

LAWS  
OF THE  
STATE OF NEW YORK,

PASSED AT THE

ONE HUNDRED AND TWENTY-FIFTH SESSION

OF THE

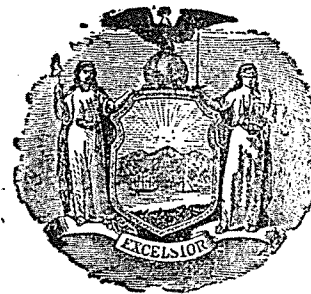
LEGISLATURE,

BEGUN JANUARY FIRST, 1902, AND ENDED MARCH  
TWENTY-SEVENTH, 1902, IN THE CITY OF ALBANY.

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VOL. I.

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ALBANY:  
J. B. LYON COMPANY, STATE PRINTERS,  
1902.

## Chap. 269.

## AN ACT to incorporate the city of Plattsburgh.

Became a law, March 29, 1902, with the approval of the Governor. Passed, three-fifths being present.

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

## THE CHARTER OF THE CITY OF PLATTSBURGH.

- Title**
- I. Incorporation, boundaries, civil divisions and definitions. (§§ 1-5.)
  - II. City officers, eligibility, elections, appointments, terms of office, compensation, filling vacancies. (§§ 7-17.)
  - III. City officers; their general powers and duties. (§§ 18-35.)
  - IV. The common council. (§§ 36-51.)
  - V. Department of public works, local improvements, streets, highways, sewers, paving streets and construction of sidewalks. (§§ 52-70.)
  - VI. The fire department. (§§ 71-79.)
  - VII. The police department. (§§ 80-97.)
  - VIII. Department of public instruction. (§§ 98-113.)
  - IX. Health department. (§§ 114-118.)
  - X. Department of charities. (§§ 119-123.)
  - XI. Department of law. (§§ 124-129.)
  - XII. City court. (§§ 130-143.)
  - XIII. Actions by and against the city. (§§ 144-146.)
  - XIV. Assessment and taxation. (§§ 147-169.)
  - XV. Miscellaneous. (§§ 170-185.)

## TITLE' I.

## INCORPORATION; BOUNDARIES; CIVIL DIVISIONS; DEFINITIONS.

- Section 1. Short title; public act.
2. Boundaries of the city.
  3. Corporate name and powers.
  4. Division into wards; ward boundaries.
  5. Definitions.

Section 1. Short title; public act.—This act is a public act and shall be known as “the charter of the city of Plattsburgh.”

§ 2. Boundaries of the city.—All that part of the town of Plattsburgh, in the county of Clinton, within the following boundaries, is hereby constituted a city, which shall be known and designated as the “city of Plattsburgh,” to wit: Beginning in the shore of Lake Champlain, at low-water mark in Cumberland bay, at the southeast corner of lot number ninety-seven, Plattsburgh old patent, running thence northerly in the east bounds of said lot to the south bounds of the highway leading from the state road to Cumberland head; thence westerly in the south bounds of said highway to the west bounds of the state road; thence southerly in the west bounds of the state road to a point which is the intersection with the north line of lot number one hundred and twelve extended easterly; thence westerly in the said line extended and along the north line of said lot number one hundred and twelve to the northeast corner of lot number one hundred and one, thence southerly in the east bounds of lot number one hundred and one to the northeast corner of the Boynton farm; thence westerly in the north bounds of the Boynton farm and the said north bounds extended westerly to the so-called Beekmantown road; thence south in the east bounds of said road to the south bounds of Boynton avenue; thence westerly in the south bounds of Boynton avenue to the northwest corner of lot number ten; thence southerly in the west bounds of lot number ten to the south bounds of the so-called plank road; thence westerly in the south bounds of the said plank road to the northwest corner of lot number sixteen; thence southerly in the west bounds of lot number sixteen to Rugar street; thence westerly in the north bounds of Rugar street to the northeast corner of lot number twenty-eight; thence southerly in the east bounds of lot number twenty-eight and the same line extended to the south bounds of the Saranac river; thence easterly in the south bank of said river, as it winds and turns, to the east bounds of lot number sixty-six; thence southerly in the east bounds of lot number sixty-six to the southwest corner of lot number ninety-four; thence easterly in the south bounds of lot number ninety-four to the west bounds of the highway crossing said lot; thence northerly in the west bounds of said highway to the south bounds of the right of

way of the Chateaugay railroad; thence easterly along the south bounds of said right of way, as it winds and turns, to the north line of lot number sixty, Plattsburgh old patent; thence east along said north line of lot number sixty to the west shore of Lake Champlain at low-water mark; thence northerly on the westerly shore of Lake Champlain, at low-water mark as it winds and turns, to the place of beginning.

§ 3. Corporate name and powers.—1. The citizens of the state of New York from time to time inhabitants within the boundaries of the "city of Plattsburgh," as aforesaid, shall be a municipal corporation in perpetuity under the name of the "city of Plattsburgh." The said corporation may take, purchase, hold, sell and convey real and personal property; it may take by gift, grant, bequest and devise, and hold real and personal estate in trust for any purpose of education, art, health, charity or amusement, for parks or gardens, for improvement of cemetery, for the erection of statues, monuments, public buildings or other public use, upon such terms as may be prescribed by the grantor or donor and accepted by said corporation, and may provide for the proper execution of said trust, and may have, use, and from time to time alter, a common seal, may sue and defend in all courts and may do anything necessary to carry into effect the powers granted to it.

2. Town of Plattsburgh.—The town of Plattsburgh shall hereafter consist of all the territory heretofore constituting said town, except that portion thereof embraced within the boundaries of the city of Plattsburgh, and the territory embraced within the boundaries of said city as hereinbefore described shall not constitute or be a part of the town of Plattsburgh.

3. Succession of liabilities.—The corporation known as the village of Plattsburgh and included in the boundaries of said city is hereby dissolved, subject to the provisions of this act. The city of Plattsburgh shall succeed to and be vested with all the rights and property of the said village of Plattsburgh, and shall succeed to and be liable for all the liabilities of said village corporation, of every name and nature; and every suit, prosecution or proceeding commenced by or against said village corporation, and pending at the time of the passage of this act, may be continued by or against and in the name of said village, or at the option of the parties thereto, the name of said city may be sub-

stituted instead of said village corporation and in the name of said city all suits, actions or proceedings may be continued. All divisions of said village into road, fire or other districts, highways, streets, parks and alleys, shall remain, be and continue such divisions, highways, streets, parks and alleys in the city of Plattsburgh until changed or abolished by the common council of said city; and all ordinances, rules and regulations of the board of trustees of the said village of Plattsburgh, in force at the time of the passage of this act, shall be and continue to be in force, and shall have the same force, over the entire limits of the city of Plattsburgh as in and by this act established, until repealed, modified or changed by the common council of said city; subject, however, to the provisions of this act; the said common council is hereby authorized and empowered, in the name, for and in behalf of the city of Plattsburgh, to enforce all such ordinances, rules and regulations, and all contracts of said village, including collections of debts and demands; imposition and collection of fines and penalties, prosecution and defense of all suits; and to do, take and perform all other acts and proceedings that may be or become necessary or proper to carry out and enforce said contracts, ordinances, rules and regulations, with the same power and to the full extent, as might have been done by or on the part of the board of trustees of said village, or by said village; and the rights and privileges of all persons or parties that may have arisen or accrued under, pursuant to or by reason of, any such contract, ordinance, rule or regulation, or otherwise as well as any liability that may have arisen by reason thereof, shall remain and be the same as they would have been under the village charter of said village; and all rights and liabilities of said village, existing at the time of the passage of this act, shall be in no wise affected or changed by reason of this act; but all actions and proceedings which may be hereafter commenced to enforce or protect any such accrued or existing rights, privileges or liabilities, shall be brought and prosecuted or defended by or in the name of the city of Plattsburgh. All rules and regulations pertaining to the government of the fire department of the said village, in force at the time of the passage of this act, shall remain, be and continue the same under the said city as under said village government, until modified or repealed by the proper authorities of said city of

Plattsburgh, and all officers and members of said fire department of the village of Plattsburgh shall become and be the officers and members of the fire department of the city of Plattsburgh, and shall perform all the duties devolving upon them as such firemen, and have and retain all the rights and privileges in the same manner and in all respects as if this act had not been passed, subject, however, to the further provisions of this act, and the exercise of powers by this act conferred. The ownership and control of all the property and effects pertaining to or connected with the fire department of said village shall, by virtue of this act, vest in the city of Plattsburgh and in the fire department thereof, in the same manner and to the same extent in all respects as the same is now vested in said village and fire department, subject, however, to such changes as the city of Plattsburgh may make respecting the same.

§ 4. Division into wards.—The city shall be divided into six wards as follows:

First ward.—All that portion of the city lying within the following boundaries, namely: Commencing at a point where the center line of Brinkerhoff street intersects the center line of Margaret street, running thence northerly in the center line of Margaret street to the center of Bridge street, thence in the center line of Bridge street to the center of Saranac river, thence easterly in the center line of Saranac river to Lake Champlain, thence along the shore of Lake Champlain to a point on said shore in the center line of Lorraine street, if extended; thence westerly in the center line of Lorraine street to the center of Miller street, thence northerly in the center line of Miller street to the center of Elm street; thence westerly in the center line of Elm street to the center of Catherine street; thence southerly in the center line of Catherine street to the center of Brinkerhoff street, thence easterly in the center line of Brinkerhoff street to the place of beginning.

Second ward.—All that portion of the city lying within the following boundaries, namely: Commencing on the shore of Lake Champlain at a point in the center of Lorraine street, if extended, to said lake, running thence westerly in the center line of Lorraine street to the center of Miller street; thence northerly in the center line of Miller street to the center of Elm street; thence westerly in the center line of Elm street to the cen-

ter of Catherine street; thence northerly in the center line of Catherine street, if extended, to the north bounds of said city; thence easterly in the north bounds of said city to the shore of Lake Champlain; thence southerly along the shore of Lake Champlain as it winds and turns to the place of beginning.

Third ward.—All that portion of the city lying within the following boundaries, namely: Commencing at a point on the shore of Lake Champlain in the northerly bounds of the United States military reservation running thence westerly in the northerly bounds of the United States military reservation to the center of the Saranac river; thence northerly in the center of the Saranac river to the center of Broad street, if extended to said river; thence westerly in the center line of Broad street to Margaret street; thence in the center line of Margaret street to the center of Bridge street; thence easterly in the center line of Bridge street to the center of Saranac river; thence easterly in the center of Saranac river to Lake Champlain; thence southerly along the shore of Lake Champlain as it winds and turns to the place of beginning.

Fourth ward.—All that portion of the city lying within the following boundaries, namely: Commencing in the center of Brinkerhoff street where it is intersected by the center line of Catherine street, running thence north in the center line of Catherine street, if extended, to the north bounds of said city; thence westerly in the north bounds of said city to the west bounds thereof; thence southerly in the west bounds of said city to the center of the plank road; thence easterly in the center line of the plank road to the center of Brinkerhoff street; thence easterly in the center line of Brinkerhoff street to the place of beginning.

Fifth ward.—All that portion of the city lying within the following boundaries, namely: Commencing at a point where the center line of Margaret street intersects the center line of Brinkerhoff street running thence west in the center line of Brinkerhoff street to the center of the plank road; thence westerly in the center line of the plank road to the west bounds of the said city; thence southerly in the west bounds of the said city to the center of the Saranac river; thence easterly in the center of the Saranac river to the center of Broad street, if extended to said river; thence westerly in the center line of Broad street to Mar-

garet street; thence northerly in the center of Margaret street to the place of beginning.

Sixth ward.—All that portion of the city lying within the following boundaries, namely: All that portion of the city lying south of the Saranac river, excepting that portion hereinbefore placed in the third ward.

§ 5. Definitions.—The official and fiscal year of the city shall commence with the first day of January of that year. The term “streets,” as used in this act, includes highways, alleys and lanes in the control of the public, the village of Plattsburgh, or the city of Plattsburgh. The term “resolution” as used in this act, includes all orders, rules, regulations and by-laws other than ordinances. The word “person,” as used in this act, shall be construed to include all persons, firms, corporations and associations.

#### TITLE II.

#### CITY OFFICERS; ELIGIBILITY; ELECTIONS; APPOINTMENTS; TERMS OF OFFICE; COMPENSATION; FILLING VACANCIES.

##### Section 7. City officers.

8. Eligibility to city offices; vacancies created by change of residence.
9. Elective officers enumerated.
10. Appointive officers enumerated; by whom appointed.
11. Compensation of city officers.
12. Commencement and expiration of term of office.
13. City elections.
14. Canvass of votes at annual election.
15. Official salaries, when payable; fees and perquisites.
16. Suspensions and removals of appointive city officers.
17. Filling vacancies.

Section 7. City officers.—The officers of the city shall be a mayor, one alderman from each ward, two supervisors, a city clerk, a city judge, a chamberlain, a corporation counsel, fifteen members of the board of education, three members of the board of health, three commissioners of public works, three assessors, a commissioner of charities, a superintendent of public works, a chief of police, four patrolmen, special policemen as

hereinafter provided, two constables, a chief engineer of the fire department, a first and second assistant engineer of the fire department, and a health officer, who shall also be the city physician.

§ 8. Eligibility to city offices.—No person shall be elected or appointed to any city office, other than superintendent of schools, chief of police, patrolmen, special policemen, constables, chief of fire department and members of the fire department, unless he shall be at the time a resident elector and he or his wife an owner of property in said city which is subject to taxation, nor to any ward office unless he shall be at the time a resident elector in such ward; and he or his wife an owner of property in said city which is subject to taxation, and the election or appointment of any person not so qualified shall be void. No person, shall be elected city judge unless he shall have been for at least one year previous to his election, duly admitted to practice as an attorney and counselor in the several courts of this state. Whenever any officer of said city, shall cease to be a resident of said city, or of the district or ward for which he was elected or appointed, his office shall thereby become vacant.

##### § 9. Elective city officers enumerated:

1. Elective city officers.—The elective city officers to be elected by the electors of the city at large shall be a mayor and two supervisors; the elective officers of the city to be elected by each ward shall be one alderman.

2. Terms of elective officers.—Other than as provided by this act the term of office of the mayor and aldermen shall be two years. The term of office of supervisors shall be in duration the same as supervisors of towns in Clinton county.

##### § 10. Appointive city officers enumerated; by whom appointed; their term of office:

1. Appointive city officers.—The appointive officers of the city of Plattsburgh shall be a city judge, a city clerk, a corporation counsel, a city chamberlain, three assessors, a commissioner of charities, three members of the board of health, three members of the board of public works, a superintendent of schools, who shall be appointed by the board of education, a superintendent of public works, who shall be appointed by the board of public works, a chief of police and four patrolmen, and special police-

men as provided in this act, two constables, a health officer, who shall be the city physician and shall be appointed by the board of health, a chief engineer and first and second assistant engineer of the fire department and inspectors of election to fill vacancies. All appointments made by the board of public works to any salaried position shall be subject to the approval of the common council, but the concurrence of three aldermen and the mayor shall be deemed the approval of the common council. All officers whose appointments are not herein otherwise specially provided for shall be appointed by the mayor, subject to the approval of the common council, but the concurrence of three aldermen shall be deemed the approval of the common council.

2. **Term of office of appointive officers.**—The term of office of the city clerk shall be two years; the city judge, two years except as herein provided; the corporation counsel, two years; the chamberlain, except as hereinafter provided, two years; the commissioner of charities, two years, except as herein provided; assessors, two years; members of the board of education, five years, each member of the board of public works and commissioners of health, two years. The term of all other appointive officers appointed by the mayor shall be determined by the mayor, and the term of each subordinate appointed by the said boards, shall be for such terms as such respective boards may determine, but the terms of office of officers appointed by the mayor shall not continue beyond the term of the mayor, except as in this act provided, and the terms of office of appointees of the boards shall not continue beyond the term of the members of the board, except as in this act provided.

§ 11. **Compensation of city officers.**—The mayor, aldermen, members of the board of education, members of the board of public works, and members of the board of health except the president, shall receive no compensation for their services. The annual salary of the city judge shall be twelve hundred dollars; the annual salary of the city clerk shall be fixed by the common council at a sum not to exceed seven hundred and fifty dollars; the annual salary of the city chamberlain shall be twelve hundred dollars, but he shall receive no fees or additional compensation whatever; the annual salary of the commissioner of charities shall be four hundred dollars; the annual salary of the

health officer and city physician shall be six hundred dollars, which shall include all expenses for medicines furnished to the poor, under his charge. The annual compensation of each assessor shall be one hundred dollars. The corporation counsel shall receive such annual salary as shall be agreed upon by the common council, not exceeding five hundred dollars. The superintendent of public works shall receive an annual salary of nine hundred dollars; the chief of police a monthly salary of seventy-five dollars; the patrolmen, other than special policemen, a monthly salary of fifty dollars; the special policemen shall receive two dollars a day if continuous employment is for less than a month, or forty dollars a month for a full month's service; the supervisors and constables shall be entitled to the same compensation for their services as the corresponding officers in towns are entitled to receive for like services; the inspectors of election and such other officers as are authorized to be appointed, shall receive the compensation fixed by law. Salaried officers by the year or month shall be paid ratably if actual service shall be less than the full term. No other appointive officer of the city shall be entitled to receive from the city any compensation for his services, unless otherwise provided by this act or by a general law.

§ 12. **Commencement and expiration of term of office.**—The term of office of each officer elected at a general city election shall, other than as herein provided, commence with the first day of January in the year following such election. The term of office of each officer appointed by the mayor or by the mayor and the common council for a full term shall, other than as herein provided, commence on the first day of February of the year in which such appointment is required to be made.

§ 13. **City elections.**—The common council shall provide polling places, ballot boxes and other necessary material in each election district in said city, for all elections in said city and the manner of conducting such elections shall, in all respects, conform to and be governed by the general laws of this state in respect to elections, not inconsistent with this act. On the second Saturday prior to any regular election, the board of inspectors shall meet as a board of registration and shall discharge the duties required of such board by the provisions of

subdivision three of section thirty-three of article two of chapter six of the election law. At each such election, other than as herein provided, a successor shall be elected to each elective city officer, whose term of office shall expire within the year in which such election is held. Public notice of every election under this act, other than as herein provided, shall be given by the common council, the notice thereof to be published in the official newspapers of said city, at least once in each week for two consecutive weeks immediately preceding the holding of such election, which notice shall designate the officers to be voted for at such election and the location of each polling place, or by such notice and in such manner, as may be required by the general election laws of this state. The polls of each general election and of each special election in said city in which one or more officials are to be elected, shall be opened at nine o'clock in the forenoon and closed at four o'clock in the afternoon. The inspectors shall canvass all votes cast for city officers and declare and make a statement of the result in the same manner as required by the general laws of the state, and file the same immediately with the city clerk. The city clerk shall at least one week before the date fixed by law for the first meeting of the board of registry for a city election, notify each inspector of election, in writing of his appointment as such inspector, and of each day for the meeting of the board of registry in each election district of the city and of the date of such election. Every inhabitant of said city who shall, at the time and place of offering his vote, be qualified to vote for member of assembly, shall then and there be entitled to vote for all officers of the city at large, and for all ward officers to be elected in his ward. To entitle an elector or voter to vote upon a proposition to raise money by tax or by bonds, he must be entitled to vote for a city officer and he must be the owner of property in the city assessed upon the last preceding assessment roll thereof; any woman, over the age of twenty-one years, who resides in such city and is the owner of property in the city assessed upon the last preceding assessment roll, may vote upon any such proposition. No elector of any city shall vote in any election district except that in which he shall reside at the time he offers his vote, and shall have so resided at least thirty days immediately prior to the election at which he offers his vote. Each

ward of the city shall constitute an election district until some further division be made pursuant to the provisions of this act.

§ 14. Canvass of votes at regular city election.—The common council of said city shall meet as a board of city canvassers on the next Thursday after each regular city election. The city clerk shall present to the common council at said meeting, the certified statements of the results of such election in the several election districts of the city, as delivered to him by the inspectors of election in such districts. The common council shall canvass such certified statements and determine and declare the whole number of votes cast for each such candidate and what person was elected thereto. The persons having the greatest number of votes for the respective offices to be filled for the whole city, and those having the greatest number of votes for the offices to be filled by the several wards, or by wards voting for a supervisor, as herein provided shall be declared duly elected. In case of a tie vote, the mayor and common council shall fill such office by appointment for the full term. The city clerk shall enter such determinations and declarations in the minutes of the meeting of the common council.

§ 15. Official salaries, when payable; fees and perquisites.—The salaries of the city officers shall be payable in such installments and at such times and in such manner as the common council shall determine. The compensation fixed by the common council or by law for the several officers shall be in full for all services which they shall, respectively, perform for said city in any and all capacities, other than as herein provided. All fees and perquisites received by such officers shall, other than as especially provided by this act or in pursuance of any general law, be paid into the treasury for the benefit of the general city fund.

§ 16. Suspensions and removals of appointive city officers.—The mayor, and each city board, having appointive powers, may remove any city officer appointed by them, for dishonesty, incapacity, neglect of duty, or other irregularities, or for the reason that there are no longer any duties to be performed, giving such officers reasonable notice thereof and a reasonable opportunity to be heard, and such officer may be suspended pending such investigation. Such hearing shall be had before

the mayor upon charges in writing, a copy of which shall be furnished to the accused.

§ 17. Filling vacancies.—Other than as provided in this act, if a vacancy shall occur in any elective office of the city, except the office of mayor, otherwise than by expiration of term, the mayor shall appoint, with the approval of the common council as hereinbefore provided, persons to fill such vacancies for the balance of the unexpired term. In case of a vacancy in the office of mayor, the vacancy for the unexpired term shall be filled by the common council. A vacancy occurring in an appointive office of the city, otherwise than by expiration of term, shall be filled for the balance of the unexpired term by the same authorities and in the same manner as an appointment for a full term.

### TITLE III.

#### CITY OFFICERS, THEIR GENERAL POWERS AND DUTIES.

Section 18. Official oath required by all city officers.

19. Official bond of city officers.
20. Liability of city officers for unauthorized expenditures and other official misconduct.
21. When expenditures to be by contract to lowest bidder.
22. City officers authorized to administer oaths and take affidavits and acknowledgments.
23. General powers and duties of the mayor.
24. General powers and duties of the city chamberlain.
25. General powers and duties of the city judge.
26. General powers and duties of the city clerk.
27. The corporation counsel.
28. General powers and duties of the city superintendent of public works.
29. The aldermen.
30. The constables.
31. The assessors.
32. Health officer and city physician.
33. Powers and duties of supervisors.
34. Powers and duties of other city officers.
35. Payments of money must be made from and into the general fund when not otherwise provided.

Section 18. Official oath required of all city officers.—Each officer of the city shall, before he enters upon the duties of his office, take and file his official oath in accordance with article thirteen of the constitution and section ten of the public officers' law, and for omission so to do he shall be subject to all the liabilities and penalties prescribed by section forty-two of the penal code and sections thirteen, fifteen and twenty of the public officers' law. The mayor, clerk and city judge shall forthwith upon election or appointment, file the certificate of his election or appointment, together with his constitutional oath of office with the clerk of the county of Clinton.

§ 19. Official bond of city officers.—Each city chamberlain, clerk, superintendent of public works, commissioner of charities, and city judge, shall, before he enters upon the duties of his office, execute and file an official bond in accordance with section sixteen of the statutory construction law, and sections eleven, twelve and thirteen of the public officers' law, and for omission so to do shall be subject to the penalties and liabilities prescribed in section forty-two of the penal code, and sections thirteen, fifteen and twenty of the public officers' law; otherwise than as herein provided, the penal sum named in any such bond, or the sum specified in any such undertaking at the maximum amount of liability thereon, shall be fixed by the common council. If a surety company shall be bondsman the fee charged therefor by the surety company shall be a charge against the city, but no agreement as to fees or compensation to be paid shall be made with any surety company without the approval of the mayor.

§ 20. Liability of city officers for unauthorized expenditures and other official misconduct.—No officers of said city or other person shall have power or authority to make any purchase in behalf of, or on the credit of, the city, or to contract any debt or liability against the city, unless authorized so to do by or in pursuance of the provisions of this act or general law; and no account, claim or demand of any kind shall be allowed or paid unless so authorized. If any officer of the city shall vote for any appropriation or for the payment of expenditures of any moneys not authorized by or in pursuance of law, such officer shall be liable to a penalty of one hundred dollars, to be recovered by the city in a civil action and shall be guilty of a



misdemeanor. If the common council or any city board shall pass any resolution authorizing or purporting to authorize any expenditure of money by the city for any purpose, exceeding the amount authorized by or in pursuance of law, to be expended in any year by the common council, each officer voting for such resolution shall be guilty of a misdemeanor and shall be personally liable for the amount thereof, and each officer present in the meeting at the passage of the resolution shall be deemed as voting for the resolution unless his dissent thereto is entered upon the minutes of the meeting at which such resolution was passed, but the city of Plattsburgh shall not be liable therefor, and neither the common council nor any city board or city officer shall pay any debt or expenditure so contracted or made. If any officer of the city authorized to make any contract in his official capacity, or to take part in making any such contract, becomes voluntarily interested in such contract, he shall be guilty of a misdemeanor and shall also be liable to the penalty prescribed by section four hundred and seventy-three of the penal code. If any person having been an officer of said city, whose term of office has expired, shall not within five days after notification and request, deliver to his successor in office all property, papers and effects of every description in his possession or under his control belonging to said city, or appertaining to such office, he shall be liable to a penalty of one hundred dollars, to be recovered by the city in a civil action, together with all damages caused by his neglect or refusal, and he may also be proceeded against, as provided in section two hundred and forty-seven of the code of civil procedure, and section fifty-seven of the penal code.

§ 21. When expenditures to be by contract to the lowest bidder.—Whenever any expenditures to be made or incurred by the common council or city board or any city officer in behalf of the city for work to be done, or materials or supplies to be furnished, except ordinary repairing and macadamizing of streets, shall exceed two hundred dollars, the city clerk shall advertise for and receive proposals therefor, in such manner as the common council, or as the board or officer charged with making such contract shall prescribe, and the contract therefor shall be let to the lowest responsible bidder, who shall execute a bond to said city with one or more sureties, being freeholders, or the

bond of some solvent surety company, for the faithful performance of the contract. Each surety, if an individual, shall make an oath in writing, that he is worth a sum double the contract price, over and above all debts and liabilities he owes or has incurred and exclusive of property exempt from execution, but where the contract exceeds two thousand five hundred dollars, the amount in which the surety is required to justify may be made up by the justification of two or more sureties each in a smaller sum, but in that case a surety cannot justify in a less sum than five hundred dollars; and where two or more sureties are required to justify, the same person cannot so contribute to make up the sum for more than one of them. When the lowest bid, in the opinion of the common council, board or officer charged with making the contract, is too high, they shall have the right to reject it, and may discontinue or abandon the work or may direct the clerk to advertise for new proposals, or with the consent of the common council, such work may be done without public letting, if the estimated expenditure does not exceed five hundred dollars.

§ 22. City officers authorized to administer oaths and take affidavit and acknowledgments.—The mayor, clerk and city judge of the city shall each have the same power and authority to administer oaths and take and certify affidavits and acknowledgment as a justice of the peace of towns in the county of Clinton.

§ 23. General powers and duties of the mayor.—The mayor shall be the chief executive officer of the city and shall have and exercise all the powers conferred upon him by this act and by the general statutes of this state, not inconsistent with this act. It shall be his duty to see that the laws of this state and the ordinances and by-laws passed by the common council are faithfully executed within the city. He shall sign, on behalf of the city, all contracts made by it, and cause the seal of the city to be affixed thereto. He shall be the presiding officer of the common council and shall have the right to vote upon any question when there is a tie vote in the common council and ex officio he shall be chairman of the board of public works but without vote as such chairman. He shall have power and authority to call out and command the police and firemen whenever, in his discretion, he shall deem it necessary, and such command shall be in all respects obeyed. Whenever necessa

for the prevention or suppression of public disturbances, mobs or riots, it shall be his duty to take such action as is authorized by chapters three and four of title two, part two of the code of criminal procedure, section one hundred and sixty-two of the military code, and section twenty-one of the general municipal law. It shall be his duty to exercise a constant supervision and control over the conduct of all city officers, and he shall have power and authority to examine at all times, the books, vouchers and papers of any officer or employee of said city, and to take and hear testimony and proof in pursuance of sections eight hundred and forty-two to eight hundred and sixty-nine of the code of civil procedure. He may designate, from time to time, the place in said city where he will keep his office. It shall be the duty of the mayor to communicate in writing to the common council as soon after his election as practicable, and as often thereafter as he may deem expedient, a general statement of the affairs of the city in relation to its finances, government and improvement, with such recommendations as he may deem proper.

§ 24. General powers and duties of the city chamberlain.—The city chamberlain shall be the fiscal officer of the city, and shall perform such duties incident to his office as the common council may require. He shall keep an office in such place as the common council shall provide and designate, which shall be kept open each day in the year except Sundays and legal holidays, from nine-thirty o'clock in the forenoon until three o'clock in the afternoon. He shall keep separate accounts of the different funds of the city, and shall not pay out any money chargeable to any fund in excess of the amount standing on his books to the credit of such fund, and shall not pay money from any fund which is not properly chargeable thereto. The city chamberlain shall, before the first meeting of the common council in each month, file with the city clerk a report showing in detail the total expenditures and receipts of the city moneys during the next preceding calendar month, a summary statement of that portion of the current fiscal year expiring with the last day of such preceding month, and the balance at the end of such month standing to the credit of each of the city funds. Such statement shall be in such form as shall be prescribed, from time to time by the common council. Before entering

upon the duties of his office, and within fifteen days after he shall have received official notice of his election, the city chamberlain shall execute and file an official bond with two or more sureties, or of some solvent surety company, in the penal sum of fifty thousand dollars, in accordance with section sixteen of the statutory construction law and sections eleven, twelve and thirteen of the public officers' law; and for omission to do so he shall be subject to the penalties and liabilities prescribed by section forty-two of the penal code, and sections thirteen, fifteen and twenty of the public officers' law. Such bond shall be approved by the common council, a certificate by the city clerk of such approval shall be endorsed thereon and the bond so endorsed shall be filed and recorded in the clerk's office of the county of Clinton, in the same manner as the official bonds of town collectors, and such bond shall be a lien on all property of such chamberlain and each of such sureties in the county of Clinton, until the conditions of such bond, together with all the costs and charges which may accrue upon the prosecution thereof, shall be fully satisfied, whereupon, the common council, shall, by resolution, declare that such bond is satisfied and a copy of such resolution, duly certified by the city clerk, may be filed and recorded in the office of said county clerk and shall operate to discharge the same and the lien thereof from record. A true copy of such bond and certificate shall be filed in the city clerk's office. It shall be the duty of the chamberlain to receive all state, county, city and local taxes, assessments and water rents which may be paid at such office and to retain there, and not elsewhere, the possession of the warrants and assessment-rolls which may, from time to time, be delivered to him by the clerk of the city. He shall enter daily, in suitable books, all sums of money received by him for taxes and for fees for collection of taxes or otherwise received, with the name of the person or corporation on whose account the same shall be paid, and shall at the expiration of each month exhibit the same in his office to the mayor and finance committee of the common council for their action. He shall also enter in a column in the assessment rolls in his possession, opposite the names of the person or corporations who shall pay their taxes or assessments, the fact of the payment, the amount thereof with collection fees and the

date when paid. He shall also keep a record of all persons, and their respective addresses, who may pay taxes for non-residents of said city, and the residence of such non-residents, so far as he can ascertain the same. The chamberlain shall be the custodian of all securities, obligations and other evidence of debt belonging to the city. He shall annually settle with the common council, and as much oftener as it may require, for all tax-rolls and warrants issued to him, and for all moneys received or collected by him including fees for collection for school or other purposes and produce the proper vouchers of the board of education and other officers for all money paid upon the warrants, drafts or orders of said officers. At the time of the annual settlement and immediately preceding the expiration of his term of office, or within such time after the annual settlement as the common council may fix, he shall pay to his successor in office all such moneys remaining in his hands including such collection fees and deliver to such successor in office, all assessment-rolls, books, papers and property, belonging to said city or pertaining to the affairs of the city in connection with the duties of his office.

§ 25. General powers and duties of the city judge.—The city judge shall be the judge of the city court which shall have both civil and criminal jurisdiction. He shall possess all the jurisdiction, power and authority in both civil and criminal proceedings as are or may be vested in justices of the peace of a town, together with such other powers and duties as are conferred upon him by this act, and shall collect to the same fees in civil proceedings as such justices of the peace; and on the first day of each month he shall report and pay over to the city chamberlain all fees collected by him during the preceding month.

§ 26. General powers and duties of the city clerk.—The city clerk of said city shall be ex officio clerk of the common council, of the board of public works and of the board of health, and he shall also be registrar of vital statistics of the said city, and shall discharge the duties imposed by law upon such office or officer, but shall receive from the city no fees therefor directly or indirectly. He shall perform such other duties incident to his office as may be required by the common council or by any such board. He shall keep the minutes of the meetings of the common council and of each board of which he is ex officio clerk,

and shall record in books to be kept for that purpose, all proceedings of the common council and of each such board, and index the same. He shall keep an office at such place as the common council shall provide and designate. He shall have charge, custody and control of the corporate seal, books, papers, documents and official minutes of the city, except as otherwise provided or in pursuance of law. He shall keep a book and alphabetically index and record therein all bonds of the city officers as well as all contractors' or other bonds running to the city or any of its officers, and note therein the date of filing each bond. He shall upon request and the payment of fees therefor, make certified copies of all records and documents in his possession or under his control, as such clerk or ex officio clerk, and may affix the corporate seal of the city to any such certificate, and such seal shall be deemed to be his official seal, and any such certified copies shall be evidence as provided in section nine hundred and thirty-three of the code of civil procedure. He shall be entitled to demand and receive fees and appropriate the same to his own use for such certified copies, at the rate of ten cents per folio, from each person other than a city officer, upon whose request any such certified copy is made and delivered. He shall keep an accurate account of all fees and moneys received by him as such clerk or ex officio clerk, other than his salary, including fees received by him as registrar of vital statistics, and shall, on or before the tenth day of each month, pay over all such fees and moneys received by him (except the fees aforesaid for copies) during the month immediately preceding, to the city chamberlain to the credit of the general fund, for which he shall take a receipt and file the same in his office. Such receipt shall, at all times, be subject to examination by the common council, or any member thereof. His office is hereby declared a town clerk's office for the purpose of depositing and filing therein, all books and papers required by law to be filed in a town clerk's office, and he shall possess all the powers and discharge all the duties of a town clerk not inconsistent with this act, except that chattel mortgages shall be filed as heretofore in the office of the county clerk in Clinton county, and the law relating thereto is not by this act changed.

§ 27. The corporation counsel.—The corporation counsel shall be the official advisor of the common council, and all the boards and other officers of the city, including the assessors. He shall,

when directed by the mayor or by the common council, prosecute all charges against appointees and prosecute and defend all actions and proceedings by and against the city and every department thereof, including criminal prosecution for violations of ordinances and violations of any provision of this act, and perform such other professional services relating to said city, as the mayor and common council may direct. He shall when required, prepare all legal papers, contracts, deeds and other instruments for the city and the different departments thereof. At the expiration of his tenure of office he shall hand and deliver to his successor in office, as soon as qualified, the record or register of all suits or proceedings in which the city or any of its departments may be a party, and also all papers on the part of the city therein, and also sign stipulations substituting said successor as attorney for the city to such suits or proceedings, to the end that a substitution order may be entered making substitution. All costs in litigated cases, wherein the city is successful shall belong to the city, and when collected shall be paid to the chamberlain and credited to and form a part of the general fund of the city; except, however, such costs exclusive of disbursements as may be awarded the city when defendant. Such costs when collected shall belong to the corporation counsel and may be retained by him.

§ 28. **General powers and duties of city superintendent of public works.**—The superintendent of public works shall, under the direction of the board of public works, have the general supervision and direction of all public works, including the water systems, within the jurisdiction of the board. He shall prepare and submit to the board of public works at such times as they shall direct, pay rolls in such form as the board of public works may prescribe, verified by his oath, setting forth the work done for the city under his charge since the last pay roll, and specifying the name of each person employed thereon; the time he labored, his wages, number of days and the amount due him, and name the fund to which each item is chargeable. When said pay rolls are audited by the board of public works and approved by the mayor the persons named therein shall be paid by the chamberlain from the proper fund of the city, on account of which said work shall be performed or said expenses incurred.

§ 29. **The aldermen.**—It shall be the duty of every alderman to attend the regular and special meetings of the common council; to act upon committees where thereunto appointed by the mayor or common council; to arrest or cause to be arrested all persons violating the laws of the state or ordinances, by-laws or police regulations of the city when such violations are committed in his presence; to report to the mayor all subordinate officers who are guilty of any official misconduct or neglect of duty; to aid in maintaining peace and good order in the city, and to perform or assist in performing all such duties as are by this act enjoined upon the aldermen of said city, separately or upon the common council thereof. The aldermen shall in their respective wards be fence viewers, and shall possess all the powers and authority, in respect to division fences, or walls in their respective wards, which are given by law to fence viewers of towns with respect to division fences and shall be entitled to receive the same fees as fence viewers of towns.

§ 30. **The constables.**—The constables of said city shall have the same powers, duties and jurisdiction and be subject to the same liabilities as if the city of Plattsburgh were a town in the county of Clinton and they were constables thereof, except that they shall not execute any criminal process or exercise any authority or power in any criminal actions or proceedings, or special proceedings of a criminal nature, for or on account of any offense committed or charged to have been committed within said city.

§ 31. **The city assessors.**—The city assessors shall perform all the duties required of them by this act in relation to the assessment of property in said city as well for the purpose of imposing taxes levied by the board of supervisors of Clinton county as those levied by the common council of said city and to that end they shall perform all the duties and possess all the powers and authority of town assessors except as modified by this act.

§ 32. **Health officer and city physician.**—It shall be the duty of the city physician, under the direction of the commissioner of charities, to visit at their places of abode such of the poor of the city as may be ill and give medical attention and care, and shall supply such medicines for the same as their condition shall require.

§ 33. Powers and duties of supervisors.—The supervisors of the city of Plattsburgh shall have the same powers and duties as the supervisors of the towns of Clinton county, and shall be members of the board of supervisors of the county of Clinton. They shall receive the same compensation allowed by law, in the same manner as supervisors of towns except fees for copying assessment rolls and extending taxes, which last mentioned fees if charged or received shall be paid to the city chamberlain for the use of the city. The supervisors elected, appointed or qualified under this act shall be recognized by the board of supervisors of Clinton county and be allowed to take their seats as members of said board and participate in all deliberations and proceedings of said board during their term of office. Other than as provided by this act, their term of office shall begin the first day of January next after their election. They shall also discharge all other duties imposed upon them by this act. The city shall be regarded as a town of Clinton county for the purpose specified in title three, chapter ten, article second, of the code of civil procedure, respecting the selection, drawing and procuring the allowance of trial jurors. The supervisors and the city clerk and assessors of said city shall together perform the duties prescribed in said article. A duplicate of the list of jurors selected by them shall be filed in the office of the clerk of said city, which shall be deemed a town clerk's office for that purpose. The supervisors and the clerk and assessors of said city shall meet in the clerk's office at the time provided by law for like meetings in towns, and proceed to discharge the duties imposed upon them by the code of civil procedure, as aforesaid, and by this act; and the list made by them, shall constitute the list of persons to serve as trial jurors for the ensuing three years. The supervisors elected under this act and the clerk and assessors of said city shall meet every third year thereafter for the same purpose and make and file lists so required by them.

§ 34. Powers and duties of other city officers.—The powers and duties of all other city officers shall be such as are hereafter prescribed in this act, or when not so prescribed, as provided by existing general laws applicable to such officers, or as designated by the mayor and common council.

§ 35. Payment of money must be made from and into the general fund when not otherwise provided.—Other than as herein provided, all moneys belonging to said city shall be paid to the chamberlain thereof and deposited to the credit of the general fund of the city; and all payment of moneys made by said city or by any board or officer thereof, when authorized by or in pursuance of law, and the fund from which such payment is not otherwise designated, shall be made from the general fund, but nothing in this act shall be construed as limiting, modifying or repealing any provision of the general law.

## TITLE IV.

## THE COMMON COUNCIL.

- Section 36. Organization and procedure of the common council.
37. Mayor's approval or veto.
  38. Time of taking effect of resolutions and ordinances.
  39. Amount of annual city tax levy.
  40. Annual estimates and reports by boards and officers.
  41. Financial reports.
  42. Subdivision of funds.
  43. General legislative powers.
  44. Improvements and removal of nuisances at expense of owners.
  45. Control of finances; and property; ordinances; rules and regulations of the common council.
  46. Violation of ordinances.
  47. Licensing occupations.
  48. Change of ward boundaries.
  49. Official newspapers.
  50. Officers not to be interested in contracts or purchases.
  51. Rules and regulations for transaction of city business.

Section 36. Organization and procedure of the common council.—The mayor and aldermen of said city shall constitute the common council thereof. At all meetings of the common council each alderman present shall have one vote, and the mayor a vote in case of a tie vote in the common council. At the first meeting of the common council in each official year, or as soon thereafter as practicable, the common council shall choose one of the alder-

men to be temporary president, who shall during such official year, be the presiding officer of the common council in the absence of the mayor, and while the mayor is absent from the city or unable to perform his duties said presiding officer shall be acting mayor and have all the powers and duties and be subject to all the obligations and liabilities of the mayor. The acting mayor shall not lose his vote as an alderman by reason of his acting as presiding officer of the common council at any time, but when he shall vote as an alderman, he shall have no casting vote on a tie. The common council shall hold regular or stated meetings in the common council rooms at such times as they shall by resolution designate. The mayor, or in his absence, the acting mayor, or any three aldermen may call special meetings by notice in writing served personally upon the other members of the council, or left at their usual place of abode at least six hours before the time fixed for such meeting. The common council shall determine the rules of its own proceedings. The attendance of absent members may be compelled by the common council, or by a meeting thereof, at which less than a quorum is present, by the entry of a resolution and order in the minutes, directing the chief of police or any police officer of the city to arrest such absent member and fetch him before the common council at a meeting at which such member was absent or the next, or some subsequent meeting of the common council. A majority of the common council, including the mayor as a member thereof, shall be a quorum for the transaction of business, but a smaller number may adjourn from time to time. A majority of the aldermen present and voting at any meeting of the common council at which a quorum shall be present shall be sufficient to pass any resolution or ordinance, except that no resolution authorizing or involving the expenditure of money or collection of money by tax or assessment shall pass unless it receive the assent of a majority of all the aldermen in office except as otherwise provided in this act. The ayes and noes shall be called and recorded on all resolutions and appointments. All meetings of the common council shall be public, except when the public interests require secrecy; but no vote shall be taken in secret, executive session.

§ 37. Mayor's approval or veto.—Every resolution or ordinance of the common council, except rules for its own govern-

ment, shall, before it takes effect, be presented, duly certified by the clerk, to the mayor. If the mayor approve thereof, he shall sign it within ten days after receipt thereof by him and file it so signed with the city clerk. If the mayor does not approve it, he shall, within ten days after the receipt thereof by him, return it to the city clerk with his objections thereto in writing, and a statement that he does not approve thereof, and it shall have no force or effect unless the common council shall thereafter reconsider it and pass it over the mayor's veto by the concurring vote of at least two-thirds of the total number of aldermen in office, which vote shall be taken by ayes and noes and entered on the minutes, together with the objections of the mayor. If any such resolution or ordinance so presented to the mayor shall not be returned by him to the city clerk within ten days after the receipt thereof by the mayor, it shall, at the expiration of such ten days, have the same force and effect as if it had been approved by him and filed with the city clerk. If any such resolution contains one or more items appropriating money, the mayor may sign it with a written statement appended thereto, that he objects to one or more of such items, and each item so objected to shall have no force unless such items be reconsidered separately by the common council and passed over the mayor's veto in the same manner as a resolution wholly vetoed. Except rules for the government of the common council and appointments to office, no resolution or ordinance of the common council shall have any force or effect or be deemed to have been enacted by the common council unless either it be approved by the mayor or be not returned by the mayor to the city clerk within ten days after the receipt thereof by him, or unless it is passed over the mayor's veto in pursuance of the provisions of this section.

§ 38. Time of taking effect of resolutions and ordinances.—Any resolution or ordinance enacted by the common council may specify the time when it shall take effect, but no ordinance shall take effect until after its publication at least once in the official newspapers of the city, provided such there be, notwithstanding the specifications therein of a previous time for its taking effect. If no time be specified in any ordinance so enacted for its taking effect, it shall take effect immediately,

except if there be official newspapers of the city at the time, it shall take effect only after its publication once in such official newspapers. If no time be specified in any such resolution for its taking effect, or if it specify that it take effect immediately, it shall take effect on its approval by the mayor, if he approves it; or if he fails to return it to the clerk within ten days after the receipt thereof by him, it shall take effect on the eleventh day after the receipt thereof by the mayor; or if he returns it with his disapproval and it be passed over the veto, it shall take effect at the time of its passage over his veto.

§ 39. Amount of annual city tax levy.—The common council may raise by tax upon the real and personal property assessable in the city in each year certain amounts which shall be estimated and designated each year for the following purposes:

1. The payment of expenses of police department, including the salary of the city judge and the salary of the officers of said department, to be designated the "police fund," not however exceeding in any one year five thousand five hundred dollars.

2. For repairing and keeping in order the streets, highways, gutters and sewers of the city and cemetery, including expenses for the erection and maintenance of bridges and culverts and other expenses relating to the streets and highways, to be designated "street and sewer fund," but not exceeding eight thousand dollars.

3. A sum necessary for the payment of the expenses of the department of charities, including the salary of the commissioner of charities, to be designated the "poor fund."

4. A sum necessary for defraying the general and contingent expenses of the city at large, including the expenses of elections and for the payment of all salaries and other sums not provided for, to be designated the "general fund," but not exceeding seven thousand five hundred dollars.

5. A sum necessary for the support of the public library.

6. A sum necessary for defraying the expenses of the fire department, to be designated the "fire fund" not exceeding thirty-five hundred dollars.

7. A sum necessary for the purpose and use of the board of education, including the payment of principal and interest upon the bonds heretofore or hereafter issued for school purposes,

falling due during the fiscal year for which the tax is levied, to be designated the "school fund."

8. A sum necessary for lighting the streets and public buildings of the city, and expenses of maintaining all necessary apparatus and fixtures connected therewith, to be designated the "lighting fund," not exceeding five thousand dollars.

9. A sum necessary for repairing, extending and operating the water works of said city, in case the rentals and income from sale of water shall be insufficient, to be designated the "water fund."

10. Such an amount as shall be necessary to meet the principal and interest on the bonded indebtedness of the said city, falling due during the fiscal year for which the tax is levied, to be designated the "bond fund."

11. Such further sums as shall have been voted at a regular city election or a special election called for that purpose, and also such sums as may be necessary to meet all indebtedness remaining unpaid on all judgments against the city, and also such other sums as the common council is authorized to expend for other purposes specified in this act.

§ 40. Annual report and estimates by boards and officers.—Between the first and fifteenth days of October in each year, the board of public works, the board of health, the commissioner of charities, the board of education and trustees of public library shall estimate in detail the expense and income of their respective departments for the next fiscal year, and shall certify such estimates to the common council. The commissioner of charities shall also include in his report an estimate of the amount which will probably be paid into the city treasury during the next fiscal year from excise taxes. Excise money from tax certificates issued to persons within the city less the portion going to the state shall belong to the city. All, excise moneys shall be applicable: first, to the "poor fund," second, to the "street and sewer fund," third, to the "general fund." The city judge will present an estimate of the amount of fines, fees and penalties that in his judgment will probably be received during the next fiscal year. The common council shall make an estimate of needed expenses of the fire department and police department and the city clerk shall make a detailed statement by items of all the expenses of the city as

estimated by the several boards officers and common council for the next fiscal year. The city clerk in his report shall make a statement in detail of all judgments against the city then remaining, and an itemized statement of the principal and interest of all bonded and other indebtedness of the city that will fall due during the next fiscal year. The chamberlain shall present a statement to said common council of all unpaid taxes and local assessments theretofore assessed and remaining unpaid. The city chamberlain in his report shall also make a statement in detail of the amount of unpaid taxes and local assessments theretofore assessed and remaining unpaid and the amount which, in his judgment, will probably be received by the city therefrom during the next fiscal year; all expenditures made or incurred by the city and chargeable to the property owners or other persons and remaining unpaid and the amount which, in his judgment, will probably be received during the next fiscal year. The common council shall cause a summary of such estimates and statements to be published in the official newspapers of the city during the next week preceding its last regular meeting in the month of October. At that meeting or at any meeting to which an adjournment may be had, not later than the fifteenth day of the month of December next following, it may revise such estimates, and determine the entire amount necessary to be raised to defray the expenses of the city for the ensuing fiscal year. Said common council may by a vote of two-thirds of its members approve or reduce but shall not increase any of the estimates of the various boards aforesaid, and shall immediately levy the aggregate amount taxed, ascertained and determined together with any special tax which shall have been voted to be raised with the annual tax levy.

§ 41. Financial reports.—Each of the officers and boards specified in the last section, otherwise than as provided in this act, shall, at the close of the fiscal year, make a written report to the common council of all expenditures made or incurred by said officers or said board during such year showing separately and by items the amount expended from each fund which may be drawn on by such board, and the balance standing to the credit of each such fund. All officers and boards receiving any money, other than that raised by taxation shall, in such report, make an itemized statement of the same received by them,

specifying the date of such receipt, the amount thereof, and the person by whom the same was paid.

§ 42. Subdivision of funds.—The common council shall subdivide the funds of the city, as established by this act, and the city chamberlain shall restate his account of the funds so subdivided accordingly.

§ 43. The general legislative powers.—The general legislative powers of said city for all proper municipal purposes, except such power as may be vested in city boards or officers, shall be vested in the common council. The common council shall furnish the officers of the city with necessary office room, office furniture, books and stationery; shall keep in proper repair the public buildings of the city; may authorize any city officer to inspect any place or places to ascertain whether the same are in safe condition, and if not, may require the same to be made so; may require any officer of the city to furnish reports, information or estimates whenever deemed proper by the council; may employ a pound keeper, a sealer of weights and measures, and such other employees of the city as may be necessary to execute the work which the common council is authorized and required to cause to be executed, and may fix their compensation.

§ 44. Improvements and removal of nuisances at expense of owner.—The common council shall have the power to compel the owner or occupant of any building or wall which it may deem to be in a dangerous or unsafe condition by reason of or on account of fire or otherwise to render the same safe or to take down and remove the same, and in case of his neglect so to do, to cause it to be taken down or removed at the expense of the owner or occupant; to direct the owner or owners of any building used for public entertainments, public purposes or wholly or in part for tenement purposes, or office or business places to provide the same with suitable and sufficient fire-escapes, in the manner provided by the common council and in case of failure or neglect of such owner so to do, or to cause such work to be done at the expense of the owner; to authorize any city officer or any person designated by the common council to inspect any place or places to ascertain whether the same are in a safe condition, and if not, to require the same to be made safe, and if



the owners thereof shall neglect or refuse so to do, to cause the same to be made safe at the expense of the owner.

§ 45. Control of finances and property; ordinances, rules and regulations of the common council.—The common council shall exercise all the corporate powers conferred by this act and, other than as provided by law or this act, shall have the management and control of the fire and police departments, except appointments to positions therein, which shall be made as provided in section ten of this act, and of the finances, and of all the property, real and personal, belonging to said corporation. All payments from funds of the city shall be upon the warrant of the mayor, countersigned by the clerk. Warrants for payment of fixed salaries, and to cover pay rolls of laborers audited by the board of public works and approved by the mayor, may be issued and delivered without previous audit by the common council, as required in case of other claims. No officer of the city or board, or department of the city, except the board of education, shall have power to audit any claim against the city. The common council shall have power with the approval of the mayor, as hereinbefore mentioned, to make, establish, publish and modify, annul and repeal ordinances, rules, regulations and by-laws for any of the purposes heretofore specified in this act and for the following additional purposes:

1. To prevent vice and immorality, to preserve peace and good order, to prevent and quell riots and disorderly assemblages.
2. To prohibit all exhibitions of any natural or artificial curiosities, caravans, circuses, theatrical and other shows or exhibitions or performances, whether free or for money within the bounds of the city if the common council shall deem it advisable to license the same, upon such terms as the common council may direct, and to prohibit theatrical or other shows or exhibitions or performances in any place where liquors are sold within the bounds of said city.
3. To suppress disorderly houses, houses of ill-fame, gambling, gaming tables, and all instruments and devices employed in gaming; to regulate or restrain pool and billard playing by minors in public places, and the playing of games of chance by minors; also to restrain minors from being in public places at night within specified hours, when not attended by an adult person; to restrain and punish street beggars, vagrants and

mendicants; to regulate and restrain all occupants and business noxious to public comfort.

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

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

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

7. To regulate coasting or bicycle-riding in the city.

8. To establish and build and regulate public pounds, station houses and lock-ups within said city.

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

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

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

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

13. To regulate and keep in repair the public fountains in said city, and to regulate the taking and using water for the same; to regulate and keep in repair the engines, hosecarts, hose and hook and ladders, belonging to said city, and the public buildings of said city.

14. To regulate and restrain hawking and peddling in the streets, and to regulate the time, mode, manner and place of holding auctions or public sales of merchandise, and all personal property, and to prohibit such sales on any of the sidewalks or crosswalks of the city, or the streets of the same; to license sales at auction in said city, of goods or property belonging to persons not residents of said city, or which goods shall have been purchased with intent to sell the same at auction and to prevent such sales without license, and to require the payment to the city of such sums for such licenses as shall be provided for, not exceeding twenty-five dollars per day for each day upon which such sales shall be held.

15. To regulate the sale of fresh meats, fruit, poultry, butter, cheese, eggs, honey, vegetables, fish, and other articles disposed of from vehicles or wagons, and the fees for marketing privileges.

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

17. To regulate the speed of running trains of cars in the city within a half mile each way from any steam railroad depot or station in said city, and to regulate runners, stage drivers, and others, in soliciting passengers and others to travel or ride in any stage, omnibus or go to any hotel, or otherwise.

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

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

20. To ascertain the boundaries of the city and of all the

streets, alleys and highways therein, to give names to streets and numbers to lots and tenements, and to change the same in its discretion.

21. To designate such portion of said city as it may deem proper within which no building in whole of wood or other combustible material shall be erected.

22. To prescribe or define such powers and duties of officers of said city as are not specified in this act and are not inconsistent therewith.

23. To call special meetings of the inhabitants of said city whenever in its judgment the public interests require the same and to carry into effect all lawful resolutions, adopted at any of said meetings or at any regular or special meetings.

24. The common council may, at any time, issue bonds for the payment of a judgment that may be recovered against the city after its creation. The issuance of such bonds shall, in all respects, be subject to the same conditions and limitations as are the issuance of other city bonds elsewhere provided for in this act.

25. Whenever the common council shall resolve, by the affirmative vote of two-thirds of its members, that an extraordinary expenditure ought, for the benefit of the city, to be made for any specific purpose set forth in the resolution, it shall make an estimate of the sum necessary therefor and for all such purposes, if there be more than one, and publish such resolution and estimate once in each week for three successive weeks in the official newspapers, together with a notice that at a time and place therein specified a special election of the taxpayers of the city will be held to decide whether the amount of such expenditures shall be raised by a tax or the common council may direct such question to be submitted at a general election. All provisions of law describing the duties of inspectors of election and their powers with reference to preserving order at elections and false swearing and fraudulent voting thereat shall, so far as applicable, apply to the special elections held thereunder. Every elector who shall have been assessed and taxed upon the last assessment roll of the city before said special election, or whose wife was so assessed, and no other person shall be entitled to vote at such election. The election shall be by ballot, and each ballot shall contain a brief statement of each purpose for which

such expenditure is required and the amount thereof, and be in the form required by the election law for holding elections upon questions submitted. The inspectors shall, at the time and place designated as aforesaid, sit without intermission, from nine o'clock in the forenoon to four o'clock in the afternoon, to receive the ballots cast at such special election, and shall deposit the same in a special ballot box to be provided by the city. If the right to vote of any person offering to vote at such special election be challenged by any other person entitled to vote thereat, an inspector of the election shall administer to him the following oath: "You do swear that you are or your wife is a taxpayer and is assessed upon the last city assessment roll of the city of Plattsburgh and that you have not voted at this election." After he shall take such oath and if he or his wife shall be assessed upon the assessment roll aforesaid his vote shall be received. The inspectors shall canvass the votes immediately after closing the polls and immediately make a certificate, signed by them or two of them, stating the whole number of ballots voted at such election, the whole number for each special tax, and deliver the same forthwith to the city clerk. The city clerk shall deliver the same to the common council at its next meeting, and it shall cause the result of the election so certified to be entered in the minutes. The common council shall cause the sum or sums of money thus voted to be assessed, levied and raised with and in addition to other taxes in and upon the next assessment roll. No more than one such election shall be held in the city in any one year, except by the unanimous vote of the common council. After such special tax or taxes shall have been authorized as herein provided, the common council may proceed to authorize the expenditure of the amount thereof for the purpose or purposes specified in its published statement, aforesaid and sanctioned by such election. The common council may borrow, if necessary, the amount so voted in anticipation of the collection of said tax, and the amount so raised or borrowed shall be expended only for the purpose or purposes for which the special tax was voted, and shall be repaid within one year from the proceeds of the tax.

§ 46. Violation of ordinances.—Any ordinance enacted by the common council may provide that any person violating such ordinance shall be guilty of a misdemeanor or of disorderly con-

duct or shall be liable to pay to the city a sum therein named as a penalty not exceeding one hundred dollars, to be recovered in a civil action. If no provision be made in any ordinances as to the effect of a violation thereof, every violation thereof shall be a misdemeanor. If violation of any such ordinance be made a misdemeanor or disorderly conduct by or in pursuance of this act and be also made a misdemeanor or disorderly conduct by any other law, but one conviction shall be had on account of such conduct. If the violation of any ordinance constitutes a misdemeanor or disorderly conduct, and also render a person violating such ordinance liable to a penalty in a civil action, the conviction of either disorderly conduct or misdemeanor on account of such conduct shall be a bar to the recovery of the penalty in the civil action, and the recovery and payment of a judgment for the penalty in a civil action shall be a bar in the prosecution for either the misdemeanor or disorderly conduct on account of such violation. If the conduct shall constitute a violation of an ordinance enacted by the common council of the city in pursuance of this act, and also a violation of an ordinance of the board of health of the city, enacted in pursuance of law, such ordinance of the board of health shall so long as it remains in force and effect supercede and nullify such ordinance of the common council. The city may maintain an action to restrain by injunction a violation of any ordinance of the common council or board of health, notwithstanding that such ordinance may provide a penalty for such violation.

§ 47. Licensing occupations.—If an ordinance of the city prohibit the carrying on of any occupation without a license therefor, the common council may fix the fee for such license or may prescribe the minimum and maximum limits to the fee which may be charged therefor in the discretion of the mayor. All applications for such license shall be made to the mayor. The mayor may grant or refuse any such license in his discretion. If the mayor determine to grant such license, he shall issue an order to the city clerk to issue such license upon the production of a receipt from the city chamberlain for the amount specified in such order and receipt, and he shall issue such license accordingly. The city chamberlain shall credit all fees so received by him to the general fund. The clerk shall keep in his office a record of each license, the person to whom issued and the fee paid therefor.

§ 48. Change of ward boundaries.—After five years from the passage of this act, the common council shall have power by resolution, passed by a majority vote of its members, subject to the mayors right to veto as hereinbefore provided, to change the boundaries of the several wards of the city, but not to increase the number of wards. Such resolution shall be published in the official newspapers for two successive weeks after its passage.

§ 49. Official newspaper.—The common council shall, at the first meeting in each official year, or as soon thereafter as practicable, fix and determine the legal fee per folio or otherwise, at which notices, by-laws, rules, ordinances and regulations and such reports and other matters as the common council may direct, to be published in the official newspapers of the city, and thereupon shall designate two newspapers published in said city, one of which said newspapers shall represent the political party polling the largest number of votes at the last preceding general election, and the other official newspaper so designated shall represent the political party polling the next largest number of votes at the last preceding general election, and such designation of each of such official newspapers shall be made by the members of the common council representing each of such political parties respectively. If either party shall be without a member in the common council, either mayor or alderman, the local party committee of that party may name its party newspaper and such paper shall be designated. In the papers so designated all such matters as aforesaid specified shall be published at the fees prescribed. The newspapers so designated shall be the official newspapers of the city for the ensuing official year for the purposes aforesaid and until the next annual designation, provided said newspapers shall agree with said common council to make the aforesaid publications at the fees prescribed by the common council and if not, any other newspapers which will agree to such terms may be designated, if published within the city. The affidavit of the publisher or proprietor of an official newspaper, or of the bookkeeper or foreman in charge of the publication of said newspaper shall be presumptive evidence of such publication.

§ 50. Officers not to be interested in contracts or purchases.—It shall not be lawful for the mayor or any member of the

common council, or any member of any of the municipal boards of said city, or any superintendent, or any clerk, agent or employee of said city, employed by any of the municipal boards therein (beyond the compensation which said superintendent or clerk, agent or employee may be justly entitled to for services by him actually rendered) to be voluntarily interested, directly or indirectly, in the purchase or sale of any merchandise, material, substance, supplies or requirements, for any of the uses or purposes of the city, nor shall any such person receive therefrom or thereon or in consideration or in consequence thereof, any commissions, divisions, discounts, gift or moiety. It shall not be lawful for any of the municipal boards of said city to audit any account or issue any warrant for the payment of any claim for services rendered or for work, labor or materials furnished by any person during the time such person shall have held the office of mayor, alderman, or member of any of the municipal boards of said city except as herein specifically permitted. A violation of any of the provisions of this section is hereby declared to be a misdemeanor.

§ 51. Rules and regulations for transaction of city business.—The common council shall have power to make such rules, regulations and adopt such methods for the convenient transaction of business of the city by the several boards, departments and officers thereof, not inconsistent with the duties and powers given such boards, departments and officers by this act and general laws.

#### TITLE V.

#### DEPARTMENT OF PUBLIC WORKS; LOCAL IMPROVEMENTS; STREETS, HIGHWAYS, SEWERS, PAVING STREETS AND CONSTRUCTION OF SIDEWALKS.

#### Section 52. Organization.

53. City water works.

54. Powers and duties of board of public works.

55. Lighting.

56. Opening, altering or extending streets; assessments of benefits and payments; appeals.

57. To require privileges to dispose of stagnant or surface water.

58. Power to make street improvements.

59. Work by contract or otherwise.

## Section 60. Sewers.

61. Sewers and other lines of connection.
62. Sidewalks.
63. Notice of assessment.
64. Real estate to be sold.
65. Lien of assessment.
66. Poles and wires.
67. Guardian ad litem for infant defendants.
68. County court always open.
69. Taxes and assessments under this title.
70. Chapter three hundred and fifty-three of the laws of nineteen hundred and one.

Section 52. Organization.—The mayor, upon the approval as hereinbefore provided of the common council, as soon as practicable after the first election under this act, shall appoint three commissioners of public works, none of whom shall be members of the common council, who shall hold office until the first day of February, nineteen hundred and four. Thereafter the mayor with the approval as aforesaid of the common council, in the month of January, nineteen hundred and four, and each alternate year thereafter shall in the same manner appoint three commissioners of public works for the term of two years to succeed the commissioners whose terms office expire in that year. The said commissioners shall constitute the board of public works of said city. The mayor, with the like approval of the common council, may at any time appoint to fill a vacancy occurring in said board for the unexpired term. The mayor shall be the chairman of the board of public works, but shall have no vote therein. At any meeting of the board two commissioners shall constitute a quorum.

§ 53. City water works.—1. The board of public works shall be the successors of the board of water commissioners of the village of Plattsburgh and shall have such powers and perform such duties in respect to the water system of said city as are conferred by this act or the general laws of the state, or are imposed by the common council and mayor. The board of public works of the city of Plattsburgh may when thereto authorized by resolution of the common council, subject to the veto power of the mayor, borrow upon the credit of said city sums of

money not exceeding in the aggregate fifty thousand dollars, as shall seem to the said board best for said city, at a rate of interest not exceeding four per centum per annum for the purpose of enlarging, improving and perfecting the supply of pure and wholesome water to the inhabitants of said city, or to acquire additional water or water rights or to construct additional reservoirs, and said board of public works of the city of Plattsburgh is hereby authorized from time to time to make and issue, as security for the money so borrowed the bonds of the said city of Plattsburgh, not exceeding in the aggregate the said fifty thousand dollars. The said bonds shall be payable within twenty years from the date of the issue thereof and within that period shall be respectively payable at such times and in such amounts as the said board of public works shall fix and express therein. No such indebtedness shall be incurred or bonds issued, unless a proposition for such improvement submitted at a special or general election shall be adopted.

2. The board of public works shall have power to see that the city has an abundant supply of wholesome water for public and private use; to devise the plans and sources of water supply; to plan and supervise the distribution of water through the city; to protect it against contamination; to prescribe rules and regulations for its use, which, when ratified and approved by the common council, shall have the same force and effect as if by the common council enacted. The said board of public works shall have power, with the assent of the common council, to fix and establish rates to be charged and paid for the use of water, and, from time to time, to modify and amend, increase or diminish such rates, and to determine when and where meters shall be used. The said board of public works shall have power to assess for fire protection any building and the lot upon which it stands, situated within five hundred feet of a hydrant. Between the first and fifteenth of October of each year the board of public works shall make out a list or roll in which they shall set out the amount assessed for fire protection upon any lot, part of a lot, or building, designating the lot or building assessed or in default, in the same manner as designated in the annual assessment roll; and also set out the amount of water rates remaining due and unpaid on the first day of October in each year, for use of water in or upon any lot, part of a lot, or

building. Said board shall cause notice to be published in the official newspapers for at least one week of the time and place at which hearing shall be given to those who desire to examine said rolls and to present their grievances. Notice of the proposed assessment for fire protection and that the board will meet at a specified time and place to hear objections thereto, must be served upon the owner, agent or occupant, at least five days before such meeting, by depositing such notice in the post-office in said city, securely enclosed in a post-paid wrapper, addressed to each owner, agent or occupant at his reputed place of residence. The said board shall meet at the time and place specified in said notice, or notices, and after hearing objections shall complete said assessments and shall certify the same to the common council. The common council shall with the annual city tax levy, levy such assessments and unpaid water rates upon the property described in said roll and the amounts appearing thereon shall be extended in a separate column upon the assessment rolls of the city and shall be levied, collected and enforced at the same time and in the same manner as is provided for the collection of other taxes in the city. The rates for use of water shall, like other city taxes, be a lien and charge upon the building and lot in or upon which said assessment was made.

3. The board of water commissioners of the village of Plattsburgh shall continue to discharge the functions and duties now by them exercised the same as though this act had not been passed until their successors, the board of public works, are appointed and have qualified, and within ten days after the appointment of their successors, as provided in this act, deliver a statement of all unpaid water rents and all funds belonging to said village under the control of said board to the city chamberlain. The chamberlain shall open and keep a separate account to be known as the "water fund," under which shall be charged and credited all receipts and disbursements on account of the water works of said city. The salary of the superintendent of public works shall be charged to this fund. All moneys received on account of the water works of said city shall be used, so far as may be necessary, to improve, extend and maintain the system of water works and the payment of bonds issued on account thereof, and shall not be diverted to any other purpose.

The board of water commissioners of the village of Plattsburgh shall be deemed abolished on the appointment and qualification of the commissioners of public works, and upon demand shall deliver up to such commissioners of public works, or to the superintendent of public works all maps, records, papers and property in their hands or under their control as water commissioners. The bonds heretofore issued by the water commissioners shall be deemed the bonds of the city of Plattsburgh, and the city is hereby declared liable for the payment of the same according to their terms. The commissioners of public works are hereby authorized, with the approval of the common council declared by resolution to renew from time to time any or all of such bonds if, in their judgment, the best interest of said city so requires. They may issue new bonds bearing no higher rate of interest payable at any bank in the state and sell the same with the approval as aforesaid of the common council, to the highest bidder and apply the proceeds to the discharge of any of the said bonds maturing. Such bonds may be on such time as the common council may direct and all bonds so issued or issued as renewal shall be signed by the mayor and countersigned by the clerk and shall have the city seal attached. All sales or renewals shall be made by the chamberlain and all moneys shall go through his hands.

§ 54. Powers and duties of the board.—The board of public works shall be commissioners of highways in and for the city and shall have all the power and perform all the duties of commissioner of highways in towns, other than as provided in this act. The said board is vested with the charge, management, control and maintenance of all bridges, streets, highways, sidewalks, public places and public squares within the city, of the sewers and of all the buildings and structures appurtenant thereto, and of the city's system of water works and all machinery, tools, appliances and materials used in connection therewith. The board of public works shall have power

1. To appoint a superintendent of public works.
2. To employ an engineer, servants and laborers, and fix the compensation of all persons so employed by them.
3. To make rules and regulations for its own government and for the government of the superintendent of public works, engineer and other servants and prescribe their duties.

4. To make all contracts relating to construction, paving and repair of the streets and sidewalks, public places and public squares, parks and sewers, and the cleaning of the streets, sprinkling and the removal of dirt therefrom, the grading, paving and repaving, macadamizing and remacadamizing of all streets, public places and public squares, and laying and extending of sewers and the provision of all materials, machinery, implements and utensils necessary therefor.

5. To lay out, make, open, grade, level, regulate, pave, macadamize, plank, gravel, clean, repair and improve highways, streets, lanes, alleys, public grounds, parks, sidewalks, sewers, gutters, drains, aqueducts, reservoirs and crosswalks and to alter, widen, straighten and discontinue the same and to establish grades and levels therefor, and alter the same through any lands, buildings or enclosures in said city.

6. To cause to be made all necessary surveys, maps and profiles relating to any work within its jurisdiction.

7. To have charge of Riverside cemetery, to issue permits for burial and sell lots, under such regulations and restrictions as may be provided by the common council. To expend such sums in its care and improvement as may be received by the city chamberlain from the sale of lots or by gift.

§ 55. Lighting.—All the powers and duties conferred by law upon boards of light commissioners in villages as provided by chapter four hundred and fourteen of the laws of eighteen hundred and ninety-seven known as the village law, and all acts amendatory thereof and supplementary thereto are conferred upon said board of public works created by this act, and said board shall possess all the powers and privileges and be subject to all the regulations and restrictions therein provided for light commissioners of villages, except that their report shall be made to the common council and also except as otherwise provided in this act.

§ 56. Opening, altering or extending streets; assessments of benefits and payments.—1. Whenever the board of public works shall intend to lay out, alter, widen, extend, contract or discontinue any street, lane, alley, highway or public grounds in said city, and the lands of any person or corporation, or any right or easement therein shall be necessary for such purpose; and whenever the board of public works shall intend to acquire

lands, rights or easements therein for any other purpose mentioned in this act, it shall cause the same to be surveyed and monuments placed showing the line thereof, and a map to be made of the same, which shall be filed in the city clerk's office, showing upon such map the lots, tracts or parcels of land and rights or easements therein that are deemed necessary to be taken, and the commencement, course, and termination of the streets, lane, alley, highway or park proposed to be laid out, widened, extended or altered or other work or improvement proposed to be made in or through the land so to be taken. And for that purpose the board of public works and those acting under its direction shall have power to enter upon any grounds in said city. The board of public works, subject to the approval of the common council, shall then declare by resolution its intention to take and appropriate the said property for the proposed improvement, and thereafter it may purchase of the owner or owners thereof the land or right therein deemed necessary, and make him or them such compensation as it shall judge reasonable upon receiving from such owner or owners a conveyance thereof to the city. In case the board of public works is unable to agree with the owner or owners for the purchase of any real estate or land or right or easement therein required for the purpose aforesaid, it may acquire the same by condemnation proceedings under the provisions of the condemnation law of this state, chapter twenty-three of the code of civil procedure, and amendments thereto.

2. After such damages shall have been ascertained and determined, said common council shall declare a district of assessment therefor, and shall then direct the commissioners making the award to assess the amount awarded for damages, with the commissioners' fees, specifying the aggregate amount of the same, upon the property within such district of assessment. The commissioners shall proceed to assess such amount upon the property benefited by such improvement in a just and equitable manner, and as near as may be, in proportion to the benefits received; such assessment shall be made in the same manner as other local assessments, except that such commissioners shall direct such part of said expenses to be assessed upon the city and such part locally as they shall deem just; the powers and duties of the commissioners shall be the same as those of

assessors. When the assessment shall be filed, the assessment may be appealed from and the common council shall possess the powers in reference thereto conferred by this act.

3. Within ten days after the assessment roll, is completed, signed and filed, any party thinking himself aggrieved, may file with the city chamberlain a written appeal therefrom, briefly stating the grounds of such appeal. The board of public works shall thereupon proceed to hear and determine such appeal or appeals upon view of the property assessed, or upon evidence, or upon both, and affirm or reverse the assessment, and for such purpose may by subpoena compel the attendance of witnesses and production of papers. In case of affirmance the proceedings thereafter to collect the said assessment shall remain the same as if no appeal had been taken; in case of reversal the board of public works shall appoint three disinterested freeholders of the city who shall proceed in like manner and for such purpose be invested with the same power as the board of public works to make a new assessment; they shall make their tax roll in the same manner and sign the same and file it with the city chamberlain and it shall be conclusive upon all parties; such freeholders shall receive three dollars per day for their services to be paid by the city unless the assessment of the appellants, as determined by said freeholders, shall be more favorable to them than the assessment appealed from, in which case the fees of the freeholders shall be paid by the appellants and added to the amount of their tax respectively by said freeholders, in proportion to the amount thereof.

4. If no appeal is taken from the first assessment roll filed with the city chamberlain or if no appeal be taken therefrom and such assessment be affirmed, the city chamberlain shall give notice by publication thereof in the official newspapers that he will receive said assessments for thirty days from the date of the first notice and the city chamberlain shall receive such assessments within said time without fees. If an appeal be taken from said first assessment and the same be reversed, the common council shall cause a second assessment roll filed by such freeholders to be delivered to the city chamberlain and thereupon the city chamberlain shall give notice by publication thereof in the official papers that he will receive said assessment, assessments or taxes for thirty days from the date of the

first notice and said city chamberlain shall receive said assessments without fees within said time.

5. Immediately after the final determination of all proceedings in which any award shall have been made, the common council shall cause to be paid or tendered to the respective owners the amount awarded to each, respectively, less any sum which shall have been assessed against them for any benefits on account of such improvements. In case any such owner shall refuse the same, or be unknown, or non-resident of the city, or for any reason be incapacitated for receiving the amount, or the right thereto be disputed or doubtful, the common council may make payment of the portion to the county treasurer of the county of Clinton and file a statement of facts and circumstances in each case, and a transcript of the report of the commissioners relating to the ascertainment of the amount so paid in, with the clerk of Clinton county, and said clerk shall make a report to the supreme court, at its first term held in the county, of the amount thus deposited, accompanied with the statement and transcript aforesaid; and the supreme court shall have authority and it shall be its duty, at such term of court, to order the investment of such money or the payment thereof on the ascertainment of the person entitled thereto. Upon such statement or tender or payment to the clerk being fully made, the fee of the land shall be vested in the city.

§ 57. To acquire privileges to dispose of stagnant or surface water.—The board of public works shall, on an order from the board of health, approved by the common council, have power to enter upon any lands or grounds in the city and appropriate such property for the purpose of conveying off any stagnant or surface water within or throughout the city, and thereafter the board of public works may purchase from the owner or owners thereof the land or right or easement, whenever deemed necessary and make him or them such compensation as it shall deem reasonable and just upon receiving from such owner or owners a conveyance thereof to the city. In case the said board are unable to agree with the owner or owners for the purchase of any real estate or land or right or easement required therein for the purpose aforesaid, it shall acquire the same by condemnation proceedings under the provisions of the condemnation law



of the state, proceeding in the same manner as obtaining lands for street purposes elsewhere specified in this title.

§ 58. Power to make street improvements.—The board of public works shall have power within said city to cause the construction or repair of any bridge or bridges, arch or arches over any stream, or run of water in said city, and to cause any street, highway, lane, alley or other public place or any part thereof to be graded, regraded, leveled, graveled, macadamized or remacadamized; to cause any street, highway, lane or alley or other public place or any part thereof within said city to be paved or repaved or to cover the same with wood or stone or other material; also to cause the improving of the channels of, enclosing, covering, discontinuing and altering the course of all creeks, streams and ponds in said city; also to cause such crosswalks, sewers and storm water sewers to be made therein and the same to be repaired as it shall deem necessary, and the expense of such improvement shall be a tax or charge upon the entire city. The expense of constructing and maintaining sidewalks and the care of the same, shall be paid as provided for in section sixty-two of this act. The plans, specifications and descriptions of the work proposed and adopted by said board of public works shall be filed in the office of the city clerk and a notice shall then be published in the official newspapers of the city of Plattsburgh, inviting sealed proposals to do the work pursuant to the plans, specifications and descriptions so adopted, which notice shall be published at least two weeks in such official newspapers. No proposal shall be considered which shall not be accompanied by a bond with sureties and in penalty, both to be approved by the board of public works, conditioned that if the proposals be accepted, the person proposing will enter into the contract upon the terms proposed and will give a further bond with sureties and in an amount to be approved by the board of public works, conditioned that the person proposing will construct the work at the price and upon the terms proposed, according to the plans and specifications filed with the city clerk, and subject to the supervision and approval of such person as the board of public works shall designate for that purpose; and that the person making the proposal will erect and maintain suitable guards and lights to prevent injuries to such work and to prevent injury to persons or property by and in consequence

of the imprudent use of such street, lane, alley, side or cross walk during the progress of such work, and will save the city harmless and indemnify it against all loss, damage or other expense that may arise by or through any neglect of such person or those in his employ, to erect or maintain such guards, lights or either of them. Said proposals shall be received and opened at the next meeting of said board of public works after the completion of the publication of said notice. And if from any cause said proposals are not opened they shall be returned to the bidders and it shall be lawful for the board of public works to receive, open and act thereon at any meeting thereafter and if opened and no action is taken on the same at the time designated, action may be taken at any meeting thereafter. The contract shall be made with the lowest bidder unless the board of public works shall deem it for the best interest of the city to reject all bids made; in which case, if the expense thereof upon any one street shall exceed two hundred and fifty dollars the said board shall readvertise in like manner until a satisfactory bid shall be received. But if the expense thereof shall be two hundred and fifty dollars or less, and no satisfactory bid shall be received pursuant to said advertisement or otherwise the board of public works may cause such work to be done by the superintendent of public works, under its supervision, but at an expense not to exceed the usual or ordinary cost of labor and material.

§ 59. Work by contract or otherwise.—All work within the purview of this title may, in the discretion of the board of public works upon the approval of a two-thirds vote of all the members elected to the common council, be done by the superintendent of public works under the supervision of the board of public works, but at an expense not to exceed the usual or ordinary cost of labor and material.

§ 60. Sewers.—The board of public works may order sewers for the drainage of streets, cellars, buildings, lots, pools, vaults or for any other proper sewerage purpose to be constructed in any street, and with the consent of the owners, in, upon or across the real property outside of streets, and may fix the charge to abutting owners for connecting therewith. If the board of public works shall declare its intention to construct any sewer in, upon or across any real property outside of the

streets of the city and the owners of such real property shall not consent thereto, and the city is unable to agree with the owners of such real property upon the compensation to be made therefor, the board of public works, in the name and behalf of the city, may acquire the title, right or easement in or to such real property for such sewer by condemnation, in pursuance of the condemnation law, chapter twenty-three of the code of civil procedure.

§ 61. Sewer and other lines of connection.—The board of public works is hereby authorized and empowered at any time upon any street where improvement is contemplated, to compel the residents of any such streets and the property owners whose lots front or abut thereon, to lay house connecting drains, gas and water pipes in the manner they shall provide, from the line of their curbing in front of their property on any street to the sewer, gas or water mains or pipes or either, connecting them therewith, and the board of public works may pass regulations therefor. The superintendent of public works shall have the supervision and direction of laying all sewer pipes and conduits from private dwellings or other places and shall have the supervision and direction of laying any connecting or lateral pipes and keeping the same in repair and the expense of laying such connecting lateral pipe or conduit shall be paid by the owner or occupant of the property. Such connecting or lateral pipe or conduit shall not be laid and connected until a permit therefor shall be obtained from the board of public works and all such connecting or lateral pipes or conduits and the fixtures thereto shall be constructed under and according to the direction of the superintendent. Whenever the residents or owners of said property fail to comply with the regulations of the board of public works, passed pursuant to the authority hereby conferred, the same may be done at the expense of such owners. Upon the completion of the work, the superintendent of public works shall send to the owner of said premises, if his address be known, an itemized statement of such expense, and if such expense is not paid to the city chamberlain within thirty days, the amount thereof with interest at twelve per centum from the time of sending such itemized statement shall be added to the amount assessed against such land for the next

general city tax and the whole amount of such assessment shall be collected in the same manner as general city taxes.

§ 62. Sidewalks.—In case the work shall be the construction or improving of a sidewalk, each lot or parcel of land fronting thereon shall be assessed with the one-half expense of its construction in front thereof in proportion of its frontage to the whole frontage. It shall, in all cases, be the duty of the owner of any lot or piece of land within said city to remove or clean away snow, ice or other obstruction from such sidewalk. The said superintendent shall also have power to clean snow, ice or other obstruction from any sidewalk where the same shall have remained for twenty-four hours, and the expense of making such repairs or cleaning any sidewalk shall be a charge upon the property adjacent thereto, and no ordinance for the same shall be passed or notice posted or published. Thereupon the said superintendent shall send to the owner of said property, if his address be known, an itemized statement for such repairs or cleaning, and if such expense is not paid to the city chamberlain within thirty days, the amount thereof with interest at twelve per centum per annum from the time of sending such itemized statement, shall be added to the amount assessed against such land for the next general city tax and the whole amount of such assessment shall be collected in the same manner as general city taxes. Upon the completion of any sidewalk, the city chamberlain shall send to the owner of each parcel of land fronting thereon, an itemized statement covering the cost of such improvement. The amount thereof may be paid to the city chamberlain at any time within thirty days, without any charge or fee. If the amount of such expense is not paid to the city chamberlain within thirty days, the amount thereof with interest at twelve per centum per annum from the time of sending such itemized statement, shall be added to the amount assessed against said land and included in the next general city tax, and the whole amount of such assessment shall be collected in the same manner as general city taxes.

§ 63. Notice of assessments.—Upon receiving any assessment roll with the warrant or authority to collect assessments other than those provided for in section one hundred and fifty-two the city chamberlain shall give notice in the official papers of the city of the receipt by him of such assessment roll and warrant,

and that all persons named therein are required to pay their assessments at his office on or before the expiration of thirty days from the date of said first publication. During said thirty days every person, company, corporation or association may pay his, her or their taxes and assessments to said chamberlain without fees. After the expiration of said thirty days fees shall be charged and collected as provided in section one hundred and fifty-three of this act.

§ 64. Real estate to be sold.—In case any of said taxes or assessments remain unpaid after the foregoing proceedings shall have been taken, the amount thereof with interest at the rate of one per centum per month from the time of the expiration of said thirty days shall be added to the amount assessed against such land and included in the next general city tax, and the whole amount of such assessment and interest shall be collected in the same manner as general city taxes and all proceedings and provisions for the enforcement of such general city taxes shall be applicable thereto.

§ 65. Lien of assessment.—Every tax or assessment imposed for local improvement, or other object in pursuance of this title, shall be and remain a lien upon the land upon which it is assessed, from the filing of such assessment roll in the office of the city chamberlain, until the same has been paid. No error or mistake in the name of any owner or occupant of any lot or parcel of land assessed for a local improvement, or the fact that the person named as owner or occupant is not the owner or occupant of such lot or parcel, or that a clerical or immaterial error has been made, shall invalidate such assessment roll or the assessments therein, or any bonds issued in pursuance thereof. In case any tax or assessment shall be void or shall have failed for want of jurisdiction, or for any irregularity in the levying or assessing thereof under this title, the common council shall have power and it shall be its duty to cause the same to be reassessed in a proper manner; if any person shall have paid on a former assessment the same shall be credited; or in case the payment exceed the amount reassessed, the surplus shall be refunded. In case the amount assessed for any local improvement shall not be sufficient to defray the expenses of such improvement the common council shall cause the amount of the deficiency to be assessed as hereinbefore provided.

§ 66. Poles and wires.—The board of public works shall have power to regulate the erection of telegraph, telephone or electric light poles or the stretching of wires in, over or upon the streets or public grounds of said city.

§ 67. Guardian ad litem for infant defendants.—Whenever an infant or other incompetent person shall be interested in real estate affected by any improvement provided for by this title the county court of Clinton county or the supreme court, shall have power to appoint a guardian in the nature of a guardian ad litem to protect the interests of said infant or other incompetent person. Such guardian shall be entitled to receive for his services such compensation as the court making the appointment shall direct.

§ 68. County court always open.—The county court of Clinton county shall always be open for the transaction of any business or making of any motion or application contemplated by this title. Errors or irregularities in the proceedings contemplated by this title, if shown to injuriously affect a party or parties thereto, may be corrected on review thereof, on the application of the party injured, or his damages occasioned thereby recovered in an action against the city, subject to the regulations of this act.

§ 69. Taxes and assessments under this title; lien of.—Every tax and assessment imposed under any of the provisions of this title shall be a lien upon all real estate against which the same shall be assessed, for ten years from the filing of such assessment roll, superior to any mortgage, judgment, or other lien of any nature, except general city and school taxes affecting the same and shall have priority thereto, or to any conveyance thereon, and notice to the occupant or tenant shall be held to be deemed a notice to the owner or owners of said real estate.

§ 70. Nothing in this act contained shall be held to alter or repeal any of the provisions of chapter three hundred and fifty-three of the laws of nineteen hundred and one. Nor shall the duties here imposed upon the commissioners of public works or the powers conferred be interpreted to conflict or interfere with the duties and powers of the commission created by said act. And the bonds issued as by said act authorized, in the name of the village of Plattsburgh, shall be deemed the bonds of the city of Plattsburgh and shall be paid by said city.

## TITLE VI.

## FIRE DEPARTMENT.

## Section 71. Control of department.

72. Appointment of officers and members of department.
73. Duties of chief and assistant engineers.
74. Present firemen to constitute the department.
75. Annual estimate.
76. Audit of bills and report of fires and fire losses.
77. Rules for the department.
78. Charge of property.
79. Appropriation of unexpended money.

Section 71. Control of department.—The powers and duties connected with and incident to the control, government and discipline of the fire department of the city of Plattsburgh except as herein otherwise provided, shall be vested in the common council.

§ 72. Appointment of officers and members of department.—The chief engineer, first and second assistant engineers, and the paid members of the fire department shall be appointed by the mayor, subject as hereinbefore provided to the approval of the common council. The mayor and common council shall establish and adjust all salaries or fees of the fire department, officers and men. Any officer of the fire department, or any member thereof, may be removed for cause by the mayor upon a hearing before him.

§ 73. Duties of chief and assistant engineers.—The chief engineer of the fire department shall, under the direction of the common council, have the general superintendence and custody of the fire engines and other fire apparatus and conveniences for the prevention and extinguishment of fires. It shall be his duty to see that the same are kept in proper order, and to make report in writing to the common council of the state of the department on the first day of January in each year, and at such other times as said common council may require. It shall be his further duty to be present at fires and to take command of the firemen present and exercise a general supervision and control of the operations and proceedings of the firemen present and to

give direction concerning the same. He shall also have power and discretion to suspend from duty any member of said fire department and report the same to the mayor for his action. Any member of said fire department so suspended shall have an opportunity to be heard in his defense before said mayor. It shall be the duty of the assistant engineers to be present and aid the chief engineer at all fires; and in case of his absence the powers and duties of the chief engineer shall be exercised and discharged by the senior assistant engineer.

§ 74. Present firemen to constitute the department.—The several firemen and fire companies at present composing the fire department of the village of Plattsburgh, shall after this act takes effect, continue as at present, subject to any changes which the common council or mayor may make, but each officer or member thereof, shall thereafter belong to and be a portion of the fire department of the city of Plattsburgh, until removed by the common council or mayor on reorganization of the companies, and be under the control and government of said common council, and be subject to suspension or removal by said mayor for cause or by the common council reorganizing such fire department or such companies.

§ 75. Annual estimate.—The common council shall on or before the first day of October in each year, prepare an estimate, which shall contain and include in detail all such sums of money as in their judgment will be actually required for the salaries and wages of all paid members of said department, the wages of employees, the purchase of hose, horses and apparatus, furniture, fuel, light, stationery, printing, advertising, necessary supplies, rent and repairs and other incidental expenses of the fire department, including the fire alarm, telegraph, and submit the same as provided in this act.

§ 76. Audit of bills and report of fires and fire losses.—All bills for expenditures and services connected with the said fire department must be first authorized by the common council and after audit by them shall be paid by drafts on the chamberlain, signed by the mayor and countersigned by the clerk. The chief engineer shall, on or before the tenth day of January in each year, present to the mayor of said city a report showing a complete inventory of all property under his charge, which report shall also exhibit a particular statement of all fire alarms and

fires which have occurred in said city during the preceding year, together with the cause of all fires, as far as the same have been ascertained. It shall also exhibit a particular statement of losses caused by such fires and all insurance thereon. It shall also show the names of all officers and members of said fire department and of the companies therein, and the name of all persons in the employ of said department and the compensation paid them, and a statement of all expenses paid or incurred in the fire department during the year within his knowledge, and such other information relating to the fire department as to said engineer shall seem important.

§ 77. Rules for the department.—The common council shall make such rules and regulations as it may deem best for the government of the fire department, provided such rules and regulations do not conflict with the laws of the state or of the United States. Any breach of such rules may be regarded as cause for removal.

§ 78. Charge and sale of property.—The said chief engineer shall have charge of all the property now in use or hereafter to be acquired by the city of Plattsburgh for the purpose of extinguishing fires, including all the rooms for storing same.

§ 79. Appropriation of unexpended moneys.—All moneys in the hands of the village of Plattsburgh which have been raised or provided for the fire department purposes and unexpended by them when this act shall take effect, are hereby appropriated for the purposes provided for by this article.

#### TITLE VII.

#### THE POLICE DEPARTMENT.

Section 80. Appointment of officers.

81. Qualifications of police.
82. Duration of office.
83. Vacancies in police force.
84. Duties of chief of police.
85. Charges, trials thereon.
86. Exemption from military and jury duty.
87. Officer not to be delegate.
88. Unlawful conduct at primaries.
89. Powers and duties of police.
90. Service of criminal process.

Section 91. Expenses in execution of process.

92. Presents or awards.

93. Payments of salaries and expenses.

94. Appropriation of moneys.

95. By-laws of police force.

96. Station houses.

97. Commitment to police station; amount of criminal expenses chargeable to county.

Section 80. Appointment of officers.—The permanent police force of the village of Plattsburgh shall, as to its component parts, remain as now constituted until the same shall be reorganized by the common council pursuant to the authority vested in it by this act. A chief of police and patrolman shall be appointed by the mayor, subject to the approval of the common council. The mayor may appoint special policemen as he may deem necessary. Such appointments shall not continue for a longer term than one month.

§ 81. Qualifications of police.—No person shall be appointed a chief of police, patrolman, special policeman or constable who is not a citizen of the United States, or who has ever been convicted of crime, or who cannot read and write the English language. No person, other than members of the present police force, shall be appointed who at the time of such appointment is over the age of forty years.

§ 82. Duration of office.—All the members of the police force, other than special policemen subject to the power of removal hereinafter specified, shall hold their respective offices during good behavior or until by age or disease they become permanently incapacitated to discharge their duties.

§ 83. Vacancies in police force.—The mayor may, subject to the approval in the manner stated, of the common council, within ten days after a vacancy occurs in the police force, for any cause, appoint a successor to the person whose office has become vacant.

§ 84. Duties of chief of police.—It shall be the duty of chief of police under the direction of the mayor to superintend the police department of said city, of which department he shall be the chief executive officer and shall have full control of the patrolman subject to the direction of the said

mayor. He shall keep a book of records to be denominated "police records" in which he shall make daily entries of all the proceedings of his department and of all the services rendered by him and the several members of the police force. He shall on the first day of each month report to the mayor the state of his department, the services performed by the members of the police force, respectively; the amounts respectively due each of them for their services in the preceding month, and whether any of them have been disorderly in their behavior or delinquent in their duties.

§ 85. Charges; trials thereon.—If a charge be made by any person against any member of the police force, that he is incompetent or has been guilty of neglect of duty, misconduct in office, or conduct unbecoming a police officer, the charge must be put in writing in the form required by the rules of the police department, if any rules shall have been prescribed, and a copy thereof must be served on the accused officer and filed with the mayor, and it shall be the duty of the mayor to hear, try and determine the charge according to the rules of the police department, if any rules have been prescribed. The accused officer shall have the right to be present at his trial and to be heard in person and by counsel and to give and furnish evidence in his defense. The clerk of the city shall issue subpoenas under his hand for witnesses to sustain or refute the charge, and any such witness duly served with a subpoena shall be bound to attend in obedience to the command thereof, and the said mayor shall have the same authority to enforce obedience to the subpoenas and to punish for disobedience thereof as is possessed by justices of the peace in like cases. If the said mayor shall find the accused officer guilty of the charge made against him it may order his suspension from his pay as a policeman for some definite time, or impose on him a fine not exceeding fifty dollars, or reduce his grade, or, order his dismissal from the police force, or it may subject him to any other discipline prescribed in the rules of the police department which is not consistent with the provisions of this act or with the laws of the state or the United States.

§ 86. Exemption from military and jury duty.—No member of the police department is liable to military or jury duty or to arrest on civil process, or to service of subpoena from civil courts,

while actually on duty, nor shall he hold any other office or be employed in any other department of the city government.

§ 87. Officer not to be delegate.—No officer of the police force shall be a member of or delegate to any political convention, nor shall he be present at any such convention, except in the performance of any duty relating to his position as such officer, and any violation of these provisions shall work a forfeiture of his office or position and it shall be the duty of the mayor to dismiss him from his office or position.

§ 88. Unlawful conduct at primaries.—It is unlawful for any police officer to solicit any person to vote at any political caucus, primary or election for any candidates, or to challenge any voter, or in any manner to attempt to influence any voter at any political caucus, primary, or and\* any election or to be a member of any political committee; and any person violating the provisions of this section shall forfeit his position under the city government.

§ 89. Powers and duties of police.—The members of the police force shall be peace officers and respecting all offences committed within the limits of the city, either against the laws of the state or the ordinances of the city they shall possess the same powers as to arrest and confinement of the offender as are possessed by constables of towns or the sheriff of the county. The officers in charge of the county jail situated within the limits of the city shall before and after conviction have the custody of offenders when confinement is necessary or proper, and upon conviction if any offender is directed to be confined in any penitentiary or reformatory, such convicted person shall be conveyed thereto by the sheriff of the county, subject to the provisions of the general laws relating thereto. Such fees shall be charged by the sheriff for the custody of offenders as are allowable in like cases where like offenses are committed in towns.

§ 90. Service of criminal process.—All criminal process for any offense committed within said city, issued out of any court within said city; and all process, subpoenas, bench warrant or otherwise, issued by the district attorney of the county of Clinton relating to any offense committed within said city, may be served by a member of said police force.

\*So in the original.

§ 91. Expenses in execution of process.—The necessary expenses incurred in the execution of criminal process within said city shall be a charge against the city. No fees or compensation whatever, other than as herein provided, shall be charged or received by any constable, member or officer of the said police force, for the arrest, confinement or discharge of any person or for mileage or travel, or for serving any warrant, subpoena or process, or for discharging any other duty required by this act; nor shall any such fee or compensation be charged or received by any officer or citizen for the arrest of any person charged with crime, or for the service of any warrant, subpoena or other process in any criminal case, other than as herein provided.

§ 92. Presents or awards.—No member of the police force or special policeman shall receive any present or reward for any service rendered, or to be rendered unless with the consent of the mayor, such consent to be given in writing and filed with the clerk, and any one of their number who shall receive any fee or reward in violation of this section, shall thereby forfeit his office.

§ 93. Payment of salary and expenses.—The salaries of the members of the police force shall be paid monthly, as it shall become due and the contingent expenses of the police department and for rent, telephones, expenses for office furniture, fuel, light, stationery, printing, advertising, policemen's uniforms, badges and batons and other necessary expenses shall be certified by the mayor, and when audited by the common council, shall be paid by the chamberlain of said city upon the warrant of the mayor countersigned by the clerk.

§ 94. Appropriation of moneys.—All moneys in the hands of the treasurer of the village of Plattsburgh, which have been raised or provided for police purposes and unexpended when this act takes effect, are hereby appropriated for the purposes provided by this section.

§ 95. By-laws for police force.—The common council shall make such by-laws, not inconsistent with the laws of the state as may be necessary for the government of the police force hereby established for regulating the powers and duties of the offices and members thereof, for uniforming them, and for the maintenance of law and good order in said city, but no by-law concerning the enforcement of any ordinances of said city shall

take effect until after it has been approved by the mayor of said city.

§ 96. Station houses.—The common council shall provide and keep in order a temporary lockup for the temporary detention of persons arrested by the members of said police force.

§ 97. Commitment to county jail; amount of criminal expenses chargeable to county.—The city judge of the city may commit to the county jail of said county any person charged with crime and pending an examination for trial therefor, and the sheriff of Clinton county is authorized and required to receive any such person so committed and retain him in custody in accordance with such committal.

#### TITLE VIII.

##### DEPARTMENT OF PUBLIC INSTRUCTION.

Section 98. City permanent school district.—All the territory included within the boundaries of the city of Plattsburgh shall hereafter constitute a separate school district within this state and shall be designated as "the school district of the city of Plattsburgh." It may bear such other additional designation as the superintendent of public instruction of this state may by law prescribe. Such district shall be entitled to all the rights, powers, privileges, public moneys and other benefits conferred by law or other state authority upon school districts and shall be subject to all the rules, regulations, powers of inspection and superintendence prescribed by law applicable to union free school districts, except as otherwise hereinafter provided.

§ 99. Board of education.—The affairs of said school district of the city of Plattsburgh shall be managed by a board of fifteen members to be constituted as follows: Five of such board to be elected by the trustees of the Plattsburgh academy and ten to be appointed by the mayor of the city of Plattsburgh as follows: The present members of the board of education of the present village of Plattsburgh are hereby continued in office until the first day of August in each year during which their term of office would have respectively expired. The mayor within sixty days after the passage of this act shall appoint five trustees to serve as follows: One until the first day of August, nineteen hundred and two, and one to serve respectively for a period of one, two, three and four years from said first day of August.

Thereafter the mayor of such city shall annually appoint two trustees to serve for a period of five years. The trustees of Plattsburgh academy shall annually appoint one member of such board to serve for a period of five years. The said trustees shall meet at the common council chamber in said city at eight o'clock in the evening of the third Tuesday of May, nineteen hundred and two and shall organize as a board, and shall provide and appoint a place for its further meetings. Thereafter, said board of education shall hold their annual meeting on the second Monday in January of each year, for the election of officers. They shall select by ballot from their number, a president, a vice-president and a clerk. They shall also appoint a superintendent of schools of the city and perform the duties of supervision and all such other duties as the board shall from time to time direct, and shall be allowed such compensation as the said board may determine. He shall also examine and license, under the statute and the rules and regulations established by the state superintendent of public instruction, teachers employed in the public schools in said city. The said president vice-president and clerk shall hold their office for one year, and until their successors shall have been duly appointed.

§ 100. The city chamberlain shall be the treasurer of said board of education. Said meetings of said board shall be held at least once in each month. At each of said meetings, there shall be appointed one or more visiting committees, whose duty it shall be to visit every school in the city at least once, and to report upon the condition and work of the schools at the next meeting of the board. A majority of trustees in office shall constitute a quorum of the board.

§ 101. In case any vacancy shall occur in the office of trustee, by reason of death, resignation, removal from the city, or refusal to qualify or serve, or from any other cause, the board of education, if such vacancy arises from among those appointed by the mayor, shall fill his vacancy, and in case such vacancy shall arise in those selected by the trustees of Plattsburgh academy, the remaining members of the board selected by such academy may make an appointment to fill such vacancy, and the person so appointed shall hold office for the unexpired term of the person to supply whose place, he shall be appointed.

§ 102. All property, both real and personal, now vested in and belonging to the schools in any district embraced within the city of Plattsburgh, as hereby constituted, shall pass to and become vested in the board of education created by this act. And all moneys and funds belonging to said district shall be paid over and delivered to the chamberlain of said city and credited by him to the school fund of said city. All the rights, powers, privileges, contracts, obligations and liabilities of said union free school district are hereby transferred to, vested in and imposed upon said board of education of the city of Plattsburgh as hereby created. And the rights and privileges of all persons that may have arisen or accrued prior to the passage of this act shall remain and be in force by or against the board of education of the city of Plattsburgh and its successors in the same manner and with a like effect as though this act had not been passed—subject, however, to the provisions of this act.

§ 103. A trustee duly elected or appointed, who declares that he will not accept or serve in the office of trustee, or who refuses or neglects to attend three successive stated meetings of the board, without rendering a good and valid excuse therefor to the board, vacates his office for refusing to serve.

§ 104. Neither the mayor nor any member of the common council shall hold the office of a member of the board of education, under this act.

§ 105. The district hereby created shall be deemed and is hereby declared to be a union free school district, under the laws of this state relating to public instruction. All provisions of general law, not inconsistent with the provisions of this act, applicable to school districts, whose limits correspond with any incorporated village or city, and the boards of education therein and the corporate authority of such cities and villages, are made applicable to the school district hereby established, and to the board of education thereof, and to the corporate authorities of the city of Plattsburgh.

§ 106. The board of education shall, on or before the fifteenth day of October in each year, make to the mayor and common council of the city of Plattsburgh, an annual report to the first day of August next preceding, setting forth the number of children of each school under its charge, a statement of all the liabilities and expenses incurred with all the disbursements



made by it, during the preceding year, and all other matters of interest relating to the schools. The common council shall cause such report to be published.

§ 107. The said board shall, also on or before the fifteenth day of October in each year, determine by resolution, the amount of money to be raised, which when added to the money annually apportioned to the said schools of said city out of the funds belonging to the state or any other funds available therefor, will, in its judgment, be necessary to support all the schools under its superintendence for the ensuing current year, and for the furtherance of any of the powers vested in it by law. The said resolution shall set forth, in a detailed statement, the various purposes of anticipated expenditure and the amount necessary for each. A copy of such resolution shall be certified by the president and clerk of said board, under the seal of said board and delivered to the mayor and common council of said city. If the mayor approves such statement, he shall sign it and immediately file the same with the city clerk. It shall be the duty of the common council to levy and collect annually such amount as the board shall have determined and the mayor approved at the same time and in the same manner as other general city taxes are levied and raised for the ensuing year, and such common council shall have no power to withhold or refuse to levy and collect by tax, such sums so determined by such resolution to be necessary for teachers' wages, for superintendence, for the ordinary contingent expenses including necessary repairs to all the structures belonging to the city for supporting the schools, for stationery and books and for the expenses of said board of education, in accordance with the estimate thus approved by the mayor. In case the mayor shall disapprove of any of the items embraced in the estimate so presented to him, he shall, within five days after its receipt, state in detail his objections to each item so refused and the reason of such objection and refusal as to each item and file the same with the clerk of the board of education, and the board of education shall immediately publish such communication. Said board shall then proceed to reconsider such estimate, and if it agrees to sustain the estimate as made, it shall stand as if it had been approved by the mayor, or if said board do not agree to sustain the estimate as made, it shall be so modified as

to conform to the views expressed by the mayor in his objection, and in either event, shall be again certified by the president and clerk of said board to the common council. And the common council of said city shall include in the annual tax and assessment roll for that year, the amount specified in said original or amended item, and the same shall be collected by the city chamberlain who shall credit the same to the general school fund.

§ 108. After the said board of education shall have finally delivered to the mayor and common council, by filing with the city clerk a certified copy of the resolution finally determining the amount of money to be raised as prescribed herein, the said board of education shall thereupon be authorized to borrow upon the credit of the city of Plattsburgh, such money as such board shall determine to be necessary for the support and maintenance of the schools in anticipation of the tax to be raised for that purpose in the current year. Such loans shall be evidenced by the note of the city of Plattsburgh, which shall be signed by the president and clerk of said board, sealed with its corporate seal and shall be conditioned that the city of Plattsburgh will pay the principal named therein with interest at a rate specified therein, not greater than the legal rate of interest, and shall mature and be paid by the city chamberlain at the time therein mentioned, not later than the close of the then fiscal year. The interest on said notes shall be paid by the city of Plattsburgh and not charged against any moneys due, or to become due to the board of education from any appropriation made, or to be made to said board. The city clerk upon the request of the board, shall countersign the same, and affix the corporate seal of the city thereto, and thereupon the same shall be a binding obligation against the city. The city chamberlain shall keep a separate account of all school moneys received by him, whether from state authorities, local taxation or any other source, and shall pay out the same only upon warrants signed by the president and clerk of said board of education. Such warrants shall be drawn only by the authority of the board of education, and only as the said money shall be actually needed for disbursement. The city of Plattsburgh shall be responsible to the board of education for the faithful performance by the city chamberlain of the duties of the treasurer of the said board of education.

§ 109. Whenever said board of education shall have determined by resolution an amount of money to be raised for new sites or buildings and furniture and fixtures therefor, or for repairs or improvements to buildings or grounds, which sum shall in any one year exceed the sum of five thousand dollars, the said board of education shall present such estimate to the mayor and common council of the city as required for other expenditures by section one hundred and seven herein, and the same course shall be followed with reference to such proposed expenditures in all respect as is provided for in said section one hundred and seven. And when the board of education shall have finally certified such estimate together with their action upon any objections which the mayor may have filed thereto with them, in accordance with the provisions of section one hundred and seven, the common council shall, by resolution, authorize such board of education to borrow such sum or such part thereof as the common council may determine. Such loan shall be evidenced by the bond or bonds of the city of Plattsburgh of such denominations as the said common council shall determine, which bonds shall be conditioned that the city of Plattsburgh will pay the principal named therein and interest and shall bear interest not exceeding the legal rate per annum, payable semi-annually, and be payable in such sums in each year as the common council shall determine, and shall be signed by the mayor and city clerk of Plattsburgh, and sealed with the corporate seal of said city, and a record thereof shall be kept in the city clerk's office. The bonds so issued, shall be delivered to said board of education and shall not be negotiable until signed by the president and clerk of said board and sealed with its corporate seal, and the amount realized from the sale thereof shall be paid to the city chamberlain, and the par value of said bonds shall be placed by the city chamberlain to the credit of the said board of education, and shall be drawn only on warrants of said board of education and for the purposes for which such loan shall have been authorized, and for no other purpose. The common council of the city of Plattsburgh shall annually raise by tax and as a part of the school moneys, the amount of money necessary to pay the interest annually accruing upon such bonds and the principal falling due and payable in each year. The said board of education shall certify annually, by and in the resolution here-

tofore referred to in section one hundred and seven, the amount of money necessary to be raised by tax, to pay interest on such bonds and the principal of such bonds falling due in any ensuing year.

§ 110. If at any time after the passage of the resolution provided in section one hundred and seven, the said board of education shall determine that more money is needed for any of the purposes mentioned in said section, the said board may, by resolution, determine the amount so needed whereupon the same procedure shall be taken with reference to such additional sum as is provided by section one hundred and seven herein. And the provisions herein relating to the temporary loan of moneys in anticipation of taxes, shall apply to this section with reference to such additional amounts, and the same provisions shall apply to the common council of such city with reference to the raising, by tax, of the amounts thus temporarily borrowed and the payment of the interest thereof as is contained in section one hundred and seven.

§ 111. All public moneys or funds belonging or appropriated to the use of said school district shall be paid to the chamberlain of said city, who shall keep the same separate from the general funds of the city, and shall credit to the school fund the moneys or property belonging thereto. The board of education shall disburse all the school moneys of said district by orders from the chamberlain, signed by the president; said orders shall be numbered consecutively and shall specify the purpose for which they are drawn, and the persons to whom payable. Upon request from said board, the chamberlain shall certify from time to time the balance remaining, to be collected by or paid to the city chamberlain for school purposes; it shall not be lawful for such chamberlain to apply such moneys or any part thereof, to any other purpose or object.

§ 112. The said board of education shall, from time to time, as it shall deem expedient or necessary, make provision in accordance with the provisions of this chapter for additions, alterations or improvements to or in the sites or structures belonging to said district, purchase other sites or structures, erect new buildings, purchase apparatus and fixtures, or other necessary property for the district as it shall determine. But no resolution for the purchase of new sites or the erection of new buildings

shall be effective, unless it shall receive the affirmative vote of two-thirds of the members of said board of education. Said board of education shall provide accommodations and facilities for the proper instruction of all the children of school age, residing in such city, and shall provide suitable textbooks for indigent pupils, and in their discretion, may embrace in their estimate submitted to the mayor and common council, suitable provision for providing all pupils with textbooks, to be used in said schools, under such rules and regulations as they shall prescribe, and they shall have entire and exclusive charge and control of the public schools of the city of Plattsburgh, subject to the powers of supervision and direction vested in the state superintendent of public instruction, and subject to the visitation of the regents of the university and their regulations as to the course of education and matters pertaining thereto in the academic department of the schools maintained by them. Said board may make all necessary by-laws for its own government, except as herein otherwise provided and said board of education shall be subject to the laws relating to union free schools and the general statutes of the state relating to schools, except as modified by this chapter. The board of education shall be entitled to its proportion of the state moneys for the public schools of said city of Plattsburgh, which shall be apportioned by the state superintendent in accordance with the general provisions of law. It shall have charge of the school libraries and make all necessary and proper regulations concerning the same, and may impose fine for abuse of books, and may adopt such ordinances and by-laws as they shall deem necessary for the protection, safe keeping, care and preservation of the school buildings and other school property of said district under their charge, and impose such penalties for the violation of the same as it shall deem proper. Any person incurring fines shall be liable to an action for the same by the board of education, and the amount received shall be deposited with the city chamberlain and available for the general expenses of the board of education in connection with said schools. And it may appropriate for the benefit of said libraries out of moneys annually raised in the said city, by the school tax, an amount not exceeding two hundred dollars in addition to the library money received from the state. It shall have the power to appoint librarians and

provide truant officers for the enforcement of the compulsory education law.

§ 113. The said board of education shall have a corporate seal with such design as it may adopt. The services of the board of education designated by this act shall be gratuitous.

#### TITLE IX.

##### HEALTH DEPARTMENT.

Section 114. Board of health; organization.

115. President of board.

116. Health officer and city physician.

117. Powers and duties of board.

118. Clerk of board of health.

Section 114. Board of health.—There shall be a board of health which except the president shall serve without pay, consisting of three members who shall be designated commissioners of health. The members of the board of health of the village of Plattsburgh are hereby continued as members of the board of health of the city of Plattsburgh and shall hold their office as members of said board of health until their successors are appointed as in this act provided. Within thirty days after the first election of a mayor, he shall appoint, subject to the approval of the common council, three persons to act as a board of health and they shall hold office until February first, nineteen hundred and four. In the month of January, nineteen hundred and four, and each alternate year thereafter, there shall be appointed in like manner three commissioners of health for the term of two years, to succeed the commissioners whose terms expire in that year.

§ 115. President of board.—The commissioners of health shall elect from their own number a president of the board of health, who shall receive an annual salary of one hundred dollars. The said board shall be organized under the public health law of the state.

§ 116. Health officer and city physician.—The said board shall appoint a competent physician not one of its members to be the health officer of the city, who shall also be the city physician and as such shall discharge such duties as are assigned to him by the commissioner of charities. He shall furnish such medi-

cine and medical supplies as may be required for the care of the poor, and shall receive as compensation for his services and such medical supplies, the sum of six hundred dollars annually.

§ 117. Powers and duties of board.—The board of health and the members thereof shall have all the powers and be charged with all the duties and responsibilities conferred and imposed upon local boards of health and the members thereof by the general laws of the state, so far as the same pertain to cities, except as herein otherwise provided. But such board of health shall create no liability against the city for food or supplies furnished by them, except on order of the commission of charities.

§ 118. Clerk of board of health.—The city clerk shall be the clerk of the board of health. It shall be his duty to keep a register of all births, marriages and deaths required by the public health law.

#### TITLE X.

##### DEPARTMENT OF CHARITIES.

Section 119. Appointment of commissioner.

120. Powers and duties of commissioner of charities.

121. Monthly report of commissioner.

122. Common council to audit accounts.

123. Commissioner not to be interested in purchases.

Section 119. Appointment of commissioner.—The board of alms of the town of Plattsburgh, and the overseer of the poor appointed by it, are hereby continued and the said overseer is hereby continued as commissioner of charities of the city of Plattsburgh and shall hold office as such commissioner of charities until his term of office as such overseer has expired and his successor is appointed as in this act provided. Upon the expiration of the term of office of such overseer the mayor shall, subject to the approval of the common council, appoint a suitable person to be commissioner of charities upon the appointment, as in this act provided, of an overseer of the poor of the town of Plattsburgh, the duties of said board of alms and its appointees shall cease, and chapter two hundred and fifty of the laws of eighteen hundred and seventy-eight and all amendments of the same shall thereupon be repealed and the said board of alms and its appointees shall immediately turn over all moneys, property and effects in its hands to the cham-

berlain of the city and the supervisor of the town, in such proportion as may be required by the board of town auditors of the town of Plattsburgh.

§ 120. Powers and duties of the commissioner of charities.—Except as provided by this act, the commissioner of charities of the city of Plattsburgh shall, within the city of Plattsburgh, have and exercise the same powers and discharge the same duties, to the exclusion of any other person or persons, as overseers of the poor in towns. The commissioner of charities of the city of Plattsburgh shall also, by virtue of his office, possess all the powers and authority of overseers of the poor of the several towns of the state in relation to the support and relief of indigent persons, the binding out of children, the care of habitual drunkards, the support of bastards and proceedings to charge the fathers and mothers of such bastards and shall have such other powers as are conferred upon overseers of the poor in the respective towns of this state, and shall be subject to the same duties, obligations and liabilities. It shall be the duty of the commissioner to visit the poor of said city at their several places of abode and examine into their circumstances, and ascertain to what extent they are or may be in need and entitled to permanent or temporary relief or medical attendance. No physician other than the city physician shall be employed by the commissioner of charities to attend the poor of said city, unless otherwise authorized or directed by the common council. The commissioner of charities shall have power to administer oaths to, and examine under oath, any person applying to him for relief, and false swearing during such examination shall be deemed wilful perjury. For all purposes relative to the maintenance and support of the poor, the city of Plattsburgh shall be deemed one of the towns of Clinton county. The commissioner shall issue written orders for all meals, provisions and supplies furnished to the poor of said city. No claim for expenditures on account of the poor of said city shall be audited or paid, unless such expenditures shall have been made pursuant to a written order of such commissioner.

§ 121. Monthly report of commissioner.—The commissioner of charities, at the first regular meeting of the common council in each month, shall under oath report in detail to the common council all appropriations, expenditures, temporary relief, medical attendance, and allowance made by him as such commis-

sioner during the month preceding, which report shall specify the name and place of abode of each person relieved, the quantity and price per pound, or otherwise as the case may be, of each article furnished or ordered, and from whom obtained; said report shall also contain the names and places of abode of all persons to whom meals and lodgings have been furnished, the number of said meals and lodgings, from whom obtained, or whom furnished, and the cost of the same. Said report shall be filed with the city clerk.

§ 122. Common council to audit accounts.—All charges and accounts against said city for services rendered, acts done or meals, provisions or supplies furnished under the direction of the commissioner of charities of said city under the provisions of this act, or otherwise, shall be made out in items, duly verified, by the persons entitled to the payment therefor, and presented to the common council at the first regular meeting of said council in each month, for all claims and demands incurred or which may have accrued during the preceding month. All such claims, accounts and charges shall, if approved, be audited by the common council and paid from the poor fund of said city by the chamberlain upon the warrant of the mayor, countersigned by the clerk.

§ 123. Commissioner not to be interested in purchases.—The commissioner of charities shall not, directly or indirectly, furnish to any person, any groceries, provisions, food, medicines or property belonging to himself, or in which he shall have an interest or be interested, nor shall he receive any commission upon or for any goods or articles or relief furnished, or on any orders given by him for any such goods or articles of relief furnished. For any violation of the provisions of this section, said commissioner shall be removed from office by the mayor and he shall forfeit to said city a penalty of one hundred dollars for each violation.

#### TITLE XI.

##### DEPARTMENT OF LAW.

Section 124. The corporation counsel.

125. Duties of corporation counsel.

126. Payment of moneys.

127. Compromise of suits.

128. Employment of counsel.

129. Judgments, report upon to common council.

Section 124. The corporation counsel.—The corporation counsel shall be the head of the department of law.

§ 125. Duties of corporation counsel.—He shall be and act as the legal adviser of the common council and of the several officers, boards and departments of the city, and he shall appear for and protect the rights and interests of the city in all actions, suits and proceedings, brought by and against any city officer, board or department; and such officers, boards or departments shall not employ other counsel, except with the approval of the common council and mayor by proper resolution. No written contract providing for the payment of two hundred dollars or more, entered into by the city or any of its officers, boards or departments shall be acted under until there shall be endorsed thereon by the city attorney a certificate to the effect that the city officer, board or department, which has executed the same on behalf of the city, had authority and power to make such contract, and that such contract is in proper form and properly executed; and he shall attend to all the law business of the city, and discharge such other duties as may be prescribed in the ordinances of the common council.

§ 126. Payment of moneys.—He shall pay over at once to the chamberlain all moneys collected by him for or on behalf of the city, including fines and penalties; and he shall annually, on the first Tuesday of February, file with the mayor of the city an inventory of all the books and property belonging to the city in his custody.

§ 127. Compromise of suits.—He shall, whenever he considers that the best interests of the city will be subserved thereby, enter into an agreement in writing, subject to the approval of the common council, to compromise and settle any claim against the city, which agreement shall be reported to the common council at its next meeting, and be and constitute a valid obligation against the city; and the amount therein provided to be paid shall, with interest thereon at six per centum from its date, be included in the next city tax budget; and when raised by tax be paid to the claimant. If, however, before the adoption of the city tax budget there shall be received by the chamberlain from any source, any moneys not otherwise appropriated, the amount in the agreement provided to be paid shall

be paid out of such moneys so received so far as they will satisfy the same.

§ 128. Employment of counsel.—The corporation counsel, with the written consent of the mayor, or when authorized by the common council, may employ counsel to assist him in the argument and conduct of important cases or proceedings in which the city is interested or a party.

§ 129. Judgments, report upon to common council.—The amount of any judgment recovered against the city and payable by it, remaining unpaid, with the interest due thereon, in case no appeal is intended to be taken, or in case such judgment is finally affirmed on an appeal taken, shall be reported by the corporation counsel immediately after the same shall have become payable, to the common council; and unless the common council issue bonds to raise money for the payment of the same, such amount shall be raised in the next levy of taxes for the expenses of the city, unless execution upon such judgment shall be stayed. Such judgments shall be paid out of the first moneys paid into the city treasury on account of such levy, in the order of their recovery. Until the money so raised shall be paid into the treasury and payment of judgment refused, no execution shall issue against the city, unless the amount of such judgment shall not have been included in the tax levy; provided, nevertheless, if there be any money in the treasury to the credit of a fund derived from the revenues of the city, other than by taxation and not otherwise appropriated, sufficient to satisfy such judgments, the common council shall direct the payment therefrom of such judgments in the order of their recovery.

#### TITLE XII.

#### CITY COURT.

Section 130. City court.

- 131. Rooms, supplies and stenographer.
- 132. Jurisdiction in civil actions and proceedings.
- 133. Not to take cognizance of certain actions.
- 134. Process, practice, appeals from judgments, et cetera.
- 135. Opening and vacating judgments.
- 136. Evidence.
- 137. Costs and fees.

Section 138. Jurisdiction of city judge in criminal cases.

139. Disorderly persons.

140. Amount of fees; deposit of fees; account of criminal business; docket.

141. Acting city judge, designation of, compensation.

142. Compensation of peace officers.

143. Rules.

Section 130. City court.—There shall be a city court of civil and criminal jurisdiction. The city judge shall be the judge of the court. The court shall be open for the transaction of business each day in the year, except Sundays and legal holidays, and upon those days for such purposes as are provided by law.

§ 131. Rooms, supplies and stenographer.—The common council of the city shall provide suitable rooms and properly furnish the same for holding court therein; provide for furnishing the necessary blank books, stationery and other necessary articles for the use of said court. The city judge may appoint a stenographer, at an annual salary not exceeding three hundred dollars, which compensation shall include the expenses of all stenographer's supplies used in said court.

§ 132. Jurisdiction in civil actions and proceedings.—Except as limited by the next succeeding section, the city court shall have jurisdiction of the following civil actions and proceedings, namely:

1. An action to recover damages upon or for a breach of contract, express or implied, other than a promise to marry, when the sum claimed does not exceed five hundred dollars.
2. An action to recover damages for a personal injury or an injury to property, where the sum claimed does not exceed five hundred dollars.
3. An action for a fine or penalty not exceeding five hundred dollars.
4. An action upon a judgment not exceeding five hundred dollars, rendered in said court or in any court of the state of local jurisdiction, not being a court of record.
5. An action to recover one or more chattels, with or without damages, for the taking, withholding or detention thereof,

where the value of the chattels as stated in the affidavit of the plaintiff does not exceed the sum of five hundred dollars.

6. To render judgment upon the confession of the defendant where the amount confessed does not exceed the sum of one thousand dollars.

7. Summary proceedings under title two of chapter eighteen of the code of civil procedure, and the application for the removal of a person from real property in such proceedings may be made to the city judge as is provided in section twenty-two hundred and thirty-four of the code of civil procedure and the procedure before the city judge and the city court shall be as is prescribed by said title.

8. Any other civil action or proceeding of which justices of the peace of towns have jurisdiction, including bastardy cases in which cases the city judge shall sit as the court.

§ 133. Not to take cognizance of certain actions.—The city court shall not take cognizance of a civil action in either of the following cases:

1. Where the title to real property comes in question, as is prescribed in title three of chapter nineteen of the code of civil procedure, and when such question arises, the pleadings and practice shall be the same as are provided by law for courts of justices of the peace in towns in regard thereto.

2. When the action is to recover damages for false imprisonment, libel, slander, criminal conversation, seduction or malicious prosecution.

3. Where, in a matter of account, the sum total of all the accounts of both parties, proved to the satisfaction of the court, exceeds one thousand dollars.

4. Where the action is brought against an executor or an administrator as such, except where the amount of the claim does not exceed the sum of five hundred dollars, and the claim has been duly presented to the executor or administrator and rejected by him.

§ 134. Process, practice; appeals from judgments.—The process and all mandates of the city court, the service and enforcement thereof, the proceedings thereunder and the practice and procedure in said court, and before the city judge, shall be the same as in courts of justices of the peace in towns, except as otherwise provided for in this act, and all provisions of law

applicable to justices of the peace in towns, and the courts held by them, and the proceedings had before them, and to their official acts, duties and powers, shall apply to the city court and the judge thereof; and appeals may be taken from judgments of the city court, and all proceedings before the city judge may be reviewed and transcripts of judgments filed in the office of the clerk of the county of Clinton and the enforcement of such judgments shall be had in the same manner and with like force and effect as in courts of justices of the peace in towns; and for the purpose of determining the jurisdiction of such city court, except as the same is increased or extended or modified by this act, the city shall be regarded as a town. The sheriff of Clinton county and his deputies may execute any civil or criminal process issued by the city judge and shall, in relation thereto, perform all the duties and possess all the powers of constables in towns and shall be entitled to collect the same fees as are allowed to constables for like services. Such sheriff or his deputy shall convey any person sentenced by such city judge to confinement in any jail, prison, penitentiary, reformatory or house of refuge to such place of confinement.

§ 135. Opening and vacating judgments.—The city court in civil cases shall have power to open and vacate any judgment rendered therein, upon such terms and conditions as it may deem just, within the time limited for an appeal therefrom, upon application of any party aggrieved thereby, and the city judge may make an order staying in the meantime proceedings, upon such judgment until the hearing and decision of the motion therefor, and upon the service of such order upon the officer having the mandate for the enforcement of such judgment, proceedings for the enforcement thereof shall be stayed accordingly. Five days' notice in writing of the application to open or vacate such judgment must be given by the party making the same; and such notice shall be served as is provided by law, for serving notices of appeal from judgment of a justice of the peace.

§ 136. Evidence.—All entries in the city clerk's minutes or copies thereof duly certified by the clerk and the corporate seal thereto annexed, shall if the fact stated be competent and material for any purpose be evidence in all courts of the state of the facts therein stated; and in actions and proceedings for

the recovery of fines and penalties, the certificate of the clerk of the city, under the corporate seal of said city, setting forth any ordinances, by-law, rule or regulation, and certifying the adoption of the same, and the date of such adoption, shall be presumptive evidence of the existence and adoption of any such ordinance, by-law, rule or regulation.

§ 137. Costs and fees.—In all civil actions and proceedings brought in this court, the same costs and fees shall be paid, taxed and recovered as in actions or proceedings before justices of the peace in towns. The court shall demand and receive of the moving party prepayment of all such fees, unless the party shall file an affidavit in writing showing to the satisfaction of the court that the action or proceeding is begun in good faith, and that the applicant is without means to pay such fees, in which case the judge may, in his discretion, issue the proper process, without charging for court fees, but shall in all cases require the applicant to pay in advance the fee of the officers for serving such process. All officers' fees received by the city judge shall be paid to the officers as soon as earned, and all other fees received by him as aforesaid shall belong to the city; and the city judge shall not directly or indirectly receive to his own use any fees or perquisites except his salary. In addition to such fees as may have been paid or incurred by the prevailing party, he shall be allowed as an indemnity in case he has appeared by an attorney admitted to practice in courts of record in this state (and not otherwise), the following sums as expenses:

1. If a judgment is rendered for plaintiff upon default, or by confession, to the plaintiff three dollars.

2. If judgment is rendered for plaintiff other than upon a default, to the plaintiff three dollars, and an additional sum equal to ten per centum of the recovery, when the action is brought to recover a sum of money, or ten per centum of the value of the property as fixed by the judgment, when the action is brought to recover a chattel, but not in any case to exceed twenty-five dollars in all.

3. If a judgment of non-suit is rendered for defendant without trial, to the defendant two dollars.

4. If a judgment is rendered for the defendant after trial, except as specified in the next subdivision, to the defendant five

dollars, and the court in its discretion may allow five dollars additional.

5. If an affirmative judgment is rendered for the defendant, to the defendant the same as if he had been a plaintiff.

6. No costs of fees shall be allowed or incurred in an action brought upon a judgment of this court, unless such action is brought more than five years after the recovery of the judgment sued on.

§ 138. Jurisdiction of city judge in criminal cases.—The city judge in all criminal actions and proceedings and special proceedings of a criminal nature, for and on account of offenses committed or charged to have been committed within the city, shall have all the jurisdiction and authority which a justice of the peace of a town would have, including bastardy proceedings, in which latter proceeding it shall not be necessary for the city judge to associate with himself another magistrate. He shall also have power to try the following offenses, committed within his jurisdiction, namely, cases of malicious mischief and injury; all offenses against public decency, selling unwholesome provisions; breaches of the peace, all violations of the laws and ordinances of the city, and all other offences of the grade of misdemeanor under the laws of the state. And the city court shall possess and exercise all the powers conferred upon courts of special session, and shall be subject, in the exercise of such powers, to all provisions of law relating to courts of special sessions; and upon conviction in said court for any misdemeanor of which the court has jurisdiction, the same sentence may be imposed as might be imposed were such conviction had in a county court.

§ 139. Proceedings upon arrest and trial of disorderly persons; punishment of offenders.—When any person charged or complained against as a disorderly person, under the provisions of this act, shall be arrested or brought before the city judge, the said city judge shall proceed forthwith to hear, try and determine the complaint or charge on which such person is arrested; or he may, in his discretion, adjourn the hearing of the trial on cause shown, not exceeding five days, and in the meantime shall commit the accused to the county jail, until such day, or suffer him to go at large on his executing a bond with sureties, duly approved, conditioned that he will appear on said



adjourned day. And upon the conviction of any such offender, either by confession or competent testimony, the city judge shall have full power and is hereby authorized to punish by a fine not exceeding fifty dollars, or by imprisonment in the county jail of Clinton county, not exceeding six months, or by both such fine and imprisonment. In addition to persons designated in section forty-six of title four of this act, the following persons within the city of Plattsburgh, shall be deemed disorderly persons and may be proceeded against as such and punished according to the provisions of this act; all persons who shall be intoxicated under such circumstances as to amount to a violation of public decency; common prostitutes or keepers of disorderly houses; all persons who shall by firing any fire-arms, or by noisy, tumultuous or riotous conduct, disturb the peace and quiet of said city; all persons who shall use any threatening, abusive or insulting language, or shall be guilty of threatening, abusive or insulting behavior, provoking or tending to provoke a breach of the peace of said city; all persons who shall use any vile, indecent or obscene language, or be guilty of any indecent or obscene conduct in any public park, street, lane or public place; persons quarrelling in any public street or place; all persons who shall alone or with others, not using the public ways to pass and repass, lounge and loiter about, standing on or occupying the sidewalks or any public place in front of or along any premises or buildings, public or private, not owned or occupied by them, or without any right in or about the approaches, passages, entrance, hall or stairway of any building to the annoyance or impediment of persons lawfully passing and repassing or of property owners or occupants, and shall refuse, after direction of any officer or citizen to pass along or disperse from said place or places; all persons who shall disturb or interrupt any public meeting, school, concert, theater or exhibition, or any assemblage, without lawful authority; all persons who shall be found in the night-time lurking suspiciously around any place in the city and shall refuse, on demand of any police constable or watchman, to give a good account of himself or herself; all persons who shall wilfully remove, break, mar, injure or deface any building, fence, awning, sign, signboard, window, gate or other private or public property, or who shall wilfully tear down,

destroy or mutilate any notice or hand-bill lawfully posted in said city or shall wilfully rub or throw any paint, ink, liquid, missile or other substance, upon or against any fence, structure or building, or against, or through any window or door of any building; all persons who at the time of a fire in said city shall interfere with the operation of the fire department or any of its members, agents, officers or men, in their efforts to prevent or extinguish a fire or shall interfere or attempt to interfere with, or prevent or obstruct the execution of the orders of the proper officers of said fire department in the performance of their duties at such fire; all persons who shall be found lodging or attempting to lodge in, or frequenting or hanging around any fire department building without the consent of the chief engineer of the fire department, or shall commit any nuisance in or around such building; all persons who shall wilfully deface, mutilate, damage or destroy any property belonging to the said city and any person not a fireman who shall take or use any of the property in the possession of the fire department or any fire company thereof without the consent of the chief engineer of the fire department; all persons who shall wilfully give or assist in giving a false alarm of fire. All persons who shall be found engaged in any public place throwing stones or other missiles and endangering persons or property, or shall wantonly and maliciously injure any street or public gas or electric lamp, lamp-post, wires, gas pipe or main or any city water pipe, main, hydrant, hose or other works or apparatus, boxes, wires, posts and all appurtenances thereto; all persons who shall neglect or refuse to report cases of contagious or infectious diseases, in pursuance of the regulations of the board of health; all persons who shall be guilty of immoderate driving or racing horses on any of the streets of the city; all persons who shall have incited or induced dogs to fight in any street or public place, or the owner of any ferocious or vicious dog, who shall permit him to be at large, in any street or public place unmuzzled; all persons who shall expose in or upon any street, lane, alley or public place, in the city, any table or device of any kind for the purpose of having any game of chance played thereon, or by any apparatus or performance of which shall have depending thereon any gift or the winning of any article; all persons who shall within the city engage in, or carry on any business, or do or perform any

act for which the obtaining of a city license is, or shall be prescribed as a condition precedent thereto, without first having obtained such license; all persons who do any act tending to a breach of the peace, or the commission of any crime; every person found guilty of being a disorderly person as aforesaid and every person guilty of any act or acts making such person a disorderly person as herein declared, shall be guilty of a misdemeanor and on conviction thereof punished as in this act provided.

§ 140. Amount of fees; deposit of fees; account of criminal business; docket.—The city judge shall keep an accurate account of all fees and fines received, from whom received, the time of receiving the same; and on the first business day of each month shall deposit with the chamberlain the amount thereof received in the last preceding month with a detailed statement of the items thereof, verified by the affidavit of the city judge to the effect that the same is correct and that it embraces all moneys paid into court or received by said city judge for fees and fines during the period covered by such statement. He shall also keep an account of all criminal business done by him, which, by law, is now made a charge upon the county of Clinton; and at the annual meeting of the board of supervisors the same shall be audited and ordered paid to the chamberlain of the city. He shall keep an account of all his proceedings and in his docket a complete and accurate record of all process issued from and returned to said court, and of all proceedings in every civil or criminal action, and all proceedings brought therein or before him, and shall enter therein the judgment and decision of said court or judge. Such docket shall have the same force as evidence in courts of this state as dockets of justices of the peace in towns.

§ 141. Acting city judge, designation of; compensation.—The mayor shall designate in writing to be filed with the city clerk, an attorney and counselor-at-law residing within the city, who shall, only during sickness, absence from the city, disability or inability of the city judge to act, exercise in the place and stead of the city judge all of the powers of said judge including jurisdiction in cases then pending before the said city judge. Such designation shall terminate at the expiration of the term of office of the then city judge. The compensation of said

acting city judge shall be such as the common council shall determine, not exceeding the sum of four dollars for every day not exceeding thirty in any year, actually spent in the discharge of the duties provided for in this act, to be audited, allowed and paid by the common council upon the presentation by such acting city judge of a verified bill of items for his services. Claims for any additional services, if any, shall be presented to the common council, and if allowed shall be deducted from the salary of the city judge.

§ 142. Rules.—The city judge may make rules not inconsistent with any law of this state, to govern the practice and procedure in his court, and fixing the sum of money required as a preliminary deposit to secure prepayment of fees by parties in civil actions.

#### TITLE XIII.

##### ACTIONS BY AND AGAINST THE CITY.

Section 143. Limitation of actions against the city.

144. No disqualification as judge or juror because of residence in city.

145. Civil actions to recover penalties.

Section 143. Limitation of actions against the city.—No action or proceeding to recover or enforce any claim, debt or demand against the city shall be brought until the expiration of thirty days after the claim, debt or demand shall have been presented to the common council for audit. All actions brought against the city upon any contract, liability, expressed or implied, must be commenced within one year from the time that the cause of action accrued, or if for injuries to the person or property, caused by negligence, within one year from the time of receiving the injuries, and in other cases within six months after the refusal of the common council to allow the claim; and no action or proceeding shall be maintained against the city for personal injuries unless notice in writing of the intention to claim damages and of the time and place at which such injuries were received and the nature and extent of such injuries, shall have been filed with the corporation counsel within one month after such injury shall have been received and an omission to present such notice, within the time as above provided, shall be a bar to an action thereon against the city. Said city shall not be liable for damages or

injury to persons or property alleged to have arisen or been sustained from or in consequence of a defective or unsafe condition in any sidewalk, street, highway, crosswalk, grating, opening, bridge or culvert, drain or sewer, unless actual notice of such defective or unsafe condition shall have been given the superintendent of public works at least five days prior to such injury.

§ 144. Disqualification of judge or juror because of residence in the city.—No person shall be disqualified for acting as judge or juror by reason of being an inhabitant or freeholder in the city of Plattsburgh and in any action or proceeding in which the city is a party or interested.

§ 145. Civil actions to recover penalties.—Civil actions to recover any penalties or forfeiture incurred under this act may be brought in any court having jurisdiction thereof. Such action shall be brought in the corporate name of said city and, in any action brought in the city court, it shall be lawful to complain generally for the amount of such penalty or forfeiture stating the section of this act or of the ordinance under which the penalty is claimed, and to give the special matter in evidence, and the defendant may answer by simply denying the truth of the complaint and give the special matter in evidence. If such action be brought in the city court against an alleged owner of real property, the fact that title to real property comes in question on the pleadings or appears on the trial shall not deprive the court of jurisdiction, but may be litigated and determined by the judge as the right of the case may appear; but such judgment shall not be evidence concerning the title of real property in any other action or proceeding. The first process, in any such action, brought in the city court shall be by summons, which may be made returnable forthwith and an execution may be issued immediately on the rendition of judgment. All penalties and forfeitures shall be forthwith, upon collection, paid to the city chamberlain to the credit of the general city fund; when any judgment shall be rendered in the city court in favor of or against the city of Plattsburgh in any action brought for the recovery of any penalty or for forfeiture or in any other action in which the city of Plattsburgh shall be a party, the city judge shall within ten days thereafter file with the city clerk a transcript of such judgment for which he shall be entitled to charge the sum

of twenty-five cents and include the same in the costs of said judgment; and in case the said judge shall omit to file such transcript or to do any of the acts above described he shall forfeit the sum of twenty-five dollars for each and every of such omissions, to be recovered in an action by the city against said city judge. Whenever a judgment in favor of the city shall be recovered for twenty-five dollars or upwards, exclusive of costs, a transcript thereof may be filed in the office of the clerk of Clinton county and thereupon the same shall become a lien upon the property of the defendant in such judgment to the same extent, and may be collected and enforced in the same manner as other judgments recovered before justices of the peace and transcripts filed in pursuance of the laws of the state of New York.

#### TITLE XIV.

##### ASSESSMENT AND TAXATION.

- Section 146. Assessment of taxes.
147. Completion of roll.
  148. Review of assessment.
  149. Equalization and levy for state and county taxes.
  150. Levy of taxes by common council; tax rolls.
  151. Issue of tax roll and warrant to chamberlain.
  152. Notice of receiving taxes.
  153. Tax receipts.
  154. Notice of unpaid taxes and demand of payment.
  155. Collection of tax by sale of personal property.
  156. Collection of tax by civil action.
  157. Proceedings in case of failure to collect tax on warrant.
  158. Sale of land for unpaid taxes.
  159. Notice of sale of land for taxes.
  160. Manner of conducting sale of land for taxes.
  161. Disposition of proceeds of sale.
  162. Redemption of lands.
  163. Notice of redemption.
  164. Conveyance of real estate sold for taxes.
  165. Settlement by chamberlain for taxes collected.
  166. Power of common council as to void and erroneous assessments.
  167. Collection of local assessments.
  168. Tax levy for year nineteen hundred and two.

Section 146. Assessment of taxes.—The assessors shall in each year prepare an assessment roll of the persons and property taxable within the city, in the same manner and form as is required by law for the preparation of town assessment-rolls, except as modified by this act. In the assessment of any land in said city for any purpose, it shall be sufficient to state the name of one of the owners or occupants of said land, and also the street and number of any building thereon; but if the land be vacant or the building thereon be not numbered, then the name of the street on which it fronts shall be given. In case no inhabited building is on the land, the owner may be designated as unknown. No error in the name of the owner or occupant shall invalidate the assessment. Except as herein provided, only one assessment shall be made in each year for all the taxes levied within the city during that year.

§ 147. Completion of roll.—The assessors shall during the month of June in each year (except as herein provided for the first assessment), complete such assessment roll and shall file the same with the city clerk and shall give notice for thirty days, by posting such notice in three public places in the city, and by publication thereof in the official newspapers of the city, that such roll is completed and filed, and that all persons interested may examine the same at the city clerk's office, and that also on the first Tuesday of August next ensuing, at a place specified in such notice, the board of review will sit to review the same.

§ 148. Review of assessment.—The assessors shall constitute a board of review. They shall meet at the time and place specified in the notice mentioned in section one hundred and forty-eight of this act, and review the assessment. Their sessions shall not continue more than ten days. During the time the assessors review any tax or assessment they shall have power to add or insert in such assessment roll any property liable to assessment and the valuation thereof which may have been omitted from such roll, upon giving personal notice to the owner of such property or to his agent at least two days prior to adding the same. Except as modified by this act, the board of review shall have all the powers given by the tax law of the state of New York, to assessors sitting to hear complaints in relation to assessments, and the proceedings in relation thereto

shall be the same as provided by the tax law of the state. Any person assessed upon the assessment-roll, claiming to be aggrieved by any assessment for property therein, may review the same in manner provided by article eleven of the tax law. On or before the first day of September, the corrected assessment-roll together with their minutes shall be filed in the office of the city clerk.

§ 149. Equalization and levy for state and county taxes.—The city clerk shall immediately thereupon proceed to prepare the roll for the ensuing year. He shall, upon the written direction of the assessors, correct all clerical errors appearing therein, make a true copy of the assessment-roll as corrected, certify it under the seal of the city, and deliver it to the chairman or clerk of the board of supervisors of the county of Clinton, at its next annual meeting. The board of supervisors of Clinton county shall in each year equalize the assessments within the city of Plattsburgh with the assessments of the towns in said county, in the same manner as the assessments are required to be equalized between such towns. The board of supervisors shall not cause the state and county tax apportioned to said city to be spread upon any tax roll of property within the city, but shall, by resolution, ascertain and direct the amount of tax to be levied in the city for state and county purposes, and shall, on or before the fifteenth day of December in each year, certify such resolution under the hands of the chairman and the clerk of the board of supervisors to the common council of the city, and file such resolution with the city clerk, and the city clerk shall thereupon extend and apportion such tax on the assessment-roll together with the city taxes, levied as hereinafter provided, and not theretofore collected or for which no warrant is outstanding, and no other extension and apportionment of such state and county taxes need be made.

§ 150. Levy of taxes by common council; tax rolls.—The common council must annually cause to be levied and raised by general tax upon all taxable property, real and personal, in the city, according to the valuation upon the assessment-roll for the current year, corrected as aforesaid:

1. The amount of taxes certified to the common council of the city by the board of supervisors to be assessed upon the city.
2. The amount of all interest and any installment of princi-

pal falling due upon the bonds or other permanent debt of the city, which shall be kept in a separate fund to be called the public debt fund.

3. The amount necessary to defray the expenses for the next fiscal year as authorized and provided in this act, but such taxes may be divided into two parts, and two separate warrants may issue therefor. One warrant which includes the taxes certified by the board of supervisors may also include the amount needed for school purposes from January first to July first, and also the amount needed to pay interest and principal of bonds falling due between February first and August first and such other items as the common council determine best to include. The other warrant to be issued at such time as in the judgment of the common council it will be most convenient and least burdensome to taxpayers, to include all taxes not included in the first warrant. Nothing herein contained however shall prevent, in case the common council deem it advisable, the collection of all taxes levied for one year, in a single warrant.

§ 151. Issue of tax roll and warrant to chamberlain.—The city clerk, under the direction of the common council, shall extend and apportion the taxes to be collected on the assessment-roll delivered to him, and as often as taxes are directed to be collected, and shall forthwith file the same in his office, and shall make two copies of the same with the taxes to be collected, extended and apportioned, and shall certify such copies to be correct duplicate city rolls of state, county and city taxes as the case may be; the first roll if more than a single warrant is to issue, shall then and on or before the fifteenth day of January, or as soon thereafter as practicable, be delivered to the chamberlain of the city with a warrant annexed, under the seal of the city, commanding him to receive, levy and collect the several sums in the roll specified as assessed against the person or property therein mentioned or described, with such percentage of penalty and interest as is in this act provided, in the manner provided by law for the collection and levying of county taxes by town collectors and with the additional powers conferred by this act, and shall in like manner prepare a second roll, if taxes are divided, at such time as the common council shall direct and embracing all other taxes to be collected. From the time of the receipt of the tax roll and warrant by the cham-

berlain, all taxes assessed and levied upon any real estate shall be a lien upon such real estate for the amount thereof with percentage and interest until the same shall be fully paid.

§ 152. Notice of receiving taxes.—Immediately on the delivery of the city roll and warrant to the chamberlain he shall publish a notice in the official newspapers of the city, that he will attend at his office with said roll and warrant, for thirty days next after the first publication of said notice, Sundays and legal holidays excepted, from nine o'clock in the morning to four o'clock in the afternoon, to receive taxes so assessed, and it shall be his duty to attend accordingly. All taxes or assessments paid within thirty days after the first publication of the chamberlain's notice shall be payable without fee, percentage or interest thereon. On all taxes or assessments remaining unpaid after the expiration of such thirty days, the chamberlain shall collect two per centum additional, and all remaining unpaid after the expiration of sixty days from such first publication, the chamberlain shall collect five per centum additional, and there shall be collected thereon, in addition to said five per centum, interest at the rate of one per centum per month from the expiration of said sixty days, which percentage and interest shall belong to the city.

§ 153. Tax receipts.—Immediately upon receiving any tax the chamberlain shall enter in a column prepared for the purpose and opposite the names of the persons or corporation, paying the same, the fact of payment and the date thereof, and shall give the person paying the same a receipt therefor. Any person may pay any one or more taxes or assessments upon his property, leaving others unpaid to be enforced in the manner provided by this act. All receipts issued by the chamberlain for taxes paid to him shall be numbered consecutively, commencing with number one on the first receipt issued for taxes on any one warrant, and he shall not receipt for more than one year's taxes on the same property in one tax receipt; but shall use a separate and distinct series of numbers or receipts, issued for the taxes on each warrant or tax roll giving the number of the warrant if more than one in any year. The city clerk shall cause all tax receipts to be printed and numbered and firmly bound together in book form, and to be in duplicate and each duplicate to bear the same number.

§ 154. Notice of unpaid taxes and demand of payment.—If any such tax shall remain unpaid after the expiration of sixty days from the first publication of the notice specified in section one hundred and fifty-three of this title, the chamberlain shall forthwith serve or cause to be served upon the persons against whom such tax remains charged, a written notice, requiring him to pay the same to the chamberlain within ten days from the service of such notice. Such notice may be served upon any such person personally, or by leaving at his residence in said city, or by depositing in the post-office in said city, properly enclosed in a postpaid wrapper, directed to him at his reputed place of residence. It shall not be necessary to make any other demand or payment of said tax.

§ 155. Collection of tax by sale of personal property.—If any person shall neglect or refuse to pay any tax charged against him, within the ten days above provided, the chamberlain shall forthwith issue his warrant under his hand and the seal of the city and addressed to any constable or police officer of the city, commanding such officer to levy upon any personal property in the city or in the county of Clinton, belonging to or in possession of the person whose tax remains unpaid, and cause the same to be sold at public auction for the payment of such tax, and the fees and expenses of collection; and no claim or property to be made thereto by any other person shall be available to prevent such sale. The officer to whom such warrant shall be delivered shall proceed as therein directed. Public notice of the time and place of sale of the property to be sold shall be given by posting the same in at least three public places in the city at least six days previous thereto. The officer conducting such sale shall return the proceeds thereof together with this warrant to the chamberlain within fifteen days after the same shall have been issued to him. He shall be entitled to charge the same fee as constables are entitled to receive for collecting money by virtue of execution. If the proceeds of such sale shall be more than the amount of such tax, the fees for collection and the expenses of sale, the surplus shall be paid to the person against whom the tax is assessed, unless his right thereto is disputed by some other person, in which case such surplus shall remain in the hands of the chamberlain, without liability on his part or on that of the city for costs, until the

rights of the parties thereto shall be determined by due course of law.

§ 156. Collection of tax by civil action.—The chamberlain is hereby authorized and empowered to recover, by action in any court of competent jurisdiction, and in the corporate name of the city, the amount of every tax remaining unpaid after the expiration of ninety days from the first publication of the notice specified in section one hundred and fifty-three, with the additions and fees unpaid thereon, and to recover judgment therefor with twelve per centum interest thereon and the cost and expenses of such action. The city judge shall have exclusive jurisdiction to try such action when the sum claimed does not exceed five hundred dollars. A transcript of the judgment obtained in such action may be filed, and such judgment docketed in the office of the clerk of Clinton county, and it shall, however small the amount, thereupon become a judgment of the county court of said county, and a lien to the amount of said judgment, upon all real estate of the judgment debtor, situated in said county, and shall have the same priority over any other lien or encumbrance upon, or transfer of the property charged with the tax, for which such action was brought as the lien sought to be recovered in said action. Upon any judgment recovered for said unpaid taxes and docketed in said county clerk's office, execution may be issued and collected as provided by law and all the provisions of law in reference to sale and redemption of real estate on execution, or to proceedings supplementary to executions, shall apply to sales, redemptions, or such proceedings which may be had under this act.

§ 157. Proceedings in case of failure to collect tax on warrant.—On or before the fifteenth day of June next after any tax or water rent shall have been imposed upon any real estate in said county, the chamberlain shall make and deliver to the assessors a transcript, of any and all such taxes and water rents which remain unpaid, and it shall be the duty of the assessors, on or before the fifteenth day of July thereafter, to make and deliver to the chamberlain a statement containing a brief general description of the location, boundary and estimated quantity of each parcel of said lands, and in case any such lands shall have been erroneously assessed then it shall

be the duty of such assessors to make and include in said statement a correct assessment at the same valuation as before, and such corrected assessment and the amount of taxes levied upon said lands, shall be as valid and effectual for all purposes as though they had originally been corrected.

§ 158. Sale of land for unpaid taxes.—Whenever any such tax, penalty or interest, or any part of either of them, shall remain unpaid on the first day of August, the chamberlain shall proceed to advertise and sell the lands upon which the same was imposed, for the payment of such tax, expenses of survey and advertising, penalty or interest, or the part remaining unpaid, and the expense of such sale, as hereinafter prescribed, shall also be a charge upon such lands.

§ 159. Notice for the sale of land for taxes.—The chamberlain shall cause to be published a notice of such sale containing a description of the lands to be sold and specifying the time and place of sale, in the official newspapers of the city, once a week for at least six successive weeks, immediately prior to day of sale, and shall also post such notice of sale in at least three public places in the city at least forty-two days before the day of sale. On the day named the chamberlain shall commence the sale of such lands, and shall continue such sale from day to day until the whole thereof shall be sold. Before the sale the owner of any parcel of land, or his representatives, or any person interested therein, may avoid the sale thereof by paying the tax or taxes to the chamberlain, with all accrued interest, fees, additions and expenses.

§ 160. Manner of conducting sale of land for taxes.—Each parcel shall be sold at public auction to the highest bidder. The purchasers on such sale shall pay the amounts of their respective bids to the chamberlain immediately after each parcel shall be struck off. In case a purchaser shall fail to pay the amount of his bid, as herein prescribed, the chamberlain shall forthwith offer the parcel for sale again, and proceed as though it had not been struck off. Should there be no bid of the amount due on any lot or parcel of land to be sold, then the chamberlain shall bid in the same for the city, and the city is hereby authorized to acquire said parcels, and the common council shall have the care and control of all such parcels and may lease or sell and convey the same. As soon as practicable after the sale, the

chamberlain shall prepare and execute in duplicate, as to the parcel sold, a certificate of such sale describing the parcel purchased by a brief general description of the location, boundary and estimated quality thereof, and stating the fact of the sale, the name of the purchaser, the sum paid therefor, the amount due thereon at the time of the sale, the name of the person or persons against whom such tax was assessed, and the name of the reputed owner thereof. One of said duplicates shall be delivered to the purchaser, or, in case the parcel was struck off to the city, then it shall be retained by the chamberlain. The chamberlain shall deliver the other duplicate certificate to the clerk of the county of Clinton, who shall file said certificate in his office and record the same in a book to be kept in the said clerk's office for that purpose, and shall index the certificate in the name of the person to whom the parcel was assessed, the name of the reputed owner thereof, and in the name of the purchaser in the same book and manner as deeds are required by law to be indexed. The county clerk shall be entitled to receive a fee of fifty cents for each certificate so filed and recorded, which fee shall be paid by the chamberlain and shall be a part of the expenses of the sale of the parcel. If from any cause the chamberlain shall be unable to attend at the time and place of sale, the city clerk of said city may conduct the sale with the same force and effect as though made by the chamberlain.

§ 161. Disposition of proceeds of sale.—The proceeds of the sale of each parcel, other than those struck off to the city, shall be applied to the payment of the expenses of the sale as herein provided, and the extinguishment of the tax, penalty or interest for which it was sold and if there shall be any residue, the chamberlain shall hold the same until the owner of the premises at the time of such sale, shall redeem them from the sale as herein provided, and the chamberlain shall pay such owner the said surplus. In all other cases the chamberlain shall hold the same until after the period of redemption shall have expired and then he shall pay such surplus, and the person or persons entitled thereto shall be ascertained in the same manner and by the same proceedings as in the case of surplus or statutory foreclosure of a mortgage or real estate. In case any taxes shall be assessed and levied upon real estate which has been

sold for taxes, subsequent to such sale, and before the redemption thereof or conveyance thereof to the purchaser, and the same shall be unpaid, the chamberlain may deduct the amount thereof from any surplus in his hands of the sum bid for the same, if there be any surplus; if there shall be no surplus, or the same shall be insufficient to pay such taxes, the person redeeming shall pay the same, otherwise, the purchaser shall pay the same before he shall receive his conveyance of the same.

§ 162. Redemption of lands.—The owner of, or any person interested in or having a lien upon any parcel or lot so sold, may redeem the same from such sale at any time within two years by paying to the chamberlain, for the use of the purchaser or his assigns, or, if the same shall have been redeemed by any person other than the owner thereof, then for the use of such person, the sum mentioned in the certificate as having been bid for the premises with interest thereon at the rate of ten per centum per annum from the day of sale, together with any tax or assessment upon said parcel or any part thereof that the said purchaser or assigns, or persons before redeeming, shall have paid between the day of sale and the day of redemption, with interest at the rate of ten per centum upon such tax or assessment from the time of payment. The time during which such redemption may be made shall not commence to run against infants or incompetent persons, until the termination of their disability. In case of the redemption of any land sold for taxes, as herein provided, by the person who was the owner thereof at the time of the sale, the chamberlain shall give such owner a receipt for the amount paid by him to effect such redemption, and on the production thereof by such owner to him, the county clerk shall cancel the certificate of sale by a proper entry at the foot of the record of such certificate in his office.

§ 163. Notice of redemption.—At least three months before the expiration of the time for the final redemption of any parcels or lots so sold, the chamberlain shall commence the publication of a notice of redemption from such sales, which shall show the year when the sale took place, and the last day for the redemption of the lands not already redeemed by the owners, without other or further description, and such notice shall be published at least twice in each of said three months,

in the official newspaper of the city. A copy of such notice shall be served personally on the owner or occupant of the lands, or, if unoccupied, posted on the premises, at least twenty days before the expiration of such time for final redemption. The publication and service of such notice shall bar and preclude any and all persons except the purchaser on such sale, or his assigns, or the person finally redeeming, from claiming any interest in or lien upon such lands or any part thereof, in case the said lands shall not be redeemed from such sale hereinbefore provided.

§ 164. Conveyance of real estate sold for taxes.—If any parcel or lot so sold shall not be redeemed as herein provided, the chamberlain, immediately after the expiration of the said two years shall execute and deliver to the purchaser, his heir or assigns, or to the city or its assigns, or to the person finally redeeming as the case may be, a conveyance of the real estate so sold, which conveyance shall vest in the grantee an estate in fee, subject only to the liens, if any, of unpaid taxes or assessments thereon. The chamberlain executing such conveyance shall be entitled to demand and receive from the grantee two dollars for preparing every such conveyance, but all purchases made for the city in any year shall be included in one conveyance, and no fee shall be charged therefor. Every such conveyance shall be executed by the chamberlain, and the execution thereof shall be acknowledged before some officer authorized to take and certify acknowledgments of instruments for record in said county and such conveyance shall be conclusive evidence that the sale and subsequent proceedings were regular and presumptive evidence that all the previous proceedings were regular and according to law. Any such conveyance may be recorded in the manner and with like effect as any other conveyance of real estate. The said grantor or his assigns or the city or its assigns, as the case may be, shall be entitled to have and possess the granted lands from and after the execution of such conveyance, and may cause the occupants of said lands to be removed therefrom and the possession thereof delivered to them, in the same manner and by the same proceedings and by and before the same officers as in the case of a tenant holding over after the expiration of his term without permission of his landlord.



§ 165. Settlement by chamberlain for taxes collected.—It shall be the duty of the chamberlain to pay over to the treasurer of Clinton county at the end of each month during the period that the tax roll and warrant is in his hands, all moneys received by him for county and state taxes. He shall take duplicate receipts for each payment, one of which shall be immediately filed with the city clerk. All other moneys received by him for taxes shall be daily deposited in such banks as are made depositories of the city, by resolution of the common council. Except as otherwise provided by this act, the chamberlain shall settle with the county treasurer for state and county taxes in the manner required by law of town collectors, and with the common council for city taxes and assessments in the same manner. Upon the final settlement with the county treasurer, the chamberlain may pay from the general fund of the city the amount of the uncollected state and county taxes in his hands for collection, and thereupon such taxes shall belong to the city of Plattsburgh. At the time of the delivering to him of the duplicate city roll and tax warrants, the chamberlain shall receipt for the same, and shall then be charged with the whole amount which he is hereby authorized to collect. He shall not be authorized to credit himself with any amount as unpaid on any warrant until he shall make and file with the city clerk an affidavit stating the amount unpaid and setting forth the reason in each case why such tax or assessment is or has not been collected. The common council may thereupon order and authorize said chamberlain to credit himself with the whole or any part of said tax or assessment unpaid, and the chamberlain shall be credited only with such amount as the common council shall so order. Upon settling with the common council the chamberlain must show that he has duly settled with the county treasurer for state and county funds. The city clerk shall, on the delivery of the blank tax receipts to the chamberlain, charge the chamberlain with the number of receipts delivered, and the chamberlain shall immediately examine the numbering of the receipts and report to the city clerk any irregularity found therein. The chamberlain shall receipt to the city clerk therefor, and shall be held strictly accountable for all receipts found missing at regular settlements; also for all detached receipts, including receipts the duplicates of which do not show the entry of taxes. All irregularities in

the issuance of receipts that render them worthless must be shown on the face of the original which must in no case be detached from the duplicate. At the time of the settlement the chamberlain shall deliver to the city clerk all duplicates of receipts issued by him, and other receipts delivered and charged by the city clerk to him.

§ 166. Power of common council as to void and erroneous assessments.—The common council of the city may, in its discretion, release, discharge, remit or commute any portion of the taxes assessed or levied against any person or property for any error, irregularity or omission in the levying of said taxes, or in any of the proceedings relating to the same. In case any assessment shall remain unpaid on account of any irregularity, omission or error in any assessment authorized by this act, or the laws in force when such tax was levied, or in case of error in the description of lands or in the description of the owner or occupants, the common council may, in their discretion, or upon the application of any person interested, proceed to correct such irregularity, omission or error, or cancel, remit or commute such tax, or cause the amount so unpaid to be reassessed on the property, the assessment against which remains unpaid, or upon the owner or occupant thereof; and the common council are hereby authorized and empowered to make such reassessment upon giving ten days' personal notice thereof to the owner, agent or occupant of the property against which the amount remains so unpaid. They may direct the city chamberlain to correct any irregularity, omission or error, and such reassessment or correction shall have the same effect as if said assessment had been properly made. But the common council shall not alter any valuation made by the assessors. Any omission to comply with the provisions of this act in making an assessment or levying a tax, or creating a lien, shall not render such assessment or the tax levied thereunder or the assessment made or lien created thereby, void, but shall be treated as an irregularity merely and it shall be the duty of any and all courts in case it shall appear that such irregularity exists to direct the same to be corrected or amended or the omission supplied, if possible. In case any tax or assessment made, assessed or levied under this act or which has heretofore been made, assessed or levied, or attempted to be made, assessed or levied, upon property situate within the

limits of the present village of Plattsburgh, either by the assessors thereof or by the common council or by the village of Plattsburgh or the board of trustees thereof, or by the town of Plattsburgh or assessors thereof or by the board of supervisors of the county of Clinton, or the board of education of free school district number one of the town of Plattsburgh, shall be or be declared void, or have failed for want of jurisdiction or for any irregularity, mistake or inadvertence in levying or assessing the same, the common council shall have power, and it shall be their duty to cause the same to be reassessed in a proper manner. Any sum paid thereon shall be credited upon the tax so reassessed, and, if the sum paid shall exceed the amount so reassessed, the excess shall be refunded to the person entitled thereto.

§ 167. Collection of local assessments.—Whenever an assessment shall be ordered for local improvements, the assessment shall be made to resemble in form as nearly as practicable the tax list, and be provided with a column in which payments can be entered by the chamberlain. All provisions relating to the collection of taxes in this act, shall be applicable to the collection of assessments mentioned in this act, and the amount of all assessments for local improvements in default at the time of the annual tax levy shall be added to the amount assessed against the same land for general city taxes and shall be collected and enforced in the same manner as in the same provided.

§ 168. Estimates; assessment-roll and tax levy for the year nineteen hundred and two.—The several boards and officers mentioned in this act, shall within ten days after they enter upon their duties, make the several reports and estimates for the year ending December thirty-first, nineteen hundred and two as near as may be, in the manner and as provided in section forty. The common council shall revise such estimates and include therein the lawful indebtedness of the village of Plattsburgh, and shall immediately levy without publication of estimates the aggregate amount so ascertained and determined, together with the amount of all interest and any installment of principal falling due upon the bonds or other permanent debt of the city prior to January first, nineteen hundred and three and inclusive of that date upon the taxable property, real and personal, in the city, according to the valuation upon the real and personal prop-

erty within the limits of said city of Plattsburgh, as appears upon the last assessment-roll of the town of Plattsburgh, corrected as herein provided. The assessors shall immediately upon entering upon their duties, and within ten days after their appointment, prepare from the town assessment-roll of nineteen hundred and one, with such changes of ownership and valuation as they shall deem necessary and just, an assessment-roll for the city of Plattsburgh, which shall be the assessment-roll of said city for the year nineteen hundred and two. The said assessors shall give five days' notice by publication in the official papers of the city that said roll is completed and filed, and that all persons interested may examine the same at the city clerk's office, and that immediately after said five days, at a place specified in said notice, the board of assessors will sit and review the same. Said assessors shall meet at the time and place specified in said notice and review the assessment in the same manner as provided in title fourteen of this act, and shall within two days thereafter file a corrected assessment roll, together with their minutes, in the office of the city clerk. The said clerk shall immediately proceed to prepare the assessment roll and shall upon the written direction of the assessors correct any clerical errors appearing therein. Upon the receiving of the tax rolls by the common council for the year nineteen hundred and two, said clerk shall immediately, under the direction of the common council, extend and apportion said tax and assessment, and forthwith file the same in his office. Such roll shall as soon thereafter as practicable, be delivered to the chamberlain of the city with warrant annexed thereto under the seal of the city commanding him to receive and levy the tax in the manner and as provided in section one hundred and fifty-three of this act. The provisions of this act applying to the annual tax levy of the city and to the collecting and enforcing of the same, shall apply to the special tax levy of the year nineteen hundred and two provided for in this section except as herein modified.

#### TITLE XV.

#### MISCELLANEOUS.

Section 169. Adjustment of property and liabilities of town of Plattsburgh.

170. Continuation of village officers.

- Section 171. First official and fiscal year of the city.
172. First election of the elective city officers.
173. First appointment of appointive city officers.
174. Limitation of city indebtedness.
175. Unpaid taxes.
176. Village funds to be paid to chamberlain.
177. All moneys to be paid to chamberlain.
178. The city chamberlain to borrow money for current expenses.
179. Reading of charter, ordinances, records, in evidence.
180. Village assessments, liens.
181. Town board to fill vacancies, jurisdiction to cease.
182. Inspectors of election.
183. Repealing act.
184. Time when this act shall take effect.

Section 169. Adjustment of property and liabilities of town of Plattsburgh.—The city of Plattsburgh shall be liable for its proportion of the debts, demands and claims existing at the time of the passage of this act against the town of Plattsburgh, to be ascertained and adjusted as provided in this act. The present supervisor and commissioner of highways of the town of Plattsburgh and the president of the village of Plattsburgh shall constitute a board of auditors and shall within twenty days after the passage of this act, meet, ascertain and audit all debts, claims and demands against said town, including outstanding bonds, if any, and adjust the amount or proportion thereof to be paid by the city of Plattsburgh and by the town of Plattsburgh respectively, according to the respective valuations of said city and town on the last assessment roll. The said board shall make a statement, in duplicate, showing the amount of such indebtedness and the items thereof, and the proportionate amount thereof and of each item to be paid by said city and said town respectively, and file one copy thereof with the county clerk of Clinton county for the town of Plattsburgh, the other with the city clerk of the city of Plattsburgh; and the debt of said city and said town, so adjusted, shall be paid in the proportion so adjusted the same as the other debts existing against said city and said town respectively. All unexpended moneys belonging

to the town of Plattsburgh and remaining in the hands of the supervisor of said town, shall thereupon be apportioned by said board of audit between the city of Plattsburgh and said town of Plattsburgh, in the manner and on the basis as herein provided. All unexpended moneys belonging to the town of Plattsburgh under the control of the board of alms or remaining in the hands of any official of said town, shall thereupon be apportioned by said board of audit between the city of Plattsburgh and said town of Plattsburgh, in the manner and on the basis as hereinbefore provided. The amount apportioned to the city of Plattsburgh shall be paid by said officials to the acting chamberlain of said city, to the credit of the general fund; and the amount apportioned to the town shall be paid to the supervisor of said town, and receipts taken therefor, and thereupon said officers shall be relieved from all further responsibility therefor. The said board of audit shall also apportion in the same manner all securities, evidences of debt, property and effects, as the same may be valued by it, between said city and said town, in the manner and on the basis as hereinbefore provided. The title to the real property situated within the boundaries of said city to vest in said city, and the real property within the limits of said town to vest in said town, and the value thereof to be adjusted as hereinbefore provided, and the balance on adjustment and appraisal of realty shall be debited against the town and city as the case may be and shall be paid as any other debt. Within twenty days after the passage of this act the county treasurer of the county of Clinton shall open new accounts with the city of Plattsburgh and the town of Plattsburgh respectively, and shall in like manner as herein above stated apportion the amount due the city of Plattsburgh and the town of Plattsburgh respectively on the proportions found by said board of audit. The county treasurer shall certify to the acting chamberlain of the city of Plattsburgh the amount in the county treasury to the credit of the city of Plattsburgh.

§ 170. Continuation of village officers.—Until the completion of the canvass and declaration of the result of the votes cast at the first election, provided for in this title, the officials to be superseded by the officers elected and appointed for the city of Plattsburgh shall continue in office and exercise their func-

tions as officers of the village of Plattsburgh and of the town of Plattsburgh as though this act had not been passed, and for the purpose of giving to them full jurisdiction and authority in the premises the said village of Plattsburgh and said town of Plattsburgh shall be deemed to continue as municipalities as theretofore, and this provision shall be deemed a necessary provision for lawful and uninterrupted government until the organization of the city of Plattsburgh is perfected, and for the purpose of providing moneys to pay the municipal expenses of the village of Plattsburgh until such city organization is perfected as aforesaid, the board of trustees of said village may by resolution authorize the treasurer of said village to borrow a sum not exceeding five thousand dollars to be included in the first tax roll of said city. The official papers of the village of Plattsburgh shall be the official papers of the city of Plattsburgh until others are designated as provided in this act.

§ 171. First official and fiscal year of the city.—The first official year of the city of Plattsburgh shall commence upon the date of the taking effect of this act, and shall end with the thirty-first day of December, nineteen hundred and two; for the purpose of computing the compensation to which the said city officers shall be entitled during the said first official year, the time of actual service shall be the basis.

§ 172. First election of the elective city officers.—A special city election for the first election of all the elective city officers of the city shall be held as herein provided, all of which officers shall be elected for and serve to and including the thirty-first day of December, nineteen hundred and three, but the term of the chamberlain shall not commence until the expiration of the term of appointment of the present receiver of taxes, unless by resignation or from other cause his office as receiver of taxes shall become vacant within thirty days after the date of the aforesaid election he shall take the oath of office and furnish a bond as is required of the chamberlain by this act, and in that case he shall discharge all the duties and be vested with all the powers of chamberlain of the city of Plattsburgh, and shall be known as the chamberlain, and shall receive the salary provided for that officer herein. The term of the city judge shall not commence until the expi-

ration of the term of the present recorder of the village of Plattsburgh, unless a vacancy shall occur by resignation or otherwise, but within ten days after the date of said election if he shall file his oath of office and otherwise qualify as provided in this act for the city judge, he shall be deemed the city judge thereafter, until his said term expires and shall be vested with all the authority and subject to all the duties by this act conferred or imposed upon the city judge, and shall be known as and entitled to the salary of city judge. Upon the third Tuesday after the passage of this act, at eight o'clock in the evening, the board of trustees of said village shall meet and shall designate places in each of said wards for voting at such election, and shall appoint four inspectors of election, two poll clerks and two ballot clerks for each ward. Two of such inspectors, and one of such poll clerks and ballot clerks shall be appointed from each of the two political parties polling the greatest and next greatest number of votes in such village at the last preceding general election. Such appointments shall be made by such board of trustees upon the recommendation of the village committees created in nineteen hundred and two, representing such parties. In case of a tie vote in the board of trustees on any appointment, the president of the board may vote, and a notice of such special election shall be given by the clerk of said board, and the election shall be held on the first Tuesday in May, nineteen hundred and two. The provisions of the general law relating to special village elections shall in every respect apply to such special elections, except the designation of places for voting; and the appointment of the inspectors of election, poll clerks and ballot clerks for such special election need not be made more than eight days before such special election and except as herein specified; the provision of the general election law requiring the registration of voters, the filing of certificates of nomination and publication thereof, shall not apply to the special election herein provided for. The several wards of the city shall be the election districts respectively for the first election. Forthwith, upon the appointment of the inspectors of election, poll clerks and ballot clerks for such special election, and the designation of the places for voting thereof, the village clerk shall notify each inspector of election, poll clerk and ballot clerk of

his appointment to the election district in and for which he is appointed, and the places for voting therein; and the date of the election, and of the times of opening and closing the polls thereat, which shall be the same as the times for opening and closing the polls of an annual election in said city in pursuance of this act; and said village clerk shall forthwith cause to be published in each of the official newspapers of the city, at least twice in the week immediately preceding such election, stating in substance the date of such special election, the time of opening and closing the polls thereat, a description of each ward which shall be the election district for such election. The votes cast at such election shall be canvassed and the results thereof declared on the next day following said election in the same manner as is provided by the charter of the village of Plattsburgh when trustees are elected. The officers so elected at said special election shall respectively and immediately succeed to their offices, and the first meeting of the common council shall be called by the mayor within three days after the canvass and declaration of the votes cast at such election.

§ 173. First appointment of appointive city officers.—As soon as practicable and within ten days after the completion of the canvass and the declaration of the votes cast at such special election, the city officers, (except the chamberlain and city judge) hereinbefore mentioned, and in the manner mentioned shall be appointed. There shall also be appointed by the mayor, subject to the confirmation of the common council as hereinbefore provided, in the month of August in each year, a member of the board of education in place of the elective member of such board whose term of office expires at the time fixed for the annual school meeting in each year. Each of the boards shall, within ten days after they are constituted appoint the officers which this act empowers them to appoint. After such special election the general elections of the city of Plattsburgh shall be held on the fourth Tuesday of November, nineteen hundred and three, and on the fourth Tuesday of November of each second year thereafter.

§ 174. Limitations of city indebtedness.—The city of Plattsburgh shall not incur any indebtedness if thereby its total contract indebtedness including the bonded debt and exclusive of liabilities for which taxes have already been levied, shall exceed

ten per centum of the assessed valuation of the real property of said city, subject to taxation, as it appeared on the last previous city assessment roll.

§ 175. Unpaid taxes.—The city of Plattsburgh shall be entitled to all unpaid taxes of the village of Plattsburgh and of free union school district number one of the town of Plattsburgh, and of all unpaid taxes, real and personal, located within the boundaries of the city of Plattsburgh, as appears upon any assessment roll of the town of Plattsburgh, and the same shall be collected and enforced by the same proceedings and process by which the city taxes may be collected and enforced.

§ 176. Village and school funds to be paid to chamberlain.—The assessment rolls of the village of Plattsburgh and the assessment rolls of free union school district number one of the town of Plattsburgh and all the funds of the village of Plattsburgh in the hands of the receiver of taxes and the treasurer of said village at the time this act takes effect shall, except as herein otherwise provided, be delivered by the receiver of taxes and the treasurer of said village to the acting chamberlain of said city as soon as he shall have qualified, and the common council shall as soon as practicable, audit and order paid therefrom the various claims properly chargeable to said funds. All funds belonging to free union school district number one of the town of Plattsburgh, or the board of education thereof, in whomsoever hands the same may be, shall be paid over to the city chamberlain without delay and be credited by him to the school fund. The city chamberlain shall pay over to the county treasurer of the county of Clinton all amounts collected upon the town assessment rolls of the town of Plattsburgh.

§ 177. All moneys to be paid to chamberlain.—All officers or other persons who shall receive any money for or belonging to the city, by or under the provisions of this act, or otherwise, shall within ten days after its receipt, except as otherwise provided by this act, pay the same over to the chamberlain of the city and take his receipt therefor. The city chamberlain shall have power to enforce payment of the same by suit in the name of the city.

§ 178. The city chamberlain to borrow money for current expenses.—The city chamberlain shall, with the approval of the common council expressed by resolution, have the power to bor-

row money on the credit of the city for the payment of current city expenses, in anticipation of taxes, and after the same have been levied, but not in excess of the amount levied.

§ 179. Reading of charter, ordinances, in evidence.—The charter of the city of Plattsburgh may be read in evidence from the volume of the session laws of the state of New York, containing said charter, from the volume printed by the authority of the common council, or from a certified copy made by the city clerk, or from the volume of ordinances and by-laws provided by authority of the common council; and all records and all accounts of the city which the city officers are required by law to keep, shall be presumptive evidence of the truth of their contents in any court.

§ 180. Village assessments; liens.—All taxes heretofore levied and all assessments made and liens declared by the village of Plattsburgh, or the board of trustees thereof, or by the board of supervisors of the county, upon property in said village shall be, remain and continue existing liens against said property and enforceable by the city of Plattsburgh in the manner hereinbefore provided, and all assessments, heretofore made and liens created or assumed to be created by the village of Plattsburgh or board of trustees thereof against property in said village, and all water rents due the village or the water commissioners thereof, are hereby legalized, ratified and confirmed, approved and declared lawful and are made valid liens in favor of said city of Plattsburgh, and enforceable by said city in the manner hereinbefore provided. But the provisions of this act shall not in any manner affect any action hereinbefore commenced and now pending against the said village of Plattsburgh. The common council of said city shall have the authority and is hereby empowered to accept the surrender of any franchise or any right or rights, given under any franchise heretofore granted by the board of trustees of the village of Plattsburgh, without any impairment of any of the remaining rights granted under said franchise and on such terms as the common council may deem just. All bonds heretofore issued by the village of Plattsburgh, all bonds heretofore issued by the board of water commissioners of the village of Plattsburgh, all bonds heretofore issued by the board of education of free union school district number one of the town of Plattsburgh, and all bonds issued by the special

commission provided for by chapter three hundred and fifty-three of the laws of nineteen hundred and one, are hereby ratified, confirmed and legalized.

§ 181. Town board to fill vacancies; jurisdiction to cease.—On the third Tuesday after the passage of this act, at two o'clock in the afternoon, the present town board of the town of Plattsburgh shall meet at the office of the town clerk of said town or at the county court house in said town and shall hold continuous session without adjournment, and thereat appoint to hold office until the next town meeting appointed to be held in the towns of Clinton county and until their successors are elected and shall have qualified, one overseer of the poor and one collector of taxes, who shall be resident electors of the town of Plattsburgh, and not residents of the city of Plattsburgh, and they shall thereafter qualify as provided by law for town officers, and discharge the duties imposed upon said officers as by law provided. In case the town board shall fail to make such appointments on or before the third Wednesday after the passage of this act then the supervisor of said town shall make such appointments. Thereafter the said town board shall meet (except as provided by section one hundred and sixty of the town law) only on the call and written notice to each member of said board, signed by the supervisor of said town, and no member of said town board shall be entitled to pay for more than one day for any meeting so called, or for any meeting provided for by this section, whether such meeting be continued by adjournment or otherwise into any other day or days, and such per diem charge for one day shall be full compensation for all services of the town clerk in writing up the minutes of such meeting, and all other services connected therewith. Except as herein provided the duties and powers of the town board shall continue in the present town board until the time appointed for the next town meetings in the towns of said county, and the canvass and declaration of votes thereat, but in case of a vacancy by expiration of term or otherwise, in the office of any town officers, the same shall be filled if by appointment, by some person appointed thereto, being a resident elector in the town of Plattsburgh and not in the city of Plattsburgh, and the term of such

appointee shall continue until the said town meeting and thereafter until his successor shall have qualified. All town officers in the town of Plattsburgh holding office when his act shall go into effect (except as herein provided as to collectors of taxes and overseer of the poor) shall continue in office until the said next town meeting and the canvass and declaration of voters thereat. When the terms of all such officers who shall be then residents of the city of Plattsburgh shall cease and terminate, and all such town officers shall discharge all the duties and exercise all their functions the same as though this act creating the city of Plattsburgh had not been passed, but the territory subject to their jurisdiction shall not include the territory in this act declared to be the city of Plattsburgh, except so far as to enable said officers to hold the said town offices, and discharge all the duties imposed by law thereon within the limits of said city of Plattsburgh, and for such purpose the town clerk and all other officers residing in the city of Plattsburgh may continue to keep their office in said city until after the said town meeting. Chattel mortgages required by law to be filed with the town clerk shall be filed in the office of the county clerk as heretofore, until a town clerk shall be elected and shall have qualified, residing within the limits of said town of Plattsburgh, and not in the city of Plattsburgh. The justices of the peace now residing in said city of Plattsburgh shall continue to have jurisdiction in civil cases throughout said town of Plattsburgh, including the city of Plattsburgh. Such jurisdiction shall continue as though this act had not been passed, until the canvass and declaration of votes at said next town meeting when the term of office of all justices of the peace residing then in the city of Plattsburgh shall cease and terminate and such office shall be deemed vacant and may be filled by the town board of the town of Plattsburgh as provided by law, if not previously filled by election. In case the term of office of any justice of the peace shall before said town meeting expires or any vacancy for any cause shall be created in such office, no successor shall be appointed residing in said city of Plattsburgh. For the purposes aforesaid and for the lawful continuation of uninterrupted government in the town of Plattsburgh until the said town shall as herein contemplated, elect at said town meeting officers residing in said

town. The territory constituting the city of Plattsburgh shall be deemed to be a part of the town of Plattsburgh. The town board of said town shall have power and it shall be its duty to appoint inspectors of election for said town meeting, and for any election to be held in said town before said town meeting. Such inspectors shall be politically qualified as the law requires, but any elected inspector of elections, if any there may be, who reside when this act takes effect, in said town, shall be deemed an inspector of elections, entitled to serve as such, at elections in said town until after said town meeting. The town board of said town shall provide a place or places in said town outside the limits of the city of Plattsburgh for the holding of elections, and may divide said territory into election districts, and shall have power to do everything necessary to be done under the election law, or under any law, to the end that until after said town meeting, elections shall be conveniently and legally held.

§ 182. Inspectors of election.—The mayor of the city of Plattsburgh shall have power and it shall be his duty to appoint all inspectors of election held in the city of Plattsburgh. Such inspectors shall be qualified as the law provides, and shall in each ward be equally divided between the two political parties casting the largest vote at the next previous general election for state and county officers. If the political committee for the city of either of said political parties shall on or before four weeks prior to any election submit the names of persons to act in any ward or election district for that party, and such persons shall be otherwise than politically qualified, the mayor shall appoint such person or persons to act as inspectors at such election.

§ 183. Repealing act except as in this act it is otherwise provided.—Chapter two hundred and forty-eight of the laws of eighteen hundred and sixty-eight; chapter six hundred and thirty-six of the laws of eighteen hundred and seventy-three; chapter two hundred and fifty of the laws of eighteen hundred and seventy-eight; chapter four hundred and thirty-five of the laws of eighteen hundred and seventy-nine; chapter three hundred and twenty-two of the laws of eighteen hundred and ninety; chapter eighty-six of the laws of eighteen hundred and ninety-three, and all acts amendatory of any of said acts are hereby repealed. Chapter eight hundred and ten

of the laws of eighteen hundred and sixty-seven except section three thereof is hereby repealed, otherwise to remain in full force and effect.

§ 184. Time when this act shall take effect.—This act shall take effect immediately.

### Chap. 270.

AN ACT to amend the civil service law, in relation to veterans.

Became a law, March 29, 1902, with the approval of the Governor. Passed, a majority being present.

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

Civil serv-  
ice law  
amended.

Section 1. Sections eight, twenty and twenty-one of chapter three hundred and seventy of the laws of eighteen hundred and ninety-nine, entitled "An act in relation to the civil service of the state of New York and the cities and civil divisions thereof," are hereby amended to read as follows:

§ 8. Unclassified service; classified service.—The civil service of the state and of each of its civil divisions and cities shall be divided into the unclassified service and the classified service. The unclassified service shall comprise all elective offices, all offices filled by election or appointment by the legislature on joint ballot; all persons appointed by name in any statute; all legislative officers and employees, all offices filled by appointment by the governor, either upon or without confirmation by the senate, except officers and employees in the executive offices; all election officers, the head or heads of any department of the government, and persons employed in or who seek to enter the public service as superintendents, principals or teachers in a public school or academy or in a state normal school or college. The classified service shall comprise all positions not included in the unclassified service. All appointments or employments in the classified service, except those of veterans of the civil war, honorably discharged from the military or naval service of the United States, shall be for a probationary term not exceeding the time fixed in the rules.

§ 20. Preferences allowed honorably discharged soldiers, sailors and marines.—In every public department and upon all pub-