

*Chas. D. ...*  
**L A W S**

OF THE

*E. N. Kimball*  
*H*

**State of New-York,**

PASSED AT THE

**FORTY-EIGHTH SESSION**

OF THE

**LEGISLATURE,**

BEGUN AND HELD AT THE CITY OF ALBANY,

*The Fourth day of January, 1825.*



**ALBANY:**

PRINTED BY E. CROSWELL, PRINTER TO THE STATE.

.....  
**1825.**

## CHAP. CXXIV.

## AN ACT to Incorporate the Village of Syracuse.

Passed April 13, 1825.

Bounds of  
the village

*I. Be it enacted by the People of the State of New-York, represented in Senate and Assembly,* That the district of country contained within the following bounds, that is to say, beginning on the north-east bank of the lateral canal, in the centre of Division-street, between the villages of Salina and Syracuse, thence running north-easterly through the centre of said street, till it intersects a street running south-easterly from the village of Salina to the village of Lodi, thence south-easterly along the centre of said street, until it intersects the west line of farm lot number two hundred and forty-two, and thence due south, crossing Foot-street, and passing on the east line of blocks number thirty-four, thirty-eight, and forty-three, in the village plot of Syracuse, and passing the Erie canal, and through farm lot number two hundred and eleven, and the Walton tract to the north-east corner of farm lot number two hundred and five, and thence on the east line of said lot, and of farm lots number two hundred and four, two hundred and three, two hundred and two, and one hundred and eighty-five, to the south line of the town of Salina, and thence westerly along the south line of said town, to the west line of the highway, between farm lots number one hundred and eighty-two and one hundred and eighty three, thence northerly in a direct line to the south-west corner of the lands of the Onondaga salt company; thence along the west and north lines of said company's land, to the north-east corner thereof, and from thence in a direct line to the place of beginning, shall hereafter be known and distinguished by the name of the village of Syracuse; and the freeholders and inhabitants residing within said limits, shall be, and hereby are, ordained, constituted and declared to be from time to time, and forever hereafter, a body politic and corporate, in fact and in name, by the name of the trustees of the village of Syracuse, and by that name they and their successors shall and may have perpetual succession, and be persons in law capable of suing and being sued, pleading and being impleaded, defending and being defended, in all courts and places whatsoever, and in all actions, complaints and causes whatsoever; and they and their successors may have a common seal, and may alter the same at their pleasure; and shall be in law capable of purchasing, holding, receiving and conveying any real or personal estate for the use of said village, provided such real estate be situate within the same; and shall have power to erect any public buildings for the use of said village; to lay out, open and improve the streets and side walks in the same; to purchase and keep in repair one or more fire engines and other apparatus for extinguishing fires; to construct wharves and basins for boats, under the direction and with the consent of the canal commissioners; to construct and maintain proper aqueducts and reservoirs for supplying the inhabitants of said village with water; to make any necessary repairs or improvements in said village; and to raise money by tax to carry into effect the above mentioned powers; to make reasonable compensation to the officers of the corporation, and to defray the inci-

Corporation  
created

General pow  
ers

dental expenses of supporting the several by-laws and regulations of the corporation ; which money shall be assessed upon the inhabitants and property in said village, according to law, by three judicious assessors, who shall be freeholders in said village, and collected by the collector of the corporation, who shall be appointed annually by the trustees of said village, in like manner as the taxes of counties and towns are collected, by virtue of a warrant, to him directed by a majority of said trustees : *Provided*, That no tax shall be levied, or monies raised or assessed for any purpose, and no purchase or sale of any real estate made, and no public building erected or disposed of by the said corporation, without the consent of the freeholders and taxable inhabitants of said village, in open meeting duly warned, first had and expressed by a majority of votes then and there given ; and in case they shall vote to raise any money for the purposes aforesaid, it shall be specified for what purpose such sum, or any part thereof, shall be appropriated, as far as may be convenient ; and the assessors in assessing the same on the inhabitants and property of said village, shall apportion the same in a just and equitable manner, in proportion as near as may be, to the advantages which each shall be deemed to have received by the improvements or purchase to be made with such money when collected : *And provided also*, That the lands comprehended by the bounds of the village, and which are kept as wood lands, meadow lands, pastures, orchards, and in general all such lands as are kept and improved as farming lands, or salt manufacturing grounds, with their appurtenances, (dwelling houses excepted) shall not as long as they are so kept and used, be taxed for the benefit of the village, except in relation to the streets and highways leading through or adjoining the same ; and the said assessors when they shall have completed any such assessment, shall give the like notice of the same which assessors of towns are required to do, and any person considering him or herself aggrieved thereby, may appeal from the said assessors to the trustees of the village, who shall hear such appeal, and do justice in the premises ; and in case either party shall conceive themselves aggrieved by such decision, it shall be lawful for him or them to appeal to the next court of common pleas in and for the county of Onondaga, giving three days notice of such appeal, whose decision shall be final in the premises.

II. *And be it further enacted*, That it shall and may be lawful for the inhabitants of said village, authorised to vote at town meetings, to meet on the first Tuesday of May next, at such time and place in said village as shall be appointed by some justice of the peace of the county of Onondaga, and notified to the inhabitants of said village at least one week previous thereto, by a notice in the newspaper printed in said village, or posted in three public places in the same, and then and there elect five discreet freeholders of said village to be trustees thereof ; three assessors, one clerk, one treasurer, one pound keeper, one overseer of highways for each road district within said village, and two constables for said village, resident within the same ; and such justice shall preside at such meeting, and declare the persons having the greatest number of votes duly elected to the several offices aforesaid, and in like manner on the first Tuesday of May in each year thereafter, there shall be an annual election of the officers of said village above specified, and the trustees for the

time being shall notify the time and place of holding such meetings, and preside at such election, and the several officers aforesaid shall hold their offices until the first Tuesday of May next after their election, and until others are elected in their stead, and have taken their oaths of office required by this act; and in case by any cause whatsoever, such officers, or any of them shall not be chosen on the day herein appointed for the same, the corporation of said village shall not be dissolved, but it shall be lawful for the inhabitants of said village on some other day, to be notified by the trustees for the time being as aforesaid, to elect any or all the officers aforesaid, not before chosen in manner aforesaid.

By-laws

III. *And be it further enacted*, That it shall be lawful for the trustees of said village, or a majority of them and their successors, to make, ordain, constitute and publish such by-laws, rules and regulations, as they from time to time shall deem meet and proper, and such in particular as are relative to the streets, alleys, highways and side-walks of said village, and the wharves and basins in the same; relative to slaughter houses and nuisances generally; relative to firing guns and fireworks in said village; relative to running horses in the same; relative to a village watch, and lighting the streets of said village; relative to restraining geese, swine and cattle of any kind from running at large in the streets; relative to the inspection of weights and measures; relative to the keeping and regulating of hay scales; relative to public markets; relative to taverns, groceries, oyster and victualing houses; relative to a common pound; relative to the aqueducts and reservoirs for supplying the village with water; relative to keeping fire buckets, and assisting to extinguish fires; and generally, relative to every thing whatever, which may concern the public good government of said village: *Provided*, That the same shall not be contrary to, or inconsistent with, the constitution or laws of this state or the United States.

Fines and penalties

IV. *And be it further enacted*, That the said trustees, or a majority of them, shall have power so often as they shall make, ordain and publish any by-laws for the purposes aforesaid, to make, ordain, limit and provide such reasonable fines, penalties and forfeitures, against the offenders of such by-laws, as they may think proper, not exceeding twenty-five dollars for any one offence, to be prosecuted and recovered before any justice of the peace by the trustees of said village, to and for the use of said corporation; and in all cases it shall be deemed sufficient for such trustees, in any action to be brought for any such fines, penalties or forfeitures, to declare generally that the defendant is indebted to the trustees of the village of Syracuse in the amount of such fine, penalty or forfeiture, to be paid to the trustees for the time being when thereunto required, and under such declaration to give the special matter in evidence; and the freeholders and inhabitants of the said village are hereby declared compotent to give testimony in any cause, and the justices of the peace of the county of Onondaga, resident in said village to try any cause, and the freeholders of said village to serve as jurors in any cause wherein said trustees are a party, notwithstanding any remote interest they may have as members of said corporation.

Officers to take an oath

V. *And be it further enacted*, That the said trustees, assessors, treasurer, clerk, overseers of highways, pound keepers, constables and collector, shall, within ten days after each and every election

and appointment, and before they proceed to execute the duties of their respective offices, take and subscribe an oath or affirmation, before any justice of the peace in said county, for the faithful execution of the trust or office to which they may be severally chosen or appointed; and that the treasurer and collector shall, before they enter on the duties of their offices, respectively give such security for the faithful performance of the trust reposed in them, as the majority of the said trustees shall deem sufficient.

VI. *And be it further enacted*, That the trustees, within ten days after their election every year, or a major part of them, shall, and it is made their duty, to choose and appoint some one suitable person of their body to be president of said board of trustees, whose duty it shall be when present, to preside at the meetings of the trustees; to order extraordinary meetings of the trustees whenever he shall think proper; to see that all the by-laws, rules and ordinances of the board of trustees are duly executed and observed; to receive complaints of the breach of any of the by-laws, and to prosecute in the name of the trustees, all offenders against such by-laws; and whose duty it shall be more particularly, to see that the public property belonging to said village be suitably taken care of and kept in order, and do such other acts and things as may be proper for him as president of the board of trustees to do; and in case of the death or disability or refusal to serve of said president, the said trustees shall proceed to choose out of their body a successor, in manner above mentioned; and it is hereby made the duty of said trustees, to keep a record of their doings, especially of the passing of by-laws, rules and regulations, and a just and accurate account of their necessary expenses and disbursements, at all reasonable times open to the examination of the inhabitants of said village, and the treasurer shall pay no monies belonging to said village, without the order of the trustees, signed by a majority of the board; and such trustees and president shall receive such compensation for their services, as shall be granted and allowed by the inhabitants of said village, at their annual meetings, and the said treasurer, clerk, assessor and collector shall be paid such compensation as a majority of the said trustees shall provide by a by-law for that purpose.

President.  
Minutes to be kept

VII. *And be it further enacted*, That the said village of Syracuse be and the same is hereby constituted a road district, subject to be divided by the said trustees, and that the same be exempt from the superintendence of the commissioners of highways of the town of Salina; and the said trustees of the village of Syracuse shall have the same powers over the said road district, and discharge all the duties which by law are given to and enjoined upon the commissioners of highways, and subject to the like restrictions and appeals; and the overseers of highways elected under this act, shall have all the powers and discharge all the duties in their several districts, which by law are given to or enjoined upon other overseers of highways, giving in their lists and being accountable to said trustees in the same manner as other overseers of highways are bound by law to do, to the town clerk and to the commissioners of highways.

Village constituted a road district.

VIII: *And be it further enacted*, That the collector shall, within the time specified in the by-laws of said corporation, next after the receipt of the warrant for the collection of any tax that may have been ordered to be raised, collect and pay over the same to the

Collector's duty

treasurer; and the person in possession of any real property in the village of Syracuse at the time any tax is assessed, shall be liable to pay such tax; and in case such person is not bound by contract or otherwise, to pay such tax or any part thereof, he or she shall and may recover the same from the owner of such real estate or person, whose duty it was to have paid the same; and all taxes on any real estate within said village, shall be a lien thereon, and if the same cannot be collected by the collector within the time provided by the by-laws of the corporation, he shall make return thereof to the trustees of said village; and it shall be lawful for the said trustees to advertise such lands for six months in some newspaper printed in said village, requiring the owner or owners to pay the sums assessed thereon to the treasurer of the corporation; and that in case default shall be made in such payment at a day and place therein to be subscribed, that all such lands will be sold at public auction to the person who will advance the amount of such assessment, with ten per cent. interest thereon, and the cost of such advertisement, for the shortest term of years; and if, at the expiration of such notice, such owner shall neglect or refuse to pay such tax, expense and interest, it shall be lawful for said trustees, or a majority of them, to cause such land to be sold at public auction, for a term of years, for the purposes and in the manner expressed in such advertisement, and to give a certificate of such sale under their corporate seal to the purchaser thereof; and such purchaser, his executors, administrators and assigns, shall by virtue thereof, and of this act, lawfully hold and enjoy the same, for his and their own use, against the owner thereof, and all claiming under him, until the expiration of the term for which such sale was made, and shall be entitled to remove from such land any buildings or materials erected or put on by them after such purchase: *Provided*, He shall have paid the taxes assessed on such lands during the time he shall have held the same under such purchase.

Proviso

Duty of the clerk

IX. *And be it further enacted*, That it shall be the duty of such clerk to keep a faithful record of all the doings and votes of the inhabitants, at their annual and other legal meetings, in a book to be provided by him for that purpose; and in case of a vacancy by death, removal, or refusal to serve, of any trustee, assessor, clerk, treasurer, constable, overseer of highways, or pound keeper, it shall be the duty of the board of trustees, by a warrant under the hands of a majority of them, to appoint some suitable person to fill such vacancy; and the person so appointed shall have like powers, and be subject to the same restrictions, as if elected in the manner aforesaid.

Taverns

X. *And be it further enacted*, That it shall be lawful for the trustees of said village to regulate the number and determine the qualifications of persons to be licensed to keep taverns within the same; and the commissioners of excise of the town of Salina are hereby inhibited from granting any license to any person to keep a tavern within said village, without such person first having had and obtained a certificate from said trustees of his fitness to receive such license; and it shall and may be lawful for said trustees, by writing under the seal of the corporation, to grant license to so many persons as they shall think proper, to keep groceries, victualling houses, oyster houses, or other shops or houses where spirituous liquors are intended to be sold, to be drank in such groceries, victualling houses,

Licenses

oyster houses, or other houses or shops as aforesaid, and to retail spirituous liquors to be drank therein, and to receive for each license such sum as they shall think proper, from five to fifty dollars for each license ; and on granting such license, to require such person to enter into a bond to the trustees of said village in the sum of one hundred dollars, conditioned that such person will not, during the time he shall sell spirituous liquors as aforesaid, keep a disorderly house or shop, or suffer any gaming or raffling or playing with cards or dice, or keep a gaming table within such grocery or shop ; and in case such person shall, during the time for which such license was granted, be convicted of any offence contrary to the condition of such bond, it shall be lawful for said trustees to revoke such license ; and on notice thereof, it shall not be lawful for such person any longer to sell any spirituous liquors in manner aforesaid by virtue of such license.

XI. *And be it further enacted*, That all the rights, property and powers of the trustees of the Syracuse water works, be and are hereby vested in the said corporation, subject to the obligations of the said trustees ; and the several duties enjoined on said trustees in and by the act, entitled " an act to supply the village of Syracuse with wholesome water," passed 27th March, 1821, shall hereafter be exercised by the trustees of said village. Water-works

XII. *And be it further enacted*, That the constables hereafter to be chosen under this act, shall have the same powers, and be subjected to the same duties in all cases, civil and criminal, within the county of Onondaga, as constables elected by the town of Salina, at the annual town meeting ; and it shall be their special duty to give notice to the trustees of said village of such breaches of any of the by-laws and ordinances of said village, as shall come to their knowledge ; and the pound keeper hereafter to be chosen in and for said village, shall have the same power and authority, and be subjected to the same duties within said village, as by law appertain to and belong to pound keepers chosen for the said town of Salina. Constables

XIII. *And be it further enacted*, That it shall and may be lawful for said trustees, or a majority of them, to appoint under their corporate seal any number of firemen not exceeding twenty to each fire engine kept in repair for the use of said village, and the whole, or any part of them, to remove at their pleasure, whose duty it shall be to have the management, working, and use of the engines belonging to said village, and the other implements for extinguishing fires, under the orders of the trustees acting as fire-wardens. Firemen

XIV. *And be it further enacted*, That this act is hereby declared a public act, and that the same be construed favorably and benignly for every beneficial purpose therein contained, and that all the rights and privileges hereby granted, be taken and granted, subject to a right in the legislature to amend, alter or repeal the same at their pleasure. Public act