

L A W S
OF THE
STATE OF NEW-YORK,
PASSED AT THE SECOND MEETING

OF THE
SEVENTIETH SESSION,
OF THE
LEGISLATURE,

BEGUN AND HELD THE EIGHTH DAY OF SEPTEMBER,
1847, AT THE CITY OF ALBANY.

ALSO
THE CONSTITUTION.



VOL. II.

ALBANY:

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1847.

CHAP. 474.

AN ACT to change the name of *Eliza Jane Ingersoll and Ellen Eliza Ingersoll.*

Passed December 14, 1847.

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

Names
changed.

§ 1. Eliza Jane Ingersoll, of the town of Manlius, in the county of Onondaga, is hereby authorized to take her former name, Eliza Jane Sherwood, and her daughter Ellen Eliza Ingersoll, to take the name of Ellen Eliza Sherwood, by which latter names each of them respectively, shall hereafter be known and designated.

§ 2. This act shall take effect immediately.

CHAP. 475.

AN ACT to incorporate the city of *Syracuse.*

Passed December 14, 1847, "three-fifths being present."

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

TITLE I.

Boundaries and Civil Division.

§ 1. The district of country constituting a part of the town of Salina, and including the villages of Syracuse and Salina, in the county of Onondaga, within the following bounds, that is to say:

Boundaries
of the city.

Beginning on the southeasterly corner of Manlius L., running thence to the northeastly corner of the village of Salina, thence along the northerly line of said village of Salina, to the northwesterly corner of the same, thence southwesterly to the Onondaga lake, thence along the southeasterly shore of said lake to the centre of the Onondaga creek, thence southerly along the centre of said creek, to the line of the village of Syracuse, thence westerly and southerly along such line, to the south bounds of the town of Salina, thence east along the south bounds of the town of Selina, to the east bounds thereof, thence northerly along the east bounds of said town, to the place of beginning, shall hereafter be known by the name of the "City of Syracuse."

Name.

Corporation
created.

§ 2. The citizens of this State, from time to time inhabitants within the aforesaid limits, shall be a corporation by

the name of the Mayor and Common Council of the city of Syracuse; and may sue and be sued, complain and defend in any court, use a common seal, and alter it at pleasure, and take, hold, purchase and convey such real estate, as the purpose of the corporation may require.

§ 3. From and after the passage of this act, the territory described in the first section, shall cease to form any part of the town of Salina, and all the remaining part of the town of Salina shall be and remain a separate town, by the name of the town of Salina.

City not a part of Salina.

Town of Salina to remain.

§ 4. Said city shall be divided into four wards, as follows: Four wards.

1st. That part of said city which lies within the following bounds, that is to say:

Beginning at the southeasterly corner of Manlius L., running thence westerly along the south line of Manlius L., to the northeasterly corner of the village of Salina; thence westerly along the northerly bounds of the village of Salina, to the northwesterly corner of the same; thence southwesterly to the Onondaga lake; thence along the southeasterly shore of the said lake, to the centre of the Onondaga creek; thence southerly along the centre of such creek, to a point where a line running through the centre of Division street, and parallel to the lines of said street, and extended westerly, shall strike the centre of said creek; thence along such extended line, and the centre of Division street, to the centre of Lodi street; thence northerly along the centre of Lodi street, to the centre of Pond street; thence northeasterly along the centre of Pond street, and in the same line continued to the east line of the town of Salina; and thence northerly in such east line to the place of beginning, shall be the first ward.

First ward.

2d. All the residue of said city which lies north of the centre of the Erie canal, shall constitute the second ward.

Second ward

3d. All that part of said city, which lies south of the centre of the Erie canal, and west of a line drawn from the centre of the Erie canal, southerly through the centre of Montgomery-street to Burt-street; thence westerly through the centre of Burt to Salina-street; thence southerly along the centre of Salina-street, to the south line of the town of Salina, shall constitute the third ward.

Third ward.

4th. The residue of said city shall constitute the fourth ward.

Fourth ward.

TITLE II.

§ 1. There shall be in and for said city, one mayor, eight aldermen, one police justice, three justices of the peace, one of which justices, and one only, to reside and keep an office in the first ward, one clerk, one treasurer, four supervisors,

Officers of the city.

four assessors, four constables, one collector, two overseers of the poor, one of whom, and only one, shall reside in the first ward, and twelve inspectors of election, and such other officers as are hereinafter authorised to be appointed.

Annual election when to be held.

§ 2. An election shall be held in each of the wards of said city on the first Tuesday in March, in the year eighteen hundred and forty eight, and on the first Tuesday in March, in each and every year thereafter, at such places as the common council shall appoint, and of which six days' previous notice shall be given, by posting written or printed notices of the same in three public places in each ward, signed by the inspectors thereof, and published in at least two of the public newspapers printed in said city, one week previous to such election.

Officers to be elected.

§ 3. At such election there shall be elected one alderman, one supervisor, one assessor, one constable, and three inspectors of election, for each ward, except that at the first election, two aldermen shall be elected for each ward, and one mayor, one police justice, one justice of the peace, and two overseers of the poor, one collector, one treasurer, one marshal, one street commissioner, for said city, except that such police justice and justices of the peace, shall only be elected at the elections next preceding the expiration of the terms of office, of those holding the same for the time being.

Inspectors of election, how chosen.

§ 4. The inspectors of election shall be elected in the same manner as inspectors of election are elected in the several towns in this state, and shall have when elected, the same powers and authority as inspectors of a general state election, and subject to the same rules and regulations, and entitled to the same pay and compensation.

Vacancies, how filled.

§ 5. Inspectors of election so elected as aforesaid, shall be inspectors of elections held as well for the purpose of electing charter officers, as for the election of state and county officers; and in case of the death, inability or refusal of any such inspector to act, the common council may thereafter appoint one other in his or their place, and shall file a certificate of such appointment, with the clerk of said city, and the person thus appointed shall be inspector for the ward for which he was appointed.

Clerks of the polls.

§ 6. The inspectors of election after organizing according to law, and taking the constitutional oath of office, shall appoint two clerks of the polls for each ward or district, who shall be required to take the aforesaid oath of office, to be administered by one of said inspectors.

Electors to vote by ballot.

§ 7. The electors shall vote by ballot, and each person offering to vote shall deliver his ballot, so folded as to conceal the contents, to one of the inspectors, in presence of the board.

The ballot shall be a paper ticket, which shall contain, written or printed, or partly written or partly printed, the names of the persons for whom the elector intends to vote, and shall designate the office to which each person so named is intended by him to be chosen, but no ballot shall contain a greater number of names, of persons as designated to any office, than there are persons to be chosen at the election, to fill such office.

§ 8. On the outer side of each ballot when folded, there shall appear written or printed, one of the following words: "ward," "city," but no ballot found in the proper box, shall be rejected for want of such endorsement.

§ 9. The ballot endorsed "ward," shall contain the names of the persons designated by the electors for the office of alderman, supervisor, assessor, constable and inspectors of election, any or either of them:

That endorsed "city," the names of the persons designated for the offices of mayor, police justice, justice of the peace, and overseers of the poor, collector, street commissioner, marshal, treasurer, any or either of them, and such ballots shall be deposited in separate boxes, to be provided by the common council for that purpose, with locks and keys, as provided by law in respect to elections of state officers.

§ 10. The polls of such election shall be opened at eight o'clock in the forenoon and continue open until five o'clock in the afternoon of the same day, and no longer. The poll list shall be kept in the manner, as nearly as may be, as is provided by law for keeping poll lists at the general state election.

§ 11. Every person entitled to vote for members of assembly, within the territorial limits of this charter, and every person so entitled to vote in the city of Syracuse at any ward election who shall have been a citizen for ten days, an inhabitant of this state for one year, and a resident of the city of Syracuse four months next preceding any election, and for the last thirty days a resident of the ward in which he offers his vote, shall be entitled to vote in said ward for all or any of the officers to be chosen at such ward election, and not elsewhere.

§ 12. Persons offering to vote at such election may be challenged in the same manner as at a general election for state officers, and the same proceedings had thereon as are or shall be prescribed by law in relation to such elections; and the same oath or oaths shall be administered to the person challenged.

§ 13. After the poll of any such election is closed, the inspectors holding the same in each of said wards, shall, on

the same day, canvass the votes given at such charter election. The same shall be public, and conducted in the same manner that inspectors are required and authorized to canvass the votes given for state officers, at any general state election, except that only one statement of the results shall be drawn up and signed by the inspectors, which they shall certify to in writing, to be correct, with their names subscribed thereto, who shall concur therein: which statement, at the first election held under this act, shall be immediately delivered to the clerk of the village of Syracuse, to be filed by him; and at every subsequent election shall be immediately delivered to the clerk of the city, to be filed by him; said inspectors shall determine and certify thereby, who are by the greatest number of votes, elected aldermen, supervisors, assessors, inspectors and constables, of their respective wards.

Clerk to deliver certificate to common council

§ 14. The clerk shall deliver such statement and certificates to the common council at their first meeting, which shall be on the first Thursday next after an annual election in each year; who shall, upon such statements and certificates, proceed and declare what persons have been duly elected to the office of mayor, justice of the peace, police justice, collector and overseers of the poor, treasurer, street commissioner, marshal, any or either of them, and the persons having the greatest number of votes in the whole city, for the last mentioned offices, shall be declared duly to be elected; thereupon the said common council shall make and sign a certificate of their determination, and file the same with the clerk of said city, except at the first election held under this act, and publish said result in two of the newspapers in said city.

Inspectors of first election under this act.

§ 15. The present trustees of the villages of Syracuse and Salina respectively, shall appoint the inspectors of election in the several wards to be held under this act, on the first Tuesday in March next, and the several places for holding the same: Such election shall be held and conducted, and the votes given thereat canvassed by said inspectors, and the result determined by said trustees of the village of Syracuse, in the same manner as herein before provided, and file the same with the clerk of said villages respectively.

Persons elected to be notified.

§ 16. Upon the determination by the board of canvassers, of the result of any election herein before directed to be held; it shall be the duty of the clerk of the village of Syracuse, at the first election held under this act, and the clerk of the city at any subsequent election, to notify every person so elected, of his or their election, and shall also notify all persons appointed to any office by the common council,

of their respective appointments, immediately on the same being made known at said first election.

§ 17. If any person elected or appointed to any office specified, under or by virtue of this act, shall not, within five days after having been personally notified of his election, take and subscribe the constitutional oath of office, before some proper officer, and file the same with the clerk of the city; the common council may treat such neglect or omission as a refusal to serve, and may provide forthwith to fill such vacancy by appointment, as hereinafter directed.

Provision in case of neglect or refusal to qualify

§ 18. Any person elected to any office in pursuance of this act, who shall refuse or neglect to accept such office, and subscribe the oath of office prescribed by the twelfth article of the constitution, for five days after personal notice in writing from the clerk, of his election, he shall forfeit the sum of ten dollars.

Penalty for neglect or refusal.

§ 19. If at any election authorized by this act, the mayor, aldermen, supervisor, police justice, or justices of the peace shall not have been chosen by reason of two or more candidates having received an equal number of votes for the same office, a special election shall be ordered by the said common council, within five days from such election, and shall cause a notice, signed by the mayor and clerk, specifying the time and place, and the officers to be chosen, to be posted as herein before directed, at least three days previous to the holding of such election. The inspectors thereof shall, pursuant to such notice, proceed to open and hold such election, canvass the votes, and make return thereof, in all respects as herein before directed at an annual election. All other elective officers, who shall have an equal number of votes for the same office, shall be determined by lot between the several candidates, by said common council.

Provision in case of candidates having an equal number of votes.

§ 20. The common council shall, from the statement so furnished by the said inspectors, as herein before provided, proceed to determine and certify what person or persons have by the greatest number of votes, been elected to the office, for the filling of which such special election shall have been called in the manner as prescribed herein before at an annual election.

Certificate of election to be made.

§ 21. All officers elected or appointed to any office, under or by virtue of this act, shall be elected or appointed annually, except justices of the peace, and police justice, who shall be elected for four years, and aldermen, who shall be elected for two years, but one of those in each ward first to be elected shall hold for one year, and which shall hold for one year shall be determined by lot at the first meeting of the council under this act, prepared by the mayor and clerk, so that but

Terms of office.

one alderman in each ward shall be elected annually, after the first election held under this act. The term of office of all elective officers under this act, except police justice, justice of the peace and one alderman in each ward as aforesaid, shall expire on the first Monday after the next annual election; yet all officers appointed by the common council, except to fill a vacancy in an elective office, shall continue in office until their successors are appointed, and take the constitutional oath of office. Justices of the peace and police justice shall enter on the duties of their office on the first Monday in January next after their election, and shall hold their offices for four years thereafter, except when elected to fill a vacancy, and may be removed from their offices in the same manner as justices of the peace in towns.

Justices of the peace and police justice.

§ 22. The justices of the peace and police justice residing in said villages of Syracuse and Salina, heretofore elected at any election in the town of Salina, or heretofore appointed, shall be justices of the peace, or police justice, as the case may be, for the city of Syracuse, until the expiration of the term of office for which he or they were respectively elected or appointed.

Vacancies how to be filled.

§ 23. Vacancies in the office of justice of the peace, accruing in any manner, may be filled at a special election called and appointed by the common council, and conducted in the same manner as an annual election. Vacancies in all other offices shall be filled by the common council. All appointments to fill a vacancy or otherwise by the common council, under this act, shall be by warrant, under the corporate seal, signed by the mayor, or presiding officer and clerk.

Collector to give bonds.

§ 24. Every person elected or appointed collector under and by virtue of this act, before he enters on the duties of his office and within ten days after being notified of the amount of taxes directed to be collected by the warrant of the common council, shall execute to the mayor and common council of the city of Syracuse, and file with the clerk thereof, a bond with two or more sureties, to be freeholders of land in the county of Onondaga, as sureties to be approved of by the common council, in such penalties as the said common council shall direct, conditioned for the faithful execution of his duties as such collector, and account for and pay over all moneys so received and collected by him as such collector, to the treasurer of said city, which bond with the approbation herein required endorsed thereon, and certified by the clerk of the city shall within six days thereafter be filed with the clerk of the county of Onondaga, and before any warrant for the collection of taxes that shall have been issued by the board of supervisors of the county of Onondaga, shall be

delivered to any such collector, he shall execute an additional bond to the supervisors of the city with two or more sureties to be freeholders in said county to be approved of by said supervisors or a majority, in a penalty double the amount of the taxes directed to be collected by such warrant, conditioned that he will faithfully collect such taxes and pay over the same according to law, which bond said supervisors shall, within six days after the same shall have been approved by them, deliver the same to the clerk of the county of Onondaga with their approval endorsed thereon.

§ 25. The clerk of the county of Onondaga shall cause entry of such bond to be made in the book provided for entering the bonds of town collectors; and in the same manner; and every such bond shall be a lien on the real estate of the said collector and his sureties, in the same manner and to the same extent as provided by law in relation to the bonds of town collectors, and in case of any breach of the condition of such bonds or either of them, suits may be maintained thereon by the mayor and common council of the city of Syracuse, to whom they were given, and by the supervisors to whom the last aforesaid bond was executed or their successors in office.

Bond to be entered in county clerk's office.

§ 26. Such collector and sureties shall also be liable to the same proceedings to enforce the payment of money collected on 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.

§ 27. In case such collector shall refuse or neglect for ten days after being notified of the amount of taxes directed to be collected by warrant of the supervisors of the county to execute and give the bond herein required, such neglect or refusal shall be immediately reported by the supervisor of the city to the common council who shall thereupon declare the office of collector vacant, and proceed forthwith to appoint another in his place, as such neglect shall be deemed a refusal to serve.

Provision in case of neglect to give bond.

§ 28. The treasurer, overseers of the poor, constables of said city, marshal and street commissioner, shall severally before they enter on the duties of their respective offices, execute a bond to the mayor and common council of the city of Syracuse, in such sum and with such sureties as the common council shall approve, conditioned that they shall faithfully execute the duties of their respective offices, and account for and pay over all moneys received by them respectively according to law; which bonds, with the approval of the common council endorsed thereon, certified by the clerk, shall be filed with the clerk of said city.

Other officers to give bond.

Salaries to be determined.

§ 29. The common council shall determine the salaries or compensation to be given to the treasurer and clerk of the city, and of any other officer appointed by them not herein provided, and at what time the same shall be payable, and they shall fix the compensation of the collector of taxes in the said city for collecting the county as well as the city taxes not otherwise provided for.

TITLE III.

Of the Common Council, its powers and duties and the manner of conducting the same.

Meetings of common council.

§ 1. The mayor and aldermen of said city shall constitute the common council: The common council shall meet at such places and times as they shall by resolution direct: The mayor, when present, shall preside at all meetings of the common council; in his absence any one of the aldermen may be appointed to preside.

Meeting after annual election.

§ 2. The common council shall meet annually on the first Monday next after the annual election in each year, and by ballot appoint one clerk, one attorney and counsellor, one surveyor, one engineer of the fire department, and two assistants, one city physician, and three commissioners, to form a board of health, and one or more police constables with criminal jurisdiction only and appointed merely as conservators of the peace and not entitled to any compensation for their services.

Voting in common council.

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

Sittings to be public.

§ 4. The sittings of the common council shall be public, except when the public interest shall require secrecy: The minutes of the proceedings shall be kept by the clerk, which shall be open to public inspection.

Quorum.

§ 5. A majority of the common council shall be a quorum for the transaction of business, and the board may furnish rules for its proceedings, but no tax or assessment shall be ordered, or appointment made, except by a concurring vote of a majority of all elected.

Mayor may take acknowledgment of deeds.

§ 6. The mayor of said city shall have the same power as justices of the supreme court to take the acknowledgment of deeds and other papers and to take affidavits.

Stated and special meetings of council.

§ 7. The common council shall hold stated meetings, and the mayor, or in his absence, any three aldermen, may call special meetings, by notice to each of the members of said council, served personally, or left at his usual place of abode: Petitions and remonstrances may be presented to the common

council : 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 ordinances, 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 : Police regulations.

2. To regulate the police of the city :

3. To prevent and punish forestalling and regrating :

4. To prohibit all description of gaming and fraudulent devices in said city, and all playing at cards, dice, or other game of chance, with or without betting : Gaming.

5. To prevent the selling or giving any ardent spirits or alcoholic drinks by any store-keeper, trader, or grocer, to be drunk in the shop, store, grocery, out-house, yard or garden, owned or occupied by persons selling or giving away the same, except by persons duly licensed : Ardent spirits.

6. To forbid the selling, or giving away of any ardent spirits, or other intoxicating liquors, to be drunk by any child, apprentice, or servant, without the consent of his or her guardian, master or mistress, or to any Indian :

7. To prohibit, or regulate by license, the exhibition of common showmen, or of shows of any kind, or the exhibition of any natural or artificial curiosities, caravans, circuses, or theatrical performances, for money : Shows.

8. To suppress and restrain disorderly houses, or houses of ill fame, billiard tables, nine or ten pin alleys, and gun or ball alleys : Disorderly houses.

9. To compel the owner or occupant of any grocery, cellar, tallow chandler shop, soap factory, tannery, stall, privy, sewer, or other unwholesome or nauseous house or place, to cleanse, remove or abate the same from time to time, as often as the same may be necessary, for the health and comfort, and convenience of the inhabitants of said city : Unwholesome houses or places.

10. To direct the location of all slaughter-houses, markets, and houses for storing gun-powder, or any combustible substance : Slaughter houses.

11. To regulate the keeping and conveying of gun powder and other dangerous material, and the use of candles and lights in barns, stables and other buildings : Gun powder.

12. To prevent horse-racing, immoderate driving in the streets of said city, and to authorize the stopping of any one who shall be guilty of immoderate riding or driving in said streets, by any person : Horse racing.

13. To prevent the incumbering of the streets, squares, side-walks, lanes, alleys, wharves and docks, with teams, car- Incumbering streets.

riages, carts, sleighs, sleds, wheel-barrows, boxes, lumber, timber, fire-wood, or any other substance or materials whatsoever :

- Bathing.** 14. To regulate and determine the time and places of bathing and swimming in the canal, creek, pond, or other waters in said city :
- Vagrants.** 15. To restrain and punish vagrants, mendicants, street beggars, and common prostitutes, and men cohabiting or associating with them :
- Cattle &c.** 16. 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 proceedings.
- Unwholesome substances.** 17. To prohibit any person from bringing, depositing, or having within the limits of said city, any dead carcass or other unwholesome substance ; and to require the removal or destruction, by any person who shall have on or upon, or near his premises, any such substance, or any putrid meat, fish, hides or skins of any kind, and on his default to authorize the removal or destruction thereof, by some officer of the city :
- Side walks.** 18. To compel all persons to keep snow and dirt from and off the side-walks in front of the premises owned or occupied by them ;
- Ringing bells.** 19. To prevent and regulate the ringing or tolling of bells, blowing of horns, and crying of goods and other things in said city ;
- Runners.** 20. To regulate and restrain runners for boats, stages, rail-roads, taverns, and other houses ; and to regulate and control the running of engines and cars through said city, so that no cars shall be propelled at a greater speed than eight miles per hour ;
- Surveys.** 21. To survey the boundaries of the city ;
- Cemeteries.** 22. To regulate the burial of the dead and public cemeteries ;
- Mortality.** 23. To direct the keeping and returning bills of mortality ;
- Weighing hay.** 24. To regulate the place and manner of weighing hay, straw and fodder ; and for marketing and measuring wood, coal and lime, and of selling fish ;
- Pound.** 25. To establish and regulate public pounds ;
- Wells.** 26. To regulate public wells, pumps, cisterns and reservoirs, and prevent an unnecessary waste of water ;
- Workhouse.** 27. To erect a work-house, in which vagrants, and persons of idle and dissolute habits, may be confined ;
- Cartmen.** 28. To regulate cartmen, and cartage ; hacks, drivers and their fees ;
- Weights &c.** 29. To appoint an examiner of weights and measures ;

30. To regulate auction sales, and to restrain and prohibit Auctions.
hawking and peddling in the streets ;

31. To exercise all other powers conferred on them by To exercise other powers.
this act, in relation to highways, the prevention of fires, the levying of taxes, the supplying the village with good and wholesome water, and other subjects of municipal regulation.

The common council shall have power to determine, upon To determine what shall be deemed a nuisance.
view or examination of witnesses, what shall be deemed a nuisance within said city ; and to abate the same by enforcing the penalty or otherwise ; and if pools of water standing upon lots or grounds in said city, shall be declared nuisances, it shall be the duty of the common council, to cause a notice in writing to be served on the owner or agent of lots or grounds on which such nuisance exists, commanding him within thirty days from the service of said notice, to abate or remove such nuisance, by filling up such lot or otherwise, as the case may be ; and on his neglect or refusal to comply with such request, the common council may cause such nuisance to be abated or removed, by filling up or draining the lot on which it exists, and may assess the expense thereof, on the lot where it exists, or on that and the adjoining lots, or on the city at large, or on all or any of them, in the discretion of the assessors of the city ; to be apportioned in a just and equitable manner, in proportion as near as may be, to the advantage which each shall be deemed to have received by the improvement ; and may sell such lot or lots on which such assessments are made, for the payment of the same, in the manner as provided by section five of title five of this act : But no assessment under this section, shall exceed the sum of two hundred and fifty dollars, for the removing of any one nuisance.

§ 8. It shall be the duty of the common council, from City printing.
year to year, to let out the city printing to the lowest bidder.

§ 9. The common council shall have power from time to time to prescribe the duties of all officers and persons appointed by them, to any office or place whatsoever, subject Power to prescribe duties and remove officers.
to the provisions of this act, and may remove all such persons, together with all constables and overseers of the poor, for incapacity, neglect of duty, of official misconduct, after giving such officer an opportunity of refuting such or any charges which may be preferred against them by proof or otherwise, which charges shall be in writing and served personally on the delinquent or offending officer.

§ 10. The common council may make, publish, ordain, To make ordinances, by laws and police regulations.
amend and repeal all such ordinances, by-laws and police regulations, not contrary to the laws of this state, as may be necessary to carry into effect the powers given to said council by this act, and enforce observance of all rules, ordinances,

by-laws and police regulations made in pursuance of this act by imposing penalties on any person violating the same ; not exceeding in any one case fifty dollars, to be recovered with costs in an action of debt, in any court having cognizance thereof : Every such ordinance or by-law imposing any penalty or forfeiture for a violation of its provisions, shall after the passage thereof be published two weeks successively in a newspaper printed and published in said city, and proof of such publication by the affidavit of the printer or publisher of said newspaper taken before any officer authorized to administer oaths, and filed with the clerk of the city, or any other competent proof of such publication shall be conclusive evidence of the legal publication of such ordinance or by-law in all courts and places.

Commissioners of excise

§ 11. The common council shall be commissioners of excise, in and for said city, and shall, subject to the provisions of this act, perform the duties and possess the powers of commissioners of excise of towns, subject to the provisions and restrictions of law: All licenses granted by said common council shall be signed only by the mayor or presiding officer for the time being of said council, and countersigned by the clerk of said city: All bonds and recognizances authorized to be taken by part first, chapter twenty, title nine, of the Revised Statutes, shall be taken in the name of the mayor and common council of the city of Syracuse, and all penalties imposed by said title nine, may be sued for and recovered in the name of said corporation, and when recovered to be paid into the treasury, which bond shall be filed with the clerk of said city.

Account of receipts and expenditures to be published.

§ 12. It shall be the duty of the common council at least ten days before the annual election in each year, to cause to be published in a newspaper printed in said city, a full and true account in detail of all receipts and expenditures of money by the common council during the current year, the whole amount of money assessed during said time, and for what purposes expended, together with such other information in their power to furnish as may be necessary to a full understanding of the financial concerns of said city.

TITLE IV.

The officers of the city, their powers and duties.

Mayor.

§ 1. It shall be the duty of the mayor to take care that the laws of the state and the ordinances of the common council be faithfully executed ; to exercise a constant supervision and control over the conduct of all subordinate officers, and to receive and examine into all complaints against them for neglect of duty ; to recommend to the common council

such measures as he shall deem expedient; to expedite all such as shall be resolved upon by them, and in general to maintain the peace and good order, and advance the prosperity of the city.

§ 2. The supervisors elected as herein before provided, ^{Supervisors} shall have and exercise all powers, authority and functions of supervisors of towns, and shall be members of the board of supervisors, of the county of Onondaga, and entitled to the same compensation.

§ 3. The assessors elected in the different wards of the ^{Assessors.} city of Syracuse, as herein provided, shall perform all the duties hereinafter specified in relation to the assessment of property within the city, for the purpose of levying the taxes imposed by the common council thereof, and in their respective wards they shall perform the duties of assessors of towns, and shall proceed therein, in the same manner prescribed by law respecting town assessors, and shall possess all the powers and authority of such assessors, except as hereinafter specified, and shall receive for their compensation one dollar and fifty cents per day.

§ 4. On completing their assessment roll, the assessors of the different wards shall meet together and make out a fair copy ^{Fair copy of assessment rolls to be made.} of the assessment rolls of all the wards, which shall be left with one of their number, and they shall give the like notice required by law to be given by town assessors, and at the time and place specified in such notice, all the assessors of the different wards shall meet together to review their assessment, and shall proceed in the same manner to correct the same as assessors of towns, and having completed and subscribed said roll, shall deliver the same to the clerk of the city to be filed by him, and a duplicate thereof deliver over to one of the supervisors of said city, to be by him laid before the board of supervisors of the county of Onondaga.

§ 5. The clerk shall keep the corporate seal and all the ^{City clerk.} papers belonging to said corporation, and make a record of the proceedings of the common council, whose meetings it shall be his duty to attend; and copies of all papers duly filed in his office, and transcripts from the record of the proceedings of the common council certified by him under the corporate seal shall be evidence in all places where produced of the matters therein contained.

§ 6. The clerk shall countersign all licenses of every de- ^{Licenses to be countersigned.} scription granted by the mayor, pursuant to the ordinances of the common council, and shall enter in an appropriate book the name of every person to whom a license shall be granted, the purpose for which granted, the date, the time during which it is to be in force, and the sum paid for such license.

Treasurer. § 7. The treasurer shall receive all moneys belonging to the city, and keep an account of all receipts and expenditures, in such manner as the common council shall direct: All moneys except as hereinafter excepted, shall be drawn from the treasurer, in pursuance of an order of the common council by warrant signed by the clerk and countersigned by the mayor or presiding officer. Such warrants shall state for what purpose the amounts therein specified is to be paid and to whom paid; and the clerk shall keep an accurate account of all orders drawn on the treasury in a book to be provided for that purpose: The treasurer shall exhibit to the common council, at least fifteen days before the annual election in each year, a full account of all the receipts and expenditures subsequent to the date of his last annual report, and also the state of the treasury, which account shall be filed with the clerk.

Marshals. § 8. The marshal of the said city shall possess the powers and authority of a constable at common law, and under the statutes of this state, except in relation to the service of process issued by justices of the peace in civil cases: The said marshal shall also perform such duties as shall be prescribed by the common council for the preservation of the public peace and the maintenance of the police regulations of the city.

TITLE V.

Of the assessment and collection of taxes for city purposes, and of the funds, revenues and expenditures of the city, and the administration thereof.

Accounts against city how settled. § 1. The common council shall examine, settle and allow all accounts chargeable against the city, as well of its officers as of other persons, except as herein otherwise provided; and shall have authority to direct the raising of such sums as shall be necessary to defray the same, and the contingent and other expenses of said city; subject nevertheless to the limitation and restrictions hereinafter contained.

Money to be raised by tax. § 2. The common council shall have power to cause a sum in each year, not exceeding eight thousand dollars, to be raised by tax, to defray the expenses of laying out, making and repairing highways, roads and bridges, in said city, and to defray the contingent and all other expenses of said city, except that so much in addition to the above sum may be raised in each and every year, equal to the liquidation and payment of any and all interest which may be due, or become due on the public debt of said city, as well as any instalments which may become due thereon; together with such sums as shall hereinafter be authorised for the use and

benefit of common schools: But nothing in this section shall prohibit the raising of any sum in any one year for local improvements, when the same shall be rated and assessed locally, according to supposed benefits received.

§ 3. All taxes assessed and levied in pursuance of the foregoing section, and this act, shall, except as otherwise hereinafter directed, be assessed and rated by the said common council, upon or among the owners of the estate, real and personal, incorporated companies and associations, including salt works, and salt manufacturing grounds and companies, in the same manner and proportion as nearly as may be, as taxes in and for the county of Onondaga are rated and assessed; and in said tax roll, to set down and describe briefly the real estate and amount of personal property, on or in right of which any assessment or tax is imposed or assessed.

How assessed and levied.

§ 4. It shall be the duty of the said assessors, on completing their said assessment roll as aforesaid, and before the exhibiting the same for inspection and correction, to extend all taxes assessed for local purposes, on said assessment roll, and on the final decision of the said assessors in relation to such assessment, any person considering himself aggrieved therein, may appeal to the common council, within ten days from any such decision, by an instrument in writing, setting forth his objections to said assessment, whose duty it shall be to examine into the matter, and do justice therein; whose decision shall be conclusive between the parties. Whenever there is a manifest error in the levying or extending of any tax, the common council, on being satisfied of the same, shall be at liberty, at any time, to correct, cancel or remit the same.

Persons aggrieved by assessment may appeal.

§ 5. All tax rolls when corrected and completed, and filed with the clerk of the city, shall be a lien on such real estate as is described therein: And all taxes and assessments, unless otherwise directed, levied and assessed as aforesaid, shall be collected by the collector or collectors of said city, subject to the provisions of this charter, by virtue of a warrant under the corporate seal of said corporation, signed by the said mayor and clerk, commanding such collector or collectors to collect from the several persons, corporations and associations named in said tax roll, the several sums mentioned in the last column of such roll opposite their respective names, together with his fees, as fixed by the common council, and in case any such person shall refuse or neglect to pay his or her tax, and the fees aforesaid, to levy the same by distress, and sale of the goods and chattels of said delinquent, or by suit in the corporate name, with interest and costs; and after deducting from the amount so collected, the

Tax roll to be filed and taxes collected.

By distress in certain cases.

compensation allowed to such collector for collecting said taxes, to pay the residue into the city treasury: The assessment roll, filed with the clerk, shall in all cases, be evidence on the part of the corporation: And in case such taxes cannot be collected as herein before directed, the common council may cause such real estate to be sold, for the payment and collection of such taxes as aforesaid, together with the expense of sale, in the manner and with the effect, and subject to the provisions specified in section fourth and title sixth of the act relative to the sales of real estate, for the non-payment of assessments in that section mentioned; but no such real estate shall be sold as aforesaid, except within one year from the time of filing the tax roll as aforesaid: It shall be the duty of the common council, on completing and filing of the tax roll, as provided by this act, to publish in two of the newspapers printed in the city, that a copy of said tax roll is left with the treasurer of the city, into whose hands, all taxes mentioned in said roll, may be paid during the next fifteen days succeeding the first publication of said notice, free of any per cent for collection; that all sums remaining unpaid at the expiration of which time, and is paid to the said treasurer, during the next twenty days thereafter, shall be charged with one per cent.; and at the expiration of the time last specified, if any part of said roll remains unpaid, the common council shall place said roll in the hands of the collector, to be collected as herein provided: The lands comprehended by the bounds of the city, and which are kept and used as wood lands, meadow lands, pasture, orchard, and in general, all lands that are kept and improved as farming lands, with their appurtenances, shall not, as long as they are so kept and used, be taxed for the benefit of said city, except for highway purposes; unless such lands, though used as aforesaid, shall be appraised by the city assessors, at three hundred dollars per acre for the whole tract: And it shall also be the duty of the common council, to determine, as early as practicable, what sum is to be raised for the ensuing year, to defray the expense of making, repairing, laying out of roads, highways, sewers and bridges in said city, and the same shall be rated and assessed aforesaid, on or among the owners or occupants of the real estate, and personal property, incorporated companies and associations in said city, in a just and equitable manner, as nearly as may be in proportion to the advantage which each shall be deemed to acquire thereby: In the highway assessment roll, to be made under this section, all persons who would be liable by law to be assessed to work on highways, if they reside in any of the towns in this state shall, if their names are upon the assessment roll of

Real estate
may be sold.

Wood lands
&c.

Roads, &c.

Highway
assessments.

said city, be enumerated, and may be, taxed by the common council, a sum not exceeding one dollar, as a poll tax, forming a part of the amount directed to be raised as herein before specified, which tax roll, when completed, shall be filed with the clerk; and a copy thereof, and a warrant thereto annexed, under the corporate seal, and executed as herein before directed, given to the city collector, with the same powers and authority to collect the same as herein before and by this section directed: The said common council shall have power to renew, from time to time, any warrant annexed to any tax roll, authorized by said council, provided the time for collecting such taxes, is not extended beyond the first day of December, next after the date of said warrant: It shall be the duty of the street commissioner, during the month of March in each year, to deliver to the common council, a list of persons in said city, whose names are not on the last assessment roll, and are by law liable to be assessed, to work on the highways: Whereupon the common council shall assess and direct each person so enumerated in such list, to labor upon the highways in the city, under the superintendence of the street commissioner, not to exceed two days, as a poll tax, according to the provision contained in article second: But they may commute for the same by paying the street commissioner, at the rate of fifty cents per day; which said list and assessment, shall be filed with the clerk of the city, and a copy thereof, with a warrant duly executed by said common council, shall be delivered to the street commissioner for collection as aforesaid, who shall collect the same as herein directed; and if any such person shall neglect or refuse to labor on said highway, or commute as aforesaid, after first having been called upon to do so by the said street commissioner, he may be sued in the name of the corporation, in an action of debt, for a penalty of two dollars, in any court having cognizance thereof.

Commuta-
tion.

§ 6. If any collector shall refuse or neglect to pay over to the city treasurer the sums required by his warrant to be paid over, or to account for the sums so unpaid as required by law, the city treasurer may after the expiration of twenty days from the time such warrant is returnable issue a warrant under his hand and seal directed to the marshal of the city of Syracuse, commanding him to the same effect as in the warrant authorized by law to be issued by a county treasurer against any delinquent collector; upon which the said marshal shall proceed as sheriffs are required by law to proceed upon such warrants issued by county treasurer, and if any moneys shall remain uncollected on such warrant, the city treasurer shall immediately give notice thereof to the mayor

Provision in
case the col-
lector neg-
lect or refuse
to pay or ac-
count.

of the city, whose duty it shall be to cause the bond of such collector to be prosecuted and the moneys collected in such suit shall be paid into the treasury.

TITLE VI

Of streets, highways, bridges and public improvements.

Powers of commissioners of highways.

§ 1. The common council shall be commissioners of highways in and for the city of Syracuse, and shall, subject to the provisions of this act, possess the powers and perform the duties and be subject to the liabilities of the commissioners of highways in towns, and it shall be their duty,

To lay out highways &c.

1. To give directions for the laying out, making, repairing and preserving of such highways, streets, lanes, bridges, alleys, side and cross-walks, drains and sewers, and to cause them to be repaired and cleansed from time to time as may be necessary.

To regulate roads, streets &c.

2. To regulate roads, streets, lanes, alleys, already laid out, or which shall be hereafter laid out, and to alter such of them as they shall deem inconvenient, subject to the restrictions hereinafter contained, and to regulate the planting of ornamental trees in said streets and preserving the same, and to plant and preserve ornamental trees in public grounds in said city.

To appoint street inspectors.

3. To appoint and assign to each of said wards so many inspectors of streets as they shall from time to time deem necessary and proper, who shall give security to the common council if required for the faithful performance of their duties, and to assign to them such duties in relation to the opening, laying out, making repairs and preserving of the said highways, streets, roads, lanes and alleys, as they shall think fit and proper; and the said inspectors shall possess all the powers of overseers of highways in towns, and be subject to all their duties and obligations, so far as the same may be applicable to the city.

Duty of street commissioner.

§ 2. It shall be the duty of the street commissioner to superintend the making of all public improvements ordered by the common council, and to make contracts for the work and materials which may be necessary for the same, to keep accurate accounts of all moneys expended by him in the performance of any work, together with the cause of such expenditure, and to render account of the same to the common council as they shall from time to time by resolution direct: But no contract or agreement made by such commissioner shall be binding on the corporation, until the same is ratified by the common council; yet when so ratified it shall be of the same effect as if executed under the corporate seal, and signed by the mayor and clerk: The common council may make

their order on the treasury from time to time in favor of the street commissioner for such portions of the money so collected as they may deem proper to be expended in the making, opening, laying out of streets and repairing the same, together with bridges, sewers, cross-walks and other improvements.

§ 3. Whenever the common council may deem it necessary to make or repair any side-walk, sewers, or gutters adjoining any side-walk in said city, they shall give public notice in one of the newspapers printed in said city, once in each week for three weeks successively, requiring the owners of the several lots in front of which such side-walks, sewers or gutters are required to be made or repaired, in which notice, shall be described, to construct or repair such side-walks, sewers or gutters, or as the case may be, in such manner and with such materials as said council shall direct, within six weeks from the first publication of such notice, to be made under the supervision of the street commissioner, or that the same will be constructed or repaired by the common council, and the expense thereof charged upon the said lots respectively according to the benefits received, and if the owners of such lots neglect or refuse to construct or repair such side-walks, sewers, or gutters, or either of them, within the time limited therefor, the said common council shall be authorized to construct or repair the same, and shall assess the expense thereof upon the said lots respectively, as above provided ; if the amount so assessed by the common council, to be ascertained by their certificates filed with the clerk of the city and entered on their minutes, shall not be paid within such times as they may designate, they shall have power to sell the respective lots, according to the provisions of section fourth, title sixth of this act, relative to the sales of real estate for the non-payment of assessments in that section mentioned : To entitle any owner to construct or repair such side-walk, sewers or gutters on his own account as aforesaid, he shall within three weeks after the first publication of such notice, signifying his intent to do so by a written notice to the clerk of the city.

Notice of repairs &c. to be given.

§ 4. All assessments authorized by section second of title five, and section third of title sixth of this act, shall be made upon the real and personal estate, and be collected by or paid to the collector or collectors of said city, except as hereinafter directed : A corrected copy of the assessment roll authorized by said section, shall in all cases be filed in the office of the clerk of the city, which shall be a lien on the premises described therein, and assessed for one year, next after filing such roll : In case of the non-payment thereof,

Assessments how to be made.

Premises
when to be
sold.

the premises may be sold, at any time within the year from the filing of such roll : 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, directing the clerk of the city to sell and to describe the premises to be sold, and the assessment for which the sale is to be made ; and the said clerk shall thereupon advertise the premises to be sold, in the manner and for the time required in the case of sales of real estate on executions, and the sale to be conducted in the same manner : The same may be stopped at any time before sale, by any person paying the amount of the assessment, interest and expense of advertising : All sales in such case shall be made for the shortest period for which any person will take the premises, and pay the amount charged thereon : Certificates of sale shall be made and subscribed by the clerk, one of which shall, within ten days after such sale, be filed by him in the clerk's office of the city, and a copy thereof filed in the clerk's office of the county of Onondaga, and shall contain a description of the property, and the time for which it was sold, and the amount of the assessment, interest and expense for which the sale was made, and the time in which the right of redemption will expire : The right of redemption in all cases of sales under and by virtue of this charter, shall be the same to the owner and his creditors, as is allowed by law, in case of sales of real estate, by virtue of an execution : The money, in case of redemption, may be paid to the purchaser, or for him, to the treasurer of the city : In case of no redemption, or in case of redemption by the creditor or creditors, the common council shall make to the purchaser, or his legal representatives, or the person entitled thereto, a declaration in writing, under the corporate seal, signed by the mayor and attested by the clerk, containing a description of the premises, the fact of assessment, advertisement and sale ; and the period for which the said premises were sold ; which declaration in writing shall be evidence of a right to the use and occupancy of the premises for the said period, to be computed from the expiration of fifteen months after the day of sale ; all buildings put upon the premises in the exercise of such right of occupancy may be removed from and off of said premises, at or before the expiration thereof.

Right of
redemption.

Sales subject to act of
May 14,
1840.

§ 5. All sales for taxes or assessments made under or in pursuance of this act, shall be subject to the provisions of an act entitled "An act authorising mortgagees to redeem real estate sold for taxes and assessments," passed May 14, 1840.

TITLE VII.

Of the prevention and extinguishing of fires.

§ 1. The common council, for the purpose of guarding against the calamities of fire, shall have power to prescribe limits in said city, within which no wooden buildings shall be erected, moved or placed, without the permission in writing of the said common council, and to direct that all or any buildings within the limits prescribed, shall be made or constructed of stone or brick with partition walls, under such penalties as may be prescribed by said common council.

Buildings
how to be
constructed

§ 2. The common council shall have power to regulate the construction of chimneys so as to admit chimney-sweeps, and to compel the sweeping of chimneys, and to prevent the dangerous construction and condition of chimneys, fire-places, hearths, stoves and 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 condition when considered dangerous: To prevent the deposit of ashes in unsafe places: To require the inhabitants of said city to provide so many fire-buckets; and in such manner and times as they shall prescribe, and to regulate the use of them in times of fire: To authorise the mayor, aldermen, fire wardens, or other officers of the city, to keep away from the vicinity of any fire all idle or suspicious persons; and to compel all persons to aid in the extinguishment of fires, and the preservation of property exposed to damage thereat; and generally to establish such regulations for the prevention or extinguishment of fires, as the common council may deem expedient.

Regulations
to prevent
fires.

§ 3. The common council shall procure fire engines, and other apparatus used in the extinguishment of fires, and have the charge and control of the same; and to provide fit and secure engine houses, and other places for keeping and preserving the same, and shall have power to organize fire, hook, hose, ladder, axe, bucket and bag companies, and to appoint a suitable and competent number of able and respectable 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 fire. 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 gross misconduct, to remove and disband them, and appoint others in their place.

Fire engines
&c. to be
procured.Duties of
firemen.

**Fire ward-
ens.** § 4. The members of the common council shall be fire wardens, and shall have power to appoint such other fire wardens as they may deem necessary.

**Privileges of
firemen.** § 5. The firemen appointed by virtue of this act, shall, during the term of their service as such, be exempted from serving on juries and in the militia, except in case of war, invasion or insurrection, and also from a poll tax: The name of each person appointed a fireman, shall be registered with the clerk of the city, and evidence to entitle him to the exemption as provided in this section, shall be the certificate of the clerk, made within one year in which the exemption is claimed.

**Present fire-
men.** § 6. The present firemen of the villages of Syracuse and Salina shall be firemen of the city of Syracuse, subject to be removed by the common council, in like manner as other firemen of said city.

**Term of
service and
exemption.** § 7. Every fireman who shall have faithfully served as such in said city or village of Syracuse and Salina, or both, for the term of ten years, shall be thereafter exempt from serving in the militia, except in case of war, invasion or insurrection; and the evidence to entitle such persons to the exemption, as provided in this section, shall be a certificate under the corporate seal, signed by the mayor and attested by the clerk.

TITLE VIII.

Of the support of the poor and of persons likely to become chargeable to the said city.

**Overseers of
the poor.** § 1. The overseers of the poor to be elected under and by virtue of this act for the city of Syracuse, shall possess all the powers and authority of overseers of the poor in the several towns in this State, in relation to the support and relief of indigent persons, the binding out of children, who, or whose parents shall become chargeable to the said city or to the county of Onondaga in the said city: The safe keeping and care of lunatics, the care of habitual drunkards, the binding out and contracting for the service of disorderly persons, the support of bastards, and proceedings to charge the fathers and mothers of such bastards, and all such other powers as are conferred on overseers of the poor in the respective towns, and shall be subject to the same duties, obligations and liabilities.

**Accounts
how to be
audited.** § 2. All charges and accounts against said city for services rendered, acts done, or means furnished under and by virtue of the first section of this title, shall be audited by any two of the supervisors, justice of the peace and clerk of said city in the same manner and at the time similar accounts are au-

dited in the several towns in the county of Onondaga by the respective town boards.

TITLE IX.

To protect the city from the introduction or spreading of any infectious or pestilential disease.

§ 1. The common council shall be and are hereby authorized to appoint annually three commissioners as a board of health for said city, and the mayor of said city shall be the presiding officer, and the clerk of said city shall be the clerk of said board, and shall keep minutes of the proceedings thereof: The said common council shall also appoint at their pleasure one or more health physicians annually, and as often as the office shall become vacant, and may remove him or them for cause, whose duty it shall be to visit every sick person who may be reported to the board of health hereinafter provided, and to report his opinion of the nature and sickness of said person to the clerk of the board of health with all convenient speed: It shall be the duty of said physician, also at the request of said mayor, to visit and inspect all boats running to or being at the wharves, docks, landing-places, or shores in said city, which are suspected of having on board any person sick with any pestilential or infectious disease, and report the same as aforesaid to the clerk of the board of health.

Board of health and health physician to be appointed.

Duty of physician.

§ 2. In case any boat shall be at or near any of the wharves, shores or landing places in said city, and the said board of health shall believe that such boat is dangerous to the inhabitants of the said city, in consequence of their bringing and spreading any such disease as aforesaid; or having just and reasonable cause to suspect or believe that if the said boat is suffered to remain at or near the said wharves, shores or landing-places, it will be the cause of spreading among the inhabitants of said city, any pestilential or infectious disease; it shall and may be lawful for said board, by an order in writing signed by the president of said board for the time being, to order such boat to any distance beyond the bounds of said city, not exceeding three miles, within one hour after the delivery of such order to the owner, master, captain or consignee of said boat; and if the master, owner, captain or consignee of such boat, to whom such order shall be delivered, shall neglect or refuse to comply therewith, the said president may enforce such removal, and said master, owner, captain or consignee of such boat, shall be considered guilty of a misdemeanor, and on conviction shall be fined a sum not exceeding fifty dollars, and may be

Provision respecting boats coming to the wharves.

imprisoned till such fine be paid or remitted in the jail of the county of Onondaga, by any court having cognizance thereof.

Practicing physicians to make report.

§ 3. Every practicing physician in said city, who shall have a patient laboring under any infectious or pestilential disease, shall forthwith make report thereof in writing to the clerk of the said board of health; and for neglecting so to do, shall be considered guilty of a misdemeanor, and liable to a fine of ten dollars, to be sued for and recovered in an action of debt, in any court having cognizance thereof, with costs, for the use of the city.

TITLE X.

Miscellaneous Provisions.

Actions for penalties to be brought in the name of the city.

§ 1. 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 corporate name; and in such action it shall be lawful to declare generally in debt for such penalty or forfeiture, stating the section of this act, or by-laws or ordinances under which the penalty is claimed; and to give the special matter in evidence. The defendant may plead the general issue, and give the special matter in evidence also.

Before a justice of the peace.

§ 2. The first process in any such action, brought before a justice of the peace may be by summons or warrant, and execution may be issued thereon immediately on the rendition of judgment. If the defendant in any such action has no goods or chattels, lands or tenements, whereof the judgment can be collected, the execution shall require the defendant to be imprisoned in the jail of Onondaga county, for a term not exceeding thirty days.

Competency of judge justice, &c.

§ 3. No person shall be an incompetent judge, justice, witness or juror, by reason of his being an inhabitant or freeholder in the city of Syracuse, in any action or proceeding in which the said city is a party or interested.

Freedom from arrest.

§ 4. 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.

Real and personal estate of the city.

§ 5. All the estate, real and personal vested in or belonging to, or held in trust by the trustees of the villages of Syracuse and Salina, at the time this act shall take effect as a law, shall be and is hereby declared to be vested in the city of Syracuse.

Notice to be given to supervisor and overseers of poor of Salina.

§ 6. Whenever the common council of said city shall be organized as herein before provided, they may at any time cause a notice in writing, to be served on the supervisor and

overseers of the poor of the town of Salina, requiring them to meet the common council of the city of Syracuse, at such time and place as they shall specify in such notice, not less than three days from the service of the notice thereof, in order to divide the debts, money, property and effects belonging to said town of Salina.

§ 7. The said supervisor and overseers shall meet according to such notice, and shall proceed to apportion the debts, money, property and effects of said town, between the town of Salina and the city of Syracuse, according to the amount of taxable property in the said town, said portions respectively to be ascertained by the last assessment roll of the said town, and the said proportion included in the city of Syracuse, shall be paid over and delivered to the treasurer of said city on demand, by the officers respectively in whose hands the same shall be.

They shall meet and divide debts, money, &c.

§ 8. In case of neglect or refusal by the officers of the town of Salina, or any or either of them, to attend a meeting according to such notice, or to make such apportionment, the supreme court shall make such apportionment, and compel the payment and delivery of the said proportion belonging to the city of Syracuse.

Provision in case of neglect.

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

Expenses respecting offenders how paid.

§ 10. The wards of the said city, except as otherwise provided in this act, shall, for all purposes contemplated, be considered as towns of the county of Onondaga.

Wards considered towns.

§ 11. The supervisor, assessors, constables, collectors, and all other town officers heretofore elected for the town of Salina, shall continue to exercise the duties of their offices respectively in said town, as the same exists after the passage of this act, but they shall not exercise any of the powers or duties of their respective offices within the city of Syracuse, after the Monday next after the first Tuesday of March, eighteen hundred and forty-eight; except such powers and duties as may by law be exercised and discharged in any other town than that for which such officers were elected.

Officers of the town of Salina heretofore elected to continue.

§ 12. All former acts and parts of acts relative to the incorporation of the villages of Syracuse and Salina, are hereby respectively repealed; but the repeal of such acts shall not affect any act done, privilege granted, right accrued, or established institution located, or any proceeding, suit, or prosecution, had or commenced previous to the time when such repeal shall take effect: But every such act, privilege, right,

Repeal, saving acts done, privileges granted and rights accrued &c.

location and proceeding shall remain as valid and effectual as if said acts had remained in force, subject nevertheless, to the provisions of this charter, and all the officers elected or appointed under or by virtue of acts hereby repealed, shall continue in office until and including the Monday next after the first Tuesday in March, eighteen hundred and forty-eight, unless the term for which they, or any of them were elected or appointed, shall sooner expire: The same rights, duties, obligations and requirements as are now held by the trustees of the village of Syracuse, or imposed upon them in relation to Oliver Teall, as to supplying the said village with pure and wholesome water, shall be conferred and imposed upon the said common council.

Act when to take effect.

§ 13. This act shall not take effect as a law until the same shall be approved as hereinafter provided.

An election to be held in Syracuse and Salina. Villages to receive the votes for and against this act becoming a law.

§ 14. The trustees of each of the villages of Syracuse and Salina, at an election to be held on the first Monday of January next, in each of said villages respectively, shall provide a proper box to receive the ballots of the citizens residing within the territory included within the bounds prescribed by this act for the city of Syracuse; on such ballots shall be written or printed, or partly written and partly printed, by those voters who are in favor of this act becoming a law, the word "charter," and by those voters who are opposed thereto the words "no charter," and all citizens residing within the bounds aforesaid, who shall be entitled by law to vote at any annual election, shall be allowed to vote by ballot as aforesaid. Those residing north of Division street and of the line of Division street continued easterly and westerly to the east and west bounds of the proposed city, shall be entitled to vote at an election to be held in the village of Salina; and those residing south of Division street and the last mentioned line, shall be entitled to vote at the election to be held in the village of Syracuse.

Parts of general election law to be applicable to such voting.

§ 15. So much of articles one, two, and three, of title four of chapter one hundred and thirty of an act entitled "An act respecting elections other than for militia and town officers, passed April 5, 1842," as regulates the manner of conducting elections and challenges, oaths to be administered and enquiries to be made of persons offering to vote, shall be deemed applicable to the votes to be given or offered under this act, and the manner of voting and challenges and the penalties for false swearing prescribed by law, are hereby declared in full force and effect in voting under this act, except that the trustees of said villages of Syracuse and Salina respectively, or a majority of them in each of said villages, shall be the inspectors of such elections, and prescribe

the place of holding the same in their respective villages, and give the usual notice of such elections.

§ 16. The said votes given for and against a charter in pursuance of this act, shall be canvassed by said trustees or a majority of them in their respective villages in the manner prescribed by law, and as provided in article four, of title four, chapter one hundred and thirty, of the act entitled "An act respecting elections other than for militia and town officers," as far as the same is applicable, and such canvass shall be completed by ascertaining the whole number of votes given for charter and the whole number given against such charter in the form aforesaid, in each of said villages respectively, and the result being found, such trustees or a majority of them in each village shall make a statement in words of full length of the whole number of ballots received at their poll, having thereon the word "charter," and the whole number of ballots having thereon the words "no charter," and at the end thereof a certificate that such statement is correct in all respects, which certificate shall be subscribed by the trustees of each village respectively, or a majority of them, and shall be immediately filed in the office of the clerk of the county of Onondaga.

Votes how to be canvassed and certificate of result to be made by trustees

§ 17. In case it shall appear from such certificates that a majority of such ballots or votes at each of said polls are for a charter, it shall be the duty of said county clerk immediately to make under his hand and official seal a statement to that effect, and file the same in his office, and cause the same to be published in at least two of the public newspapers printed within the bounds of said city, for four weeks successively, at least once in each week; and from and after the first publication of said clerk's certificate, the aforesaid act incorporating the city of Syracuse shall become a law.

Provision in case of a majority in favor of a charter.

§ 18. This act is hereby declared to be a public act, and shall take effect immediately.

Public act.

§ 19. The Legislature may alter, modify, or repeal this act.

Right to repeal.