THE NEW CITY CHARTER.

The Way Our Municipal Government is to be Improved.

Reduction of the Members of the Common Council.

The City to be Divided Into Governor Wards.

Abolition of the Departments of Repairs and Supplies and Streets and Lamps, &c. &c. &c.

AN ACT TO AMEND THE CHARTER OF THE CITY OF NEW YORK.

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

THE CITY GOVERNMENT AND ITS LEGISLATIVE BRANCHES.

Sec. 1. The corporation now existing, and known by the name of "The Mayor, Aldermen and Commonality of the city of New York," shall continue to be a body politic and corporate in fact and in name by the same name, and shall have perpetual succession, with all the grants, powers and privileges heretofore had by "The Mayor, Aldermen and Commonality of the city of New York."

Sec. 2. The legislative power of the said corporation shall be vested in a board of aldermen and a board of councilmen, who, together, shall form the common council of the city of New York.

Sec. 3. The board of aldermen shall consist of one alderman to be elected from each ward in the city and county of New York, as the same may from time to time be constituted. The members of the board of aldermen first elected under this act shall be classified as follows:—The aldermen from wards having an odd numerical designation, shall hold such office for the term of one year, and those from wards having an even numerical designation shall hold such office for the term of two years. At all subsequent elections for aldermen they shall be elected for the full term of two years.

Sec. 4. There shall be six councilmen elected from each Senatorial district in the city of New York, as the same now are or may hereafter be constituted by general ticket in each of said districts, and the persons so elected from each of said Senatorial districts shall together form the board of councilmen for the said city. The councilmen shall be chosen for one year.

Sec. 5. No person shall be eligible to the office of alderman or councilman who shall not at the time of his election be a resident of the district from which he is chosen.

Sec. 6. Each board of the common council shall have power to direct a special election to be held, to supply the place of any member whose seat shall become vacant by death, removal from the city, resignation or otherwise, and in either case the person elected to supply the vacancy shall hold his seat only for the residue of the term of office of his immediate predecessor.

Sec. 7. The board shall meet in separate chambers, and a majority of either shall be a quorum to do business. Each board shall appoint a president from its own body, and shall choose its clerk and other officers, determine the rules of its own proceedings, and be the judge of the election, returns and qualifications of its own members. Each board shall keep a journal of its proceedings, and its doors shall be kept open, except when the public welfare shall require secrecy; and all resolutions and reports of committees, which shall recommend any specific improvement involving the appropriation of public moneys, or the fixing or assessing the citizens of the city, shall be published immediately after the adjournment of the board, under the authority of the board, in all the newspapers employed by the corporation, and shall not be passed, or adopted until after such notice has been published at least two days; and whenever a vote is taken in relation thereto, the ayes and noes shall be called and published in the same manner.

Sec. 8. Each board shall have the authority to compel the attendance of absent members; to punish its members for disorderly behavior, and to expel a member, with a concurrence of two thirds of the members elected to the board; and the member so expelled shall, by such expulsion, forfeit all his rights and powers as an alderman or councilman, and no alderman or councilman shall be questioned in any other place for any speech or vote in either board.

Sec. 9. The stated and occasional meetings of each board of the common council shall be regulated by its own ordinances; and both boards may meet on the same or on different days as they may severally judge expedient.

Sec. 10. Any person holding office under this charter who shall during his term of office accept, hold or retain any other civil office of honor, trust or emolument under the government of the United States, or who shall during his said term of office receive any fees or emoluments directed to be paid by any ordinance of the common council, shall be deemed thereby to have vacated his office.

Sec. 11. Every legislative act of the common council shall be by ordinance, and every ordinance, act or resolution which shall have passed the two boards of common council, before it shall take effect shall be presented duly certified to the mayor of the city for his approval. If he approve, he shall sign it. If not, he shall return it within ten days thereafter, with his objections to the board in which it originated, or if such board be not then in session, at its next stated meeting. The board to which it shall be returned, shall enter the objections at large on their journal, and cause the same to be published in one or more of the daily newspapers of the city. But no ordinance, act or resolution shall be valid unless the same shall have received the assent of both boards within the same year.

Sec. 12. The board to which such ordinance, act or resolution shall have been so returned, shall, after the expiration of not less than ten days thereafter, proceed to reconsider the same. If, after such reconsideration, at least two thirds of all the members elected to the board, shall agree to pass the same, it shall be sent, together with the objections, to the other board, by which it shall be likewise reconsidered, and if approved by at least two thirds of all the members elected to such board, it shall take effect as an act or law of the corporation. In all such cases the votes of both boards shall be determined by yeas and nays, and the names of the persons voting for and against the passage of the ordinance reconsidered, shall be entered on the journal of each board respectively.

Sec. 13. If the mayor shall not return the ordinance so presented to him within the time above limited for that purpose, it shall take effect in the same manner as if he had approved it.

Sec. 14. Any ordinance of the common council may originate in either board, and when it shall have passed one board, may be rejected or amended by the other. But no ordinance shall be passed by either board, except by the vote of a majority of all the members elected to such board.

Sec. 15. Neither the mayor nor recorder of the city of New York shall be a member of the common council thereof.

THE EXECUTIVE POWER.

Sec. 16. The executive power of the corporation shall be vested in the mayor and the executive departments.

Sec. 17. Whenever there shall be a vacancy in the office of mayor, or whenever the mayor shall be absent from the city, or be prevented by sickness, or any other cause from attending to the duties of his office, or shall be removed as hereinafter provided for, the president of the board of aldermen shall act as mayor, and shall possess all the rights and powers of the mayor, during the continuance of such vacancy, absence or disability, and until the next charter election, in case of a vacancy or removal from office.

DUTIES OF THE MAYOR.

Sec. 18. It shall be the duty of the mayor,

1. To communicate to the common council at least once a year, and oftener, if he shall deem it expedient, a general statement of the situation and condition of the city, in relation to its government, finances and improvements.

2. To recommend for the adoption of the common council all such measures, connected with the police, security, health, clean liness and ornament of the city, and the improvement of its government and finances, as he shall deem expedient.

3. To be vigilant and active in causing the ordinances of the city to be duly executed and enforced.

4. To exercise a constant supervision over the conduct and acts of all subordinate officers, and to receive and examine into all such complaints as may be preferred against any of them for violation or neglect of duty, and generally to perform all such duties as may be prescribed for him by the charter and city ordinances, and the laws of this State or the United States.

5. To appoint such clerks as may be authorized by the common council and as may be required in his office to aid him in the discharge of his official duties.

ELECTION OF THE CHIEF EXECUTIVE OFFICERS.

Sec. 19. The mayor, comptroller, and counsel to the corporation shall each be elected by the electors of the city; the mayor for the term of two years, the counsel to the corporation for the term of three years, and the comptroller for the term of four years. The comptroller shall be voted for upon a separate ballot. The other heads of departments shall be appointed by the mayor, with the advice and consent of the board of aldermen. The board of aldermen shall have power to confirm or reject all nominations of officers made by the mayor; and whenever any person nominated by the mayor shall be rejected by the board of aldermen, the mayor shall immediately nominate another person.

Sec. 20. The mayor, comptroller and counsel to the corporation may each be removed by the governor, for cause, in the manner provided by law in the case of sheriffs. The vacancy occasioned by the removal of the comptroller or counsel to the corporation, shall be filled by the mayor, with the advice and consent of the board of aldermen, until it shall be supplied at the next annual election of charter officers.

Sec. 21. The other heads of the executive departments except the officers of the Croton aqueduct board, shall hold office for two years, and until the appointment of their successors. The mayor shall have power to suspend, for cause, during any recess of the common council, and by and with the consent of the board of aldermen, to remove any of the heads of departments, except the comptroller and the counsel to the corporation. The board of aldermen shall have power, without the consent of the mayor, by a vote of two thirds of all the members elected to remove any of the heads of departments, for cause other than the comptroller and counsel to the corporation. The heads of departments shall have power to appoint and remove the chiefs of bureaus and clerks in their respective departments; except that the chamberlain shall be appointed by the mayor with the consent of the board of aldermen, and may be removed in the same manner with heads of departments. The chiefs of bureaus and clerks of departments and bureaus shall hold office during the same term enjoyed by the heads of departments, unless sooner removed. The chief engineer of the fire department shall be elected in the same manner as is now, or may hereafter be prescribed by law. The number of clerks to the departments shall be as fixed by the common council, who shall also fix the terms of all offices created by them under authority of law.

DEPARTMENT OF FINANCE.

Sec. 22. There shall be an executive department, which shall be denominated the "Department of Finance," which shall have control of all the fiscal concerns of the corporation, and shall prescribe the forms of keeping and rendering all city accounts; and all accounts rendered to or kept in the other departments of the city government, shall be subject to the inspection and revision of the officers of this department. It shall settle and adjust all claims in favor of or against the corporation, and all accounts in which the corporation is concerned either as debtor or creditor. The chief officer of this department shall be called the "Comptroller of the city of New York." There shall be a bureau in this department for the collection of the revenue accruing from rents and interest on bonds and mortgages, and for the collection of all revenues arising from the use or sale of property belonging to or managed by the city, and for the performance of such other duties as may be directed by the Common Council, the chief officer of which shall be called the "Collector of the City Revenue." There shall also be a bureau in this department for the collection of taxes; the chief officer thereof shall be called the "Receiver of Taxes," who shall have all the powers and perform all the duties now prescribed by law for the receiver of taxes, and the office of receiver of taxes, as heretofore constituted, and the provisions of law relating to him, are hereby modified so as to conform to the provisions of this act. There shall also be a bureau in this department for the collection of arrears of taxes, arrears of assessments, and arrears of water rents, the chief officer of which shall be called the "Clerk of Arrears." There shall also be a bureau in this department for the reception of all moneys paid into the treasury of the city, and for the payment of moneys on the warrant drawn by the comptroller and countersigned by the mayor and clerk of the common council; and the chief officer thereof shall be called the "Chamberlain of the city of New York." The chamberlain shall keep books, showing the amounts paid on account of the several appropriations; and no warrants shall be paid on account of any appropriations after the amount authorized to be raised by tax for that specific purpose shall have been expended. There shall be another bureau in the department of finance to be called the "Auditing bureau," and the chief officer thereof shall be the "Auditor of Accounts." It shall revise, audit and settle all accounts in which the city is concerned as debtor or creditor; it shall keep an account of each claim for or against the corporation and of the sums allowed upon each, and certify the same, with the reasons for the allowance, to the Comptroller. The Comptroller shall report to the Common Council, once in ninety days, the name of every person in whose favor an account has been audited, with the decision of the auditor upon the same, together with the final action of the Comptroller thereon. All moneys drawn from the city treasury shall be upon vouchers for the expenditure thereof, examined and allowed by the auditor, and approved by the comptroller and filed in his office.

THE STREET DEPARTMENT.

Sec. 23. There shall be an executive department which shall be denominated the "Street Department," which shall have cognizance of opening, altering, regulating, grading, flagging, curbing, guttering and lighting streets, roads, places and avenues; of building, repairing and lighting wharves and piers; the construction of public roads, the care of public buildings and places, and the filling up of sunken lots, under the ordinances of the common council. The chief officer thereof shall be called "Street Commissioner." There shall be a bureau in this department, to be denominated the "Bureau of Repairs and Supplies," which shall have cognizance of all repairs and supplies to public buildings, lands and places, and of all other necessary repairs and supplies not provided for in other departments the chief officer thereof shall be a practical builder, and he shall be called the "superintendent of repairs and supplies." There shall also be a bureau in this department, to be denominated the "Bureau of lamps and gas," the chief officer of which shall be called "superintendent of lamps and gas." The chief engineer of the fire department shall have a bureau under the street department and shall have charge of repairing fire engines and fire apparatus. There shall be a bureau in this department, the chief officer of which shall be called the "superintendent of rents." There shall be a bureau in this department for the collection of assessments, and the chief officer thereof shall be called the "collector of assessments."

Sec. 24. There shall continue to be an executive department, under the denomination of the "Croton aqueduct board," which shall have charge of the Croton aqueduct, and all structures and property connected with the supply and distribution of Croton water in the city of New York, and the underground drainage of the same; and the public sewers of said city, and permits for street vaults, and of paving, and repairing streets and avenues, and digging and constructing wells; and the collection of the revenues arising from the sale of the Croton water, with such other powers and duties as are or may be prescribed by law. The chief officers thereof shall be called the "president, engineer and assistant commissioner," who, together, shall form the Croton aqueduct board, and hold their offices for five years. There shall be a bureau in this department for the collection of the revenues derived from the sale of the water, and the chief officer thereof shall be called the "water registrar." There shall also be a bureau in this department for the laying of water pipes and the construction and repairs of sewers, wells and drains, the chief officer of which shall be called the "sewer surveyor." There shall be a bureau in this department for paving and repairing streets, the chief officer of which shall be called the "superintendent of street improvements."

ALMSHOUSE DEPARTMENT.

Sec. 25. There shall continue to be an executive department known as the "almshouse department," which shall have cognizance of all matters relating to the alms house and prisons of said city; the chief officers thereof shall be called the "governors of the almshouse;" they shall take and hold their offices as provided by the act entitled "an act to provide for the government of the alms house and penitentiary in the city and county of New York," and be charged with the duties, powers and responsibilities prescribed by that act. All ordinary appropriations intended for the support and government of the almshouse department proposed by the governors of the almshouse shall, before the same are finally made, be submitted by the governors to a board consisting of the president of the board of aldermen, and the presidents of the board of councilmen, mayor and comptroller. It said board approve of the appropriations, it shall immediately report the same to the supervisors of the county of New York; if it shall disapprove of the same, it shall return them with objections to the governors of the almshouse for their reconsideration; and in case the said governors shall, upon a reconsideration, adhere, by a vote of two thirds of all the governors then in office, to the original appropriations they shall return them to the said board, whose duty it shall be to report to the supervisors. The board of education shall also submit, in like manner, all appropriations required by it, and said appropriations shall be subject to all the provisions of this section, so far as the same may be applicable.

THE LAW DEPARTMENT.

Sec. 26. There shall be an executive department known as the "law department," which shall have the charge of and conduct all the law business of the corporation, and of the departments thereof, and all other law business in which the city shall be interested, when so ordered by the corporation, and shall have the charge of and conduct the legal proceedings necessary to opening, widening or altering streets, and draw the leases, deeds and other papers connected with the finance department; and the chief officer thereof shall be called the "counsel to the corporation." There shall be a bureau in this department, the chief officer of which shall be denominated "the corporation attorney." There shall be also a bureau in this department, the chief officer of which shall be called the "public administrator."

CITY INSPECTOR'S DEPARTMENT.

Sec. 27. There shall be an executive department known as the "City Inspector's department," the chief officer of which shall be the "city inspector," and shall have cognizance of all matters affecting the public health, pursuant to the ordinances of the common council, and the lawful requirements of the commissioners of health and of the board of health. There shall be a bureau in the city inspector's department, to be called the "Bureau of sanitary inspection and street cleaning," under the control of an officer named the "superintendent of sanitary inspection," and who shall render such services as by ordinance may attach to said bureau, in cleaning the streets, and in the abatement and removal of nuisances detrimental to the public health in said city. There shall also be a bureau in this department, to be known as the bureau of records and statistics, and which shall be under the direction of the registrar of records, and in which bureau shall be kept all records which may by law or ordinance be required to be kept in said department. The coroners in and for the city and county of New York shall make return to the city inspector of all inquisitions taken by them in the said city and county, (excepting those charging homicide or felonious assault, which shall be filed with the clerk of the court of general sessions.) There shall also be a bureau in this department for the inspection, regulation and management of the public markets, the chief officer of which shall be denominated "superintendent of markets." And it shall be the duty of the Croton aqueduct department at all times to permit the city inspector to order the hydrants to be used for cleansing the streets provided that such use shall not endanger the general supply of the Croton water, and shall be used under such regulations as the Croton aqueduct board may prescribe. The city inspector shall, after the passage of this act, appoint such number of inspectors and sealers of weights and measures as now or may hereafter exist, and who shall succeed to all the powers and perform the duties and receive compensation as now by law prescribed, and shall hold office upon the same terms as chiefs of bureaus.

POWERS AND DUTIES OF THE COMMON COUNCIL.

Sec. 28. It shall be lawful for the common council of said city to establish such other bureaus as they may deem the public interest may require, and to assign to them, and to the departments and bureaus herein created, such duties as they may direct, not inconsistent with this act, and the duties thereof shall be performed in accordance with the charter and laws and ordinances of the city; but no expense shall be incurred by any of the departments or officers thereof, whether the object of expenditure shall have been ordered by the common council or not, unless an appropriation shall have been previously made covering such expense. And no member of the common council, head of department, chief of bureau, deputy thereof or clerk therein, or other officer of the corporation, shall be directly or indirectly interested in any contract, work or business, or the sale of any article, the expense, price or consideration of which is paid from the city treasury, or by any assessment levied by any act or ordinance of the common council; nor in the purchase of any real estate or other property belonging to the corporation or which shall be sold for taxes or assessments, or by virtue of legal process at the suit of the said corporation.

Sec. 29. The mayor, or either board of common council may at any time require the opinion in writing of the head of any department, upon any subject relating to his department, or any information possessed by him in relation thereto. And every head of department shall report in writing to the common council, quarterly, the state of his department, with such suggestion in relation to the improvement thereof, and to the public business connected therewith, as he may deem advisable.

Sec. 30. It shall be the duty of the common council to provide for the accountability of all officers and other persons to whom the receipt or expenditure of the funds of the city shall be entrusted, by requiring from them sufficient security for the performance of their duties or trust, which security shall be annually renewed; but no security first taken shall remain in force until new security shall be given.

Sec. 31. Annual and occasional appropriations shall be made by proper ordinances of the common council, for every branch and object of city expenditure; and no money shall be drawn from the city treasury, except the sums shall have been previously appropriated to the purpose for which it is drawn.

Sec. 32. Until the common council shall otherwise direct, the existing ordinances shall apply to the departments herein mentioned, so far as the same are applicable thereto and not inconsistent with this act.

Sec. 33. The common council shall not have authority to borrow any sums of money whatever on the credit of the corporation, except in anticipation of the revenue of the year in which such loan shall be made, unless authorized by a special act of the legislature.

ANNUAL REPORTS TO BE MADE BY THE COMPTROLLER.

Sec. 34. It shall be the duty of the comptroller to publish, two months before the annual election of charter officers in each year, for the general information of the citizens of New York, a full and detailed statement of the receipts and expenditures of the corporation during the year ending on the first day of the month in which such publication is made, and in every such [illegible] the all foreign sources of [illegible] the city, [illegible] and the amount received from each, and for every appropriation made by the common council, the objects for which the same were made, and the amount of moneys expended under each; the moneys borrowed on the credit of the corporation, the authority under which each loan was made, and the terms on which the same was obtained shall be clearly and particularly specified.

REGARDING LICENSES.

Sec. 35. No tax or penalty shall hereafter be imposed upon or collected of any person, nor licence required for selling or exposing for sale upon his, her, or their own premises in said city, any wholesome article of food; nor for selling such articles in such parts of the streets of said city as may be designated by the common council for that purpose.

Sec. 36. The clerk of the board of aldermen shall, by the virtue of his office, be clerk of the common council, and shall perform all the duties heretofore performed by the clerk of the common council, except such as shall be assigned to the clerk of the board of councilmen; and it shall be his duty to keep open for inspection, at all reasonable times, the records and minutes of the proceedings of the common council, except such as shall be specially ordered otherwise. The clerk of each board shall appoint and may remove at pleasure deputy clerks in his department, to the number authorized by ordinance. The clerk of the Common Council shall keep the seal of the city; and his signature shall be necessary to all leases, grants and other documents, as under existing laws.

DUTIES OF CLERKS OF COMMON COUNCIL.

Sec. 37. It shall be the duty of the clerks of the respective boards to publish all ordinances and amendments of ordinances which shall be passed, and also the proceedings, in the newspapers which may be employed by the corporation, except such parts as may require secrecy; and whenever a vote shall be taken in either board, upon the passage of an ordinance which shall contemplate any specific improvement, or involve the sale, disposition or appropriation of public property, or the expenditure of public moneys or income therefrom, or lay any tax or assessment, such ordinance shall, before the same shall be sent to the other board, and immediately after the adjournment of the board at which the same shall have been passed, be published with the ayes and noes, and with the names of the persons voting for and against the same in the newspapers employed by the corporation, as part of the proceedings; and no ordinance which shall have passed one board shall be acted upon by the other board on the same day, unless by unanimous consent, except in case of invasion, insurrection, riot or pestilence.

CONTRACTS FOR WORK.

Sec. 38. All contracts to be made or let by authority of the common council for work to be done or supplies to be furnished, and all sales of personal property in the custody of the several departments or bureaus, shall be made by the appropriate heads of departments, under such regulations as shall be established by ordinances of the common council. Whenever any work is necessary to be done to complete or perfect a particular job or any supply is needful for any particular purpose, which work or job is to be undertaken or supply furnished for the corporation, and the several parts of the said work or supply shall together involve the expenditure of more than two hundred and fifty dollars, the same shall be by contract, under such regulations concerning it as shall be established by ordinance of the common council, unless by a vote of three-fourths of the members elected to each board it shall be otherwise ordered; and all contracts shall be entered into by the appropriate heads of departments, and shall be founded on sealed bids or proposals made in compliance with public notice advertised in such of the newspapers of the city as may be employed by the corporation for the purpose; said notice to be published for at least ten days in each of the daily newspapers so employed; and all such contracts when given, shall be given to the lowest bidder, the terms of whose contract shall be settled by the corporation counsel as an act of preliminary specification to the bid or proposal, and who shall give security for the faithful performance of his contract in the manner prescribed and required by ordinance; and the adequacy and sufficiency of this security shall in addition to the justification and acknowledgment, be approved by the comptroller. All bids or proposals shall be publicly opened by the officers advertising for the same, and in the presence of the comptroller. If the lowest bidder shall neglect or refuse to accept the contract within forty eight hours after written notice that the same has been awarded to his bid or proposal, it shall be re-advertised and relet as above provided. All property sold under the authority of the common council, shall be sold at auction, after proper public notice, under the superintendence of the appropriate head of department. Every contract, when made and entered in as before provided for, shall be executed in duplicate, and shall be filed in the department of finance; a receipt for each payment made on account of, or in satisfaction of the same, shall be endorsed on the said contract by the party receiving the warrant; which warrant shall be only given to the person interested in such contract, or his authorized representative. The proceeds of all sales made under and by virtue of this section, shall be, by the officer receiving the same, immediately deposited with the city chamberlain, and the account of sales, verified by the officer making the sale, shall be immediately filed in the office of the comptroller. No expenditure for work or supplies involving an amount for which no contract is required, shall be made, except the necessity therefor be certified to by the head of the appropriate department, and the expenditure be approved by the mayor or comptroller; such certificate and approval to be in writing, and filed in the office of the comptroller.

OATH OF OFFICE.

Sec. 39. Every person elected or appointed to any office under the city government shall, on or before the first day of January next succeeding such election, or within five days after notice of such appointment, take and subscribe an oath or affirmation, faithfully to perform the duties of his office; which oath or affirmation shall be filed in the mayor's office.

PENALTIES FOR OFFICIAL CORRUPTION, ETC.

Sec. 40. Any officer of the city government, or person employed in his service, who shall wilfully violate or evade any of the provisions of this charter, or commit any fraud upon the city, or convert any of the public property to his own use, or knowingly permit any other person so to convert it, shall be deemed guilty of a misdemeanor, and, in addition to the penalties imposed by law, shall forfeit his office, and be excluded forever after from receiving or holding any office under the city charter; and any person who shall wilfully swear falsely in any oath or affirmation required by this act, shall be guilty of perjury.

LEASING OF FERRIES, ETC.

Sec. 41. All ferries, docks, piers and slips shall be leased; and all leases and sales of public property and franchises (other than grants of land under water, to which the owners of the upland shall have a pre emptive right), shall be made by public auction, and to the highest bidder who will give adequate security. No lease hereafter given (except at the same may be required by covenants of the corporation already existing) shall be for a longer period than ten years; and all ferry leases shall be revocable by the common council for mismanagement or neglect to provide adequate accommodations. All persons acquiring any ferry lease or other franchise or grant under the provisions of this act shall be required to purchase, at a fair appraised valuation, the boats, buildings, and other property of the former lessees or grantees, actually necessary for the purposes of such ferry, grant or franchise. Previous notice of all sales referred to in this section shall be given under the direction of the comptroller, in the newspapers employed by the corporation, and for thirty days in each of the daily newspapers so employed.

EXPENDITURE OF PUBLIC MONEYS.

Sec. 42. No money shall be expended by the corporation for any celebration, procession or entertainment of any kind, or on any occasion unless by the votes of three fourths of all the members elected to each board of the common council.

REGULATIONS FOR ELECTIONS.

Sec. 43. The common council are hereby authorized and directed to make all necessary arrangements, for the conduct and regulation of all elections authorized under the provisions of this act, and in conformity, as far as may be, to the general election laws, except as herein otherwise provided.

REGARDING PEROQUISITES.

Sec. 44. No officer under this charter, except the collector of city revenue, collector of assessments and clerk of arrears shall have or receive any perquisites or any compensation or commission for his services, except a salary except that the city inspector may receive to his own use such portion of the fees allowed for recording births and marriages, as are or may be prescribed by law. The salaries of all officers provided for by this act, or that may be created by the common council in pursuance of this act, shall be prescribed by ordinance to be passed by the common council, and approved as hereinbefore provided, for the removal of all ordinances, for raising and appropriating the money, or disposing of the property of the city; and, any fees that now are, or hereafter, may be provided for any officer under this charter, except as aforesaid, shall, on the receipt thereof, be paid by such officer into the city treasury. The members of the common council shall each receive for his services an annual salary, not to exceed five hundred dollars, to be in lieu of all other compensation and of all expenses incurred in the discharge of the duties of said members.

SECURITY REQUIRED FROM OFFICIALS, ETC.

Sec. 45. All officers or other persons, to whom the receipts or expenditures of the city, or fees, or funds payable into the city treasury, shall be intrusted, shall give sufficient security for the faithful performance of their duty in such form and amount as the common council may prescribe, which shall be annually renewed.

Sec. 46. No additional allowance, beyond the legal claim, under any contract with the corporation or for any services on its account, or in his employment, shall ever be allowed.

Sec. 47. No bid shall be accepted from or contract awarded to any person who is in arrears to the corporation upon debt or contract, or who is a defaulter, as surety or otherwise, upon any obligation to the corporation.

WHAT ALDERMEN SHALL NOT DO.

Sec. 48. No alderman shall hereafter act or act as judge of the court of oyer and terminer, or in the courts of general or special sessions in the city and county of New York; but this section shall not prevent his exercising the power of magistrate in the arrest, commitment or bailing of offenders, excepting that he cannot try nor hold or discharge a person arrested or committed by another magistrate. Courts of over and terminer in and for the city and county of New York may be held by a justice of the supreme court and the court of general sessions in and for the said city and county, by the recorder or city judge of the said city and county; of special sessions therein by any two police justices of said city, and when either of the said courts shall be held as aforesaid, all the powers and jurisdiction appertaining by law to each of said courts, shall be possessed and exercised by the officer or officers, holding the same.

IMPEACHMENT OF OFFICIALS.

Sec. 49. The grand jury of the county may present any officer other than mayor, counsel to the corporation or comptroller, created by or holding office under this charter, but only upon testimony from witnesses who are personally cognizant of the facts they testify to, and after the person so charged shall have had a reasonable opportunity to appear before said grand jury in person, in explanation thereof. This presentment may charge such officer with wilful and fraudulent omission of duty, or commission of any official act prohibited by law. It shall be filed with the clerk of the court to which the presentment is made. A copy shall be served upon the officer presented as aforesaid, who shall be required to plead thereto as to an indictment. If he admit the charges of the presentment so filed and served the court shall declare his office vacant. If he deny them the said presentment shall be tried in the same manner as an indictment. If the jury convict him of any charge contained in the presentment, [illegible] there his office vacant. The court shall then [illegible] the court shall order his apprehension, and the court shall order his apprehension if the person so presented shall be found guilty, to be entered on its minutes, and a copy thereof filed with the clerk of the common council, and thereupon the said office shall become vacant, and the person so convicted shall for ever be disqualified from holding any office, not elective, under the city charter.

RE DIVISION OF THE CITY.

Sec. 50. The city of New York shall be divided into seventeen wards, as follows:—

The first ward shall consist of all south of a line drawn from the Hudson river through the middle of Chambers street to the middle of Doane street, down the middle of Doane street to Rose street, down the middle of Rose street to Frankfort street, down the middle of Frankfort street to Pearl street, down the middle of Pearl street to Dover street, and down the middle of Dover street to the East river.

The second ward shall be bounded southerly by first ward, then up the middle of Broadway from Chambers to Franklin street, down Franklin to Baxter street, up Baxter to Bayard street, through Bayard to the Bowery, down the Bowery to Catherine street and down Catherine street to East river, and bounded east by the river.

The third ward shall be bounded southerly by the first ward, then up the middle of Broadway from Chambers street to Spring street, up the middle of Spring street to Hudson river, and bounded west by the river.

The fourth ward shall be bounded southerly by second ward, then up the middle of Broadway from Franklin to Grand street, through Grand street to Clinton street down Clinton street to East river, and bounded east by the river.

The fifth ward shall be bounded southerly by the third ward, then by a line drawn up the middle of Broadway from Spring street to Fourth street, south side of Fourth street to Christopher street, and south side of Christopher street to Hudson river, and bounded west by the river.

The sixth ward shall be bounded south by the fourth ward, then by a line drawn up the middle of Broadway from Grand street to Houston street, then down the middle of Houston street to Clinton street, and down the middle of Clinton street to Grand street.

The seventh ward shall be bounded south by the fifth ward, then by a line drawn up the middle of Broadway from Fourth to Fourteenth street, and south side Fourteenth street to Hudson river, and bounded west by the river.

The eighth ward shall be bounded south and east by the East river, on the west and north by a line drawn from the river up the middle of Clinton street to Houston street, and down the middle of Houston street to the river.

The ninth ward shall be bounded south by the seventh ward, and then by a line drawn up the middle of Broadway from Fourteenth street to Twenty sixth st east, and south side of Twenty sixth street to Hudson river, and bounded west by the river.

The tenth ward shall be bounded on the south by the sixth ward, thence by a line drawn up the middle of Broadway from Houston street to Fourteenth street, down the middle of Fourteenth street to avenue B, down the middle of avenue B to Houston street.

The eleventh ward shall be bounded on the south by the ninth ward, thence by a line drawn up the middle of Broadway from Twenty sixth street to Sixth avenue; west side of Sixth avenue to Fortieth street and south side of Fortieth street to Hudson river, and bounded west by the river.

The twelfth ward shall be bounded on the south by the 8th ward, thence by a line drawn up the middle of avenue B from Houston street to Fourteenth street, and down the middle of Fourteenth street to the East river, and bounded east by the river.

The thirteenth ward shall be formed of the territory now known as the twenty-second ward.

The fourteenth ward shall comprehend the territory now known as the eighteenth ward.

The fifteenth ward shall comprehend the territory now known as the twenty first ward.

The sixteenth ward shall comprehend the territory now known as the nineteenth ward.

The seventeenth ward shall comprehend the territory now known as the twelfth ward.

ABOLITION OF THE OFFICES OF COMMISSIONERS OF STREETS AND LAMPS AND REPAIRS AND SUPPLIES.

Sec. 51. The mayor, aldermen, and councilmen provided for in this act, shall be elected at the first election for charter officers, to be held after the passage hereof, which election shall take place on the first Tuesday of December, eighteen hundred and fifty seven. All persons who shall have been elected under former laws regulating or affecting the election of charter officers, and shall be in office at the time of the passage of this act, shall continue in office until the officers elected under this act shall take office and no longer, except that the offices of commissioner of repairs and supplies and of commissioner of streets and lamps are hereby abolished, and except that the persons now filling the several offices of comptroller, counsel to the corporation, street commissioner and city inspector, and the officers of the Croton aqueduct department, shall continue in office until the expiration of their several terms, and shall not be removed from office during such continuance except for the cause and in the manner provided for in sections twenty and forty nine of this act, and all other charter officers, and all school officers, and each governor of the alms house, whose terms of office may expire with the present municipal year, shall be also elected on the day before provided for by this section.

HOUSE PENALTIES FOR OFFICIAL CORRUPTION.

Sec. 52. Every person who shall promise, offer or give, or cause, or aid, or abet, in causing to be promised, offered, or given, or furnish, or agree to furnish, in whole or in part, to be promised offered or given to any member of the common council, or any officer of the corporation, after his election as such member, or before or after he shall have qualified and taken his seat, any money, goods, right in action or other property, or anything of value, or any pecuniary advantage, present or prospective, with intent to influence his vote, opinion, judgment or action on any question, matter, cause or proceeding which may be then pending, or may, by law, be brought before him, in his official capacity, shall, upon conviction, be imprisoned in a penitentiary for a term not exceeding two years, or shall be fined, not exceeding five thousand dollars, or both, in the discretion of the court. Every officer in this section enumerated, who shall accept any such gift or promise or undertaking, to make the same, under any agreement or understanding that his vote, opinion, judgment or action shall be influenced thereby, or shall be given in any particular manner, or upon any particular side of any question, matter, cause or proceeding then pending, or which may by law be brought before him, in his official capacity shall, upon conviction, be disqualified from holding any public office, trust or appointment, under the charter of the city of New York, and shall forfeit his office, and shall be punished by imprisonment in the penitentiary not exceeding two years, or by a fine not exceeding five thousand dollars, or both, in the discretion of the court. Every person offending against either of the provisions of this section shall be a competent witness against any other person offending in the same transaction and may be compelled to appear and give evidence before any grand jury or in any court, in the same manner as other persons; but the testimony so given shall not be used in any prosecution or proceeding, civil or criminal, against the person so testifying.

ANNUAL ELECTIONS.

Sec. 53. The annual election for charter officers, school officers and governors of the almshouse, after the year eighteen hundred and fifty seven, shall be held on the first Tuesday in December, and the officers elected at the first election, as aforesaid provided, and in each year thereafter, shall take office on the first Monday of January next succeeding. All the provisions of law now in force in regard to the notice of an election, duration, conduct of election and canvassing of votes at general elections, shall apply to the first election provided for herein, and to each annual election of charter officers, except that the returns of all elections provided for by this act shall be filed by the inspectors of elections in the several wards, with the clerk of the common council, within twenty-four hours after the polls are closed; and the said returns shall be canvassed by the board of aldermen sitting as a board of city canvassers. The clerk of the common council shall be clerk to the said board of city canvassers; and the said board shall meet on the Thursday succeeding such election, and shall within ten days thereafter wholly complete such canvass, and file within the same time duplicate statements of the result in the respective offices of the clerks of the common council and county clerk. The clerk of the common council, within five days succeeding the filing of the said statement, shall give to each person declared elected a certificate thereof.

ABOLITION OF PREVIOUS ACTS.

Sec. 54. The act to amend the charter of the city of New York, passed April 7, 1836, and the act to amend the charter of the city of New York, passed April 2, 1849, and the act to amend an act entitled an act to amend the charter of the city of New York, passed April 2, 1849, passed July 11, 1851; and the act further to amend the charter of the city of New York, passed April 12, 1853; and the act supplementary to an act entitled an act further to amend the charter of the city of New York, passed April 19, 1853, passed June 14, 1853, are hereby repealed; and all laws inconsistent with this act are also hereby repealed; but the charter of the city of New York known as the Dongan and Montgomerie charters, so far as the same or either of them are now in force, shall continue and remain in full force, and shall not be construed as repealed, modified, or in any manner affected hereby. This section shall not prejudice or affect any right accrued, or proceeding commenced before this act takes effect.

Sec. 55. This act shall take effect on the first day of May, one thousand eight hundred and fifty seven.

Superior Court.

Before Chief Justice Oakley.

AN ARRANGEMENT TO GET TIME FROM CREDITORS.

APRIL 8.—*Abraham Goodman* vs. *John Greer, Sheriff, and Alexander M. Cristalar.*—In this case Mr. James M. Smith, the Recorder, appeared as counsel for the plaintiff, and stated that the action was brought to recover $ 30, the value of certain goods which the plaintiff had bought of one Reuben P. Rogers, and which Mr. Cristalar, a creditor of Rogers', had caused to be levied upon and sold by Sheriff Greer.

Reuben P. Rogers testified that he had made a bill of sale of these and other goods to the plaintiff, the nominal consideration was $5 540, but that he had only received $3,240 on a judgment and $600 in notes which Goodman had endorsed for him. The balance was made up by old notes of Rogers' which had been paid and handed to Goodman to show a consideration; and that the whole was an arrangement made at the suggestion of Goodman to enable Rogers to get time from his creditors. Messrs John McKeon and Joachimsen appeared for the defendants, and the jury, upon the foregoing state of facts, gave a verdict for defendants.

THE TESTIMONY OF ATHEISTS.—The Atheist Witness bill, so called, passed the Senate Saturday by a decisive vote. It only waits the formality of a final passage and the Executive approval to become a law.—*Boston Journal, April 6.*

Affairs in Albany.

ALBANY, April 4, 1857.

Judicial Appointment:—Reports of the Savings Banks, &c.

Governor King has appointed Noah Davis, Jr., Judge in the Seventh Judicial district, in place of Judge Mullet, resigned. It was asserted a week ago that his appointment was secure. There has been a severe contest for the place.

It is generally conceded that William H Tobey, of Kinderhook, will succeed the late Judge Watson on the bench of the Third Judicial district. He is a lawyer of long practice, and will bring to the bench many [illegible] years experience in connection with a well stored balanced mind.

Senator Kelly, Chairman of the Bank Committee of the Senate, presented the annual report upon the savings banks of this State. Fifty-two have reported, and the returns from eight has not been received, being either closed up or never under an organization for business. A few points of interesting statistics are here condensed from the Senator's report, thus:—

The sum total of deposits now held by our chartered savings banks is $41,699,502 31. This is an increase of $5,186,757 63 over last year.

This vast sum, the earnings of industry and the savings of prudence, is invested as follows:—

In bonds and mortgages upon improved productive property, worth at least double the amount loaned thereon	$18,570,698 91
In stocks of the character authorized by their charter	17,068,620 97
In cash and available loans upon securities	6,439,787 87
In real estate, (generally only the banking house occupied)	920,296 40

Former reports have stated the transactions of the savings banks in the cities of New York and Brooklyn, separate from those in the rest of the State—an example which