberlain, to prepare assessment roll.

Delivery to collector.

Notice to be published.

Fees for collecting.

Powers of collector. 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.

To pay tax moneys to chamberlain.

Warrant may be renewed.

§ 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.

Unpaid taxes, to bear interest.

§ 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.

How recovered.

§ 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.

When to constitute a lien.

Sale of real estate.

Costs and charges.

§ 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 assessments, 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.

Order to be entered before sale.

Proceedings may be stopped.

Conditions of sales.

Certificates of sale.

Effect of failure to redeem.

Purchaser to receive declaration.

Grantee may obtain possession.

Assignment of declaration.

§ 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 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.

§ 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.

When, to be struck off to city.

§ 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 before 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 acquired by such sale shall cease and determine. Any person having a judgment or decree, mortgage or other claim which shall be a lien on the premises at any time after such sale, and 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 farther 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.

Redemption.

Rights of holders of mortgages or judgments.

Receipt for payments.

§ 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 fourth, eighteen hundred and forty, 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 Oneida 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

Act of May 4, 1840, applicable.

Searches by county clerk.

described, and shall be entitled to and receive therefor the fees authorized by law for searches in like cases.

Restriction
as to appro-
priations.

§ 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.

Money for
special
purposes,
how raised.

§ 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 purpose which, in their opinion, cannot be paid from the said sum of five thousand dollars, in the first 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 residing within that portion of the city comprised within the limits of the present village of Rome 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

Estimate
thereof.

Special
election,
how no-
tified.

Inspectors
of election.

resident of said city, residing within the limits aforesaid, of the age of twenty-one years, whose name shall be on the 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 of 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 citizen of the United States and a resident of the city of Rome, 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, on property within the limits 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 election, 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

Who, may
vote
thereat.

Duty of
inspectors.
of election.

Form of
ballots.

Challenge.

Oath.

False
swearing,
how
punished.

Canvass
of votes.

Certificate
of result.

Duty of
common
council,
upon
favorable
vote.

Expendi-
ture of
moneys, for
special
object.

Money
may be
borrowed in
anticipa-
tion of tax.

inspectors shall canvass 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 five thousand dollars and all other taxes, in and by the next assessment roll, or in and by successive equal annual installments thereafter, and in the same manner and with the same power and authority as is herein described and conferred, in reference to said five 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 installments, if the loan shall be made for more than one year, which installments 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.

Special tax moneys, to be kept separate.

§ 14. The 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 obligation 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.

Borrowing on credit of city, prohibited.

Creation of debts prohibited.

Civil year.

TITLE VI.

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

SECTION 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 crosswalks, and to regulate, repair, amend, discontinue, alter, clean, and to prevent the incumbering of the streets, alleys, highways, bridges, side and crosswalks, drains, sewers, wharves, piers and docks in said city; to compel every person to clean the snow, ice and dirt from off the sidewalks and water ways, and to sweep and clean the sidewalks, water ways and street in front of the premises owned or occupied, in whole or in part, by such person, and to keep such sidewalk in good repair; and to direct the removal of dirt from the streets.

Common council to have powers of commissioners of highways. General powers, relative to highways, streets, etc.

Roads,
alleys, &c.,
to be
recorded.

§ 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.

Annual
highway
tax.

§ 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 five thousand 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 that portion of said city comprised within the limits of the present village of Rome. And the council of said city shall have power to levy and collect the same, at the same time and in the same manner as other general city taxes are levied and raised, and as provided in title five of this act.

Poll tax.

§ 4. 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, if their names are upon the assessment roll of said city, shall 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 for highway purposes. It shall be the duty of the street superintendent, during the month of March in each year, or at such other time as the council may require, 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 enumerated in such list as liable to labor upon the highways in the city, to pay 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 the collector, or at any time thereafter. The said collector shall possess all the power, and be vested with all the authority, in relation to per-

Collection
thereof.

sons 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 collector, 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, and the moneys realized under this section shall belong to the highway fund within or without the limits of the present village of Rome, according to the residence of the persons paying the same.

Fund, how applied.

§ 5. The amount of said highway tax so collected shall be paid to the city chamberlain as the same shall be collected, and shall be kept by said chamberlain as a separate fund, to the credit of the highways 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.

Highway tax, payable to chamberlain.

§ 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 portion of the city comprised within the limits of the present village of Rome. The pay or salary of the city superintendent, and of the 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.

Disbursement of highway fund.

§ 7. The tax for highway purposes in the portion of said city without the limits of the present village of Rome shall be a money tax instead of payable in labor, and on the basis of seventy-five cents in lieu of a day's labor, and the amount thereof shall be the same as the highway labor tax in the same territory for the year eighteen hundred and sixty-nine, as near as can be reasonably determined, and the common council shall determine the amount and apportion and assess the same, and cause it to be levied and collected in each year in the same manner as taxes are authorized to be levied and

Money tax, for highway labor.

Rate per day.

How
applied.

collected in title five of this act. The moneys so realized shall be a separate fund for repairing the highways within the limits in this section specified, and shall be kept and disbursed in the manner provided in sections five and six of this title.

Bridges.

§ 8. The common council shall determine what amount shall be raised in each year, not exceeding three thousand dollars, for the support of bridges in said city, and the same shall be levied by the board of supervisors of Oneida county upon all the property of said city, in the same manner that moneys for highways and bridges are levied upon towns, and when collected shall be paid to the chamberlain and kept as a separate fund for the support of the bridges of the city, and disbursed in the manner provided in sections five and six of this title.

Powers of
common
council,
relative to
streets, etc.

§ 9. 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 sidewalks 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 sidewalks, or section of said street or streets intended to be paved or otherwise improved, at some convenient place in said city, by causing a notice, in which shall be expressed the object of said meeting, to be published four weeks successively in two public newspapers 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 sidewalk, 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, or within ten days after such meeting giving such assent in writing, 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 sidewalk, or section of

Publica-
tion of
notice for
meeting of
owners of
adjacent
lands.

Assent of
land own-
ers, how
given.

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 sidewalk, 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 said street or section of a street so to be paved or improved, or the whole width of the sidewalk so intersecting, if such improvement be the making of a sidewalk. 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 sidewalks, or section of said street or streets so intended to be paved or improved, assent 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 also that the owners or occupants shall have been allowed at least twenty days to do such paving or improving themselves under the direction and according to the plans and specifications of the common council, from the day of the first publication in two of the city newspapers of an ordinance requiring such paving or improving, and the same or some part thereof shall not have been done—and in such case the tax and the proceedings thereon shall be only in respect to so much of said street as shall not have been paved or improved by the owners or occupants. And provided also, that if, upon the completion of any such paving or improvement 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.

Assent
of one-half
of owners
requisite.

Assess-
ments,
for excess
of cost.

§ 10. 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 man-

Assess-
ment, how
collected.

ner 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 the 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.

Sale of
lands
therefor.

How
conducted.

Tax for
local im-
provements
to be a lien.

§ 11. Every tax or assessment imposed for a local improvement of a street or sidewalk, 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 filing of such assessment roll by the chamberlain, and for two years thereafter.

"Paving
and improv-
ing" streets

§ 12. The words "paving and improving a street," and "paved and improved," whenever the same are used in this act, shall apply both to the paving, grading or otherwise improving the center 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 sidewalk or sidewalks along any street or portion of a street, and to the making of gutters and drains, and the setting of curb and gutter stones.

Work, etc.,
to be let to
lowest
bidder.

§ 13. All work authorized by the sixth section of this title, so far as practicable, and all new bridges erected over the rivers and streams of the city, and all work whatever authorized by the ninth section of this title, shall be done by contract let to the lowest bidder for the same, after proper specifications have been previously made, and after the same has been advertised for at

least two weeks in two newspapers in said city, and by posting a copy of such advertisement at least six days before the letting in six public places in said city. And the common council is required so to advertise and let such work, and to require security from the contractor for due performance thereof, to be approved by the mayor.

Work to be advertised.

TITLE VII.

OF THE POLICE DEPARTMENT.

SECTION 1. The recorder of 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 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 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, powers and duties.

§ 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.

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 said city, or sickness, 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 manner. In signing process, he shall add to his official title, "acting as recorder."

When justices of peace, may perform duties.

§ 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

Fees as acting recorder.

Recorder to retain no fees.

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, to be fixed by the common council, not to exceed eight 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 audited and paid by the city out of the contingent fund; and all such costs, fees and fines paid to the chamberlain shall belong to said contingent fund; and on presentation of his account as aforesaid, duly verified, said salary shall be apportioned by the board of supervisors of Oneida county 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 raised and paid by the said board of supervisors, as county charges are allowed and paid, and handed over to the chamberlain of said city, and shall belong to the contingent fund thereof.

Disposition of fines and fees.

His salary.

How chargeable.

May hear complaints for violation of laws, etc.

Determination as to licenses.

§ 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 license 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.

Appeals.

§ 6. The common council of said city shall annually, at their first meeting after the annual election of city officers, appoint two police constables, 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 criminal business 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 constables.

Powers and jurisdiction.

§ 7. It shall be the duty of such 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.

Duty of police officers.

§ 8. The said police officers shall not be entitled to receive, for their own use, any fees 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 of said officers shall keep a book in which shall be entered all business done by him; he shall make out an account of all such business, and duly verify the same, which shall be audited, and shall

Compensation.

Charges against county.

Fines to be paid over to chamberlain. Salary, how paid.

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 Oneida, 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 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, as provided by title five of this act, and the money received by the chamberlain under this section shall belong to said contingent fund.

TITLE VIII.

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

Fire limits.

SECTION 1. The fire limits, as now established in the village of Rome, and the provision regulating the election 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, brick or other fire-proof material, with fire-proof partition walls, fire-proof roofs, and fire-proof cornices and eave-trough, under such penalties as may be prescribed by the common council, not exceeding one hundred dollars for any one offense, and the further sum of twenty-five dollars for each and every week any building so prohibited shall be continued.

Penalties for violations.

Removal of buildings improperly erected.

§ 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 building should be removed, or exceed in front twelve feet in width.

Power of common council, as to repairs.

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

Chimneys, etc.

Chimney sweeps.

Ovens, boilers, etc.

Fireworks and fire-arms.

Scuttles in roofs.

Regulations at fires.

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

Fire wardens.

§ 5. The fire wardens shall have power at all reasonable times, and it shall be their duty, to enter into and examine all the dwelling-houses, out-houses, 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.

Their duties

Keeping of ashes.

Fire en-
gines to be
procured.

§ 6. 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 ax companies, to prescribe the 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 regulations 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.

Fire com-
panies and
firemen.

Exemp-
tions of
firemen.

§ 7. The engineers of the fire department, fire wardens, and all firemen, hook and ladder, hose and axmen 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.

Registry of
firemen.

Firemen of
village of
Rome, to
continue
in office.

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

Exemption
from jury or
militia duty.

§ 9. 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.

Certificate.

TITLE IX.

THE LAMP DISTRICT.

SECTION 1. The territory forming the village of Rome, before the passage of this act, shall comprise the lamp district of the city of Rome, and shall be 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 district, which expense shall be assessed and apportioned by said common council as a tax against the real and personal estate in such district, 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 district.

Expense thereof, how borne.

§ 2. Whenever the common council of said city shall deem it expedient and necessary to enlarge the lamp district 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 addition, at some convenient place, by causing a notice, stating the object of such meeting, and at the time and place at which it will be held, 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, or within ten days thereafter, in writing, by themselves or their agents, duly authorized in writing, vote for or assent to the lighting of the streets in such proposed addition under this act, then 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 addition to such district, 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.

How enlarged.

Notice of meeting of land owners.

Land owners to assent.

Lamps.

§ 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 within such addition to such district, according to the value thereof, as ascertained and fixed by

Erection of lamps, etc., how assessed.

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.

Addition
to lamp
district.

Expense
thereof,
how borne.

§ 4. The said common council may, from time to time, make any addition to said lamp district 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.

Public
schools.

Board of
education.

Union free
schools.

SECTION 1. The public schools of said city shall comprise all the territory included within said city limits (and all the school property therein), and shall be under the charge and control of six commissioners of schools, who shall be the board of education of the city of Rome, and shall be designated as the "Union free schools of the city of Rome."

§ 2. The union free schools of the village of Rome as now constituted with the territory enlarged, as specified in section one of this title, shall be the union free school of the city of Rome, and sections seven, eight, nine, eleven, twelve, thirteen, eighteen, nineteen, twenty, twenty-one, twenty-three, twenty-four, twenty-five and twenty-six of title nine and all the sections of title ten of

chapter five hundred and fifty-five of the laws of eighteen hundred and sixty-four so far as applicable are hereby declared applicable to said union free school of the city of Rome, and the present board of education shall remain as now and the members thereof hold for their respective terms as now classified and until their successors are elected. On the second Tuesday of October in each year, or if that day should pass without an election, on such subsequent day, and at such place as the board of education shall appoint, an election of members of the board of education shall be held under the direction of three members of said board designated by the board, and by the votes of electors of said city having the qualifications of voters for trustees of school districts. The polls shall be kept open during the hours which the board shall prescribe, and the election be conducted in the usual manner of elections for trustees of school districts, and a certificate of the result thereof shall be made and signed by the members of the board presiding thereat, and filed in the office of the chamberlain. At every such election two members of the board of education shall be chosen for the term of three years from the second Tuesday of October, on which the terms of their predecessors expired, and any vacancy existing in the board at the time of any such election shall be filled thereat by an election for the unexpired term.

Annual election of board.

Election, how conducted.

Terms of office.

§ 3. The board of education shall have power to appoint a superintendent of schools, and to fix and pay his compensation and prescribe his duties, who shall hold his position during the pleasure of the board.

Superintendent of schools.

TITLE XI.

MISCELLANEOUS PROVISIONS.

SECTION 1. All property and rights of property, and all estate, real and personal, vested in, or belonging to, or held in trust by, the town of Rome or the trustees of the village of Rome at the time this act shall take effect as a law, shall be and are hereby vested in the city of Rome, and the said corporation, by its corporate name of the "city of Rome," shall succeed to all the rights and liabilities of said town of Rome and of said corporation under the name of the trustees of the "village of Rome," and all such rights and liabilities may be enforced by or against the said city of Rome; and in all actions pending

Property of town of Rome, vested in city.

Rights and liabilities, how enforced.

Proviso as to pending actions.

in any court at the time this act shall take effect, in which the town of Rome or the said corporation, the trustees of the village of Rome, shall be a party, the court in which such action is pending shall substitute the said city of Rome in the place of said town of Rome or of the trustees of the village of Rome, and the same proceedings shall thereupon be had as if the city of Rome had been the original party.

Who may administer oaths.

§ 2. 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 such statement or affidavit, or otherwise, willfully swear falsely as to any material fact or matter, shall be guilty of perjury.

Exemption from arrest, on election day.

§ 3. 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 exempt from taxation.

§ 4. 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.

Suits against city officers.

§ 5. 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.

Collection of assessments by action.

§ 6. 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.

Books in office of town clerk, to be transferred to chamberlain.

§ 7. The present town clerk of the town of Rome shall transfer all books, papers and filings in his custody, or belonging to his office, to the chamberlain of the city of Rome, in whose office and keeping they shall continue. All books, papers, records and filings of the village of

Rome, 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.

§ 8. 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.

Service of notices upon joint tenants.

§ 9. 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 Oneida, 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 Oneida.

Criminal expenses, how audited.

§ 10. All taxes or appropriations made or voted by the electors of the village of Rome or of the town of Rome 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 Rome or to the town of Rome or any officer thereof, and which shall not have been paid when this act takes effect, shall be paid to the chamberlain of the city hereby created.

Taxes levied before act takes effect, how collected.

Taxes payable to chamberlain.

§ 11. 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 suits and proceedings commenced under any such former act shall and may be continued and completed, and all prosecutions for any offense committed, or penalty or forfeiture incurred, shall be carried on with the same effect as though this act had not been passed.

Repeal.

Proviso, as pending actions, rights, etc.

§ 12. All the provisions of title five of this act, in respect to the assessment and collection of taxes, shall apply as well to taxes to be assessed and collected without the limits of the present village of Rome, or upon the whole city, as to those to be assessed and collected within such limits, and also to taxes for school purposes.

Provisions for collecting taxes, how applicable.

§ 13. No registry law of this State shall be applicable to the first election under this act, and no registry of voters for that election shall be required.

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

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

Act, when
to take
effect.

§ 16. This act shall take effect on the first Tuesday of March 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 Tuesday, which said parts shall take effect immediately.

Chap. 26.

AN ACT to provide for a town hall at Saratoga Springs.

PASSED February 23, 1870; three-fifths being present.

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

Issue of
town bonds
authorized.

SECTION 1. It shall be the duty of the board of town auditors of the town of Saratoga Springs, within thirty days after the passage of this act, to issue bonds on the faith and credit of said town, to an amount not exceeding sixty-five thousand dollars, with coupons attached, bearing semi-annual interest at the rate of not exceeding seven per cent, payable on the first days of August and February in each year; the principal of said bonds to be redeemable in ten equal annual installments, commencing on the first day of February, in the year one thousand eight hundred and eighty.

Sale of
bonds.

§ 2. The supervisor of said town shall negotiate the sale of said bonds at not less than par, and from the first money arising from such sale, he shall pay over to the building commissioners hereinafter named, a sufficient sum for the purchase of a lot situate in the village of Saratoga Springs, and they shall take a good and indefeasible title of said lot, in the name of said town, and cause the same to be recorded, provided said lot can be so purchased for a price not exceeding fifteen thousand

Purchase of
lot in
village.

Limitation
of price of
lot.