THE CITY CHARTER.

Draft of the Proposed Charter of the Committee of Seventy.

Result of the Combined Wisdom of the Reformers.

MODIFICATION OF THE CHARTER OF 1870.

Enlargement of the Board of Aldermen and Existing Commissions.

Legislating the Chamberlain Out of Office.

REMOVAL OF COMMISSIONERS OF TAXES.

Important Changes in the Departments of Finance and Public Works.

Penal Clauses Against Bribery and Corruption.

A draft of a proposed charter for the city, compiled under the direction of the Committee of Seventy, and to be submitted officially to the new Legislature, is given below. It is somewhat incomplete, but its main features resemble the charter of 1870. Should its provisions become law it will greatly modify the *personnel* of the present city government. The main points that are novel, and which have not been anticipated by general expectation, will be found in the clauses that control the Departments of Public Works and Finance. Both these departments are proposed to be placed in commission, of five members each, all of whom are elected under certain defined conditions by the Mayor and Aldermen.

An Act to Reorganize the Local Government of the City of New York.

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

ARTICLE I.

THE CORPORATE POWERS.

SECTION 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 corporate and politic in fact and in name, by the same name, and shall have perpetual succession, with all the grants, powers and privileges heretofore held by the Mayor, Aldermen and Commonality of the City of New York, and not modified or repealed by the provisions hereinafter made by this act.

ARTICLE II.

LEGISLATIVE POWER.

SEC. 2.—The legislative power of the said Corporation shall be vested in a Board of Aldermen, which shall consist of not more than forty-five members, one-fifth to be elected as here-inafter provided in each Senate district of the city, as now established by law.

[No provision is made for legislating out of office the present Board, as that will probably be effected by a special act early in the session.]

SEC. 3.—There shall be Aldermen elected at an election to be held under this act on the second Tuesday of April in the year 1872, and on the second Tuesday of the same month in every year thereafter, to hold office for the term of one year from the first Monday of May next succeeding each and every such election.

For details as to manner of holding elections and election districts, &c., reference will be here made to general registry and election laws now existing, or to be passed by the Legislature of 1872.

SEC. 4.—At such election each qualified voter in each Senate district may give not more than nine ballots, upon each of which shall be printed or written the name of one candidate for Alderman. The voter may give the whole of his ballots for one and the same candidate, or may distribute them between nine different candidates, or in less number, in such proportion as he may see fit. After the closing of the polls on the day of election, the canvass in each election district of the Senate district shall be completed by ascertaining, assorting and making returns to the county canvassers of the number of ballots given for each candidate. From the returns so made the county canvassers shall determine the names of the nine persons having the largest number of votes in the Senate district, and they shall be returned as elected. In the event of a vacancy or vacancies arising by reason of less than nine persons being voted for in any Senate district, such vacancy or vacancies shall remain unfilled for the ensuing year. In the event of two or more of the persons voted for in any Senate district having received an equal number of votes, under such circumstances there shall be no full number of nine persons having received the highest number of votes, the Aldermen elected at such election shall, within five days after their organization, select and determine by lot, four among the said persons so having received an equal number of votes, a number sufficient to make up the full delegation of nine members from each Senate district, and the persons so selected shall be deemed elected.

SEC. 5.—In case of vacancies by deaths or resignations, amounting in the whole to one-fourth of the entire Board, occurring before the 1st of February in any year, the said vacancies shall be filled by new elections, to be held in the respective Senate districts or districts in which the vacancies shall have occurred at a time to be appointed by the Board. Such election shall be held in the manner and on the principles prescribed in section 4, so far as the same are applicable.

SEC. 6.—A majority of the Board of Aldermen shall be a quorum.

SEC. 7.—Said Board shall—1. Choose a President from its own members by a majority of the members elected; 2. Appoint a Clerk and other officers; 3. Determine the rules of its own proceedings; 4. Be the judge of the returns of election and the right of electors and qualifications of its own members; 5. Keep a journal of its proceedings; 6. Sit with open doors, except when the public welfare shall require secrecy; and 7. Shall have authority to compel the attendance of absent members, to punish its members for disorderly behavior, and to expel a member with the concurrence of four-fifths of the members elected to the Board.

SEC. 8.—The first meeting of the Board shall be held on the first Monday in May after the election, at five o'clock in the afternoon; and at such meeting the Board shall appoint and determine the days and hours for its stated meetings, provided, that the hour for opening its stated and adjourned meetings shall be fixed between the hours of five and eight in the evening.

SEC. 9.—Every legislative act of the Board shall be by resolution or ordinance, and every ordinance or resolution, except as hereinafter provided, shall, before it takes effect, be presented, duly certified, to the Mayor for his approval; provided, however, that this section shall not apply to the acts of the Board in appointing or electing commissioners or heads of departments.

SEC. 10.—The Mayor shall sign the same if he approve it, or return the same within ten days if he does not approve it, with the reason therefor, and if thereupon the Board pass the same within three days thereafter by a majority of two-thirds of all the members elected it shall become effective as though the Mayor had signed the same. It shall equally become effective if he should neglect to return the same within such ten days.

SEC. 11.—No resolution or ordinance for alienating or leasing any property of the city, or which involves the appropriation of public moneys, or the taxing or assessing the citizens of this city shall be passed or adopted until at least two days after the same shall have been introduced and entered upon the journal; nor shall any such ordinance or resolution be passed or adopted unless by a vote of two-thirds of the members present, which said two-thirds shall constitute at least a majority of the members elected.

SEC. 12.—No resolution or ordinance appropriating any money or giving any property of the city, or loaning the credit of the City to any private educational institution or purpose shall be passed or adopted, unless such appropriation, gift or loan shall have been first reported upon favorably by the hereinafter created Board of Public Instruction; nor, unless the same shall receive the votes of two-thirds of the members present, which said two-thirds shall constitute at least a majority of the members elected.

SEC. 13.—No resolution or ordinance appropriating any money or giving any property of the City, or loaning the credit of the City to any private educational institution or purpose shall be passed or adopted, unless such appropriation, gift or loan shall have been first reported upon favorably by the hereinafter created Board of Charities and Correction; nor unless the same shall receive the votes of two-thirds of the members present, which said two-thirds shall constitute at least a majority of the members elected.

SEC. 14.—The Clerk of the Board of Aldermen shall keep the seal of the City, and his signature shall be necessary to all leases, grants and other documents, as under existing laws.

SEC. 15.—Immediately after adjournment the Clerk shall, avoiding all formal and technical details, prepare a brief abstract of all resolutions or ordinances introduced, and all recommendations of committees which propose or contemplate any specific improvement involving the appropriation of public moneys or the taxing or assessing the property of the citizens of the City. Such abstract shall be published in document form, together with the abstract of the reports of the Departments hereinafter provided for, which publication shall be known as *The City Record*, and a file of which shall be kept in every Department of the City Government. Such publication shall be sufficient compliance with any law requiring a publication of the proceedings of the Board of Aldermen.

SEC. 16.—The Board shall have the exclusive power to appropriate money by proper ordinance for every branch and object of city expenditure; and no money shall be drawn from the City Treasury unless the same shall have been previously appropriated by the Board.

SEC. 17.—The Board shall have power to make, modify, continue and repeal such ordinances, regulations and resolutions as may be necessary to carry into effect any and all of the powers now vested in or by this act conferred upon the Corporation, and shall have power to enforce obedience thereto and the observance thereof by ordaining penalties for each and every violation, in such sums as may be deemed expedient, not exceeding one hundred dollars.

SEC. 18.—Except in anticipation of the revenues of the current year the said city shall not have authority to borrow any moneys whatever on the credit of the Corporation, beyond the sums now authorized by law, unless such loan shall be authorized by a special act of the Legislature passed after application therefor made by the Board of Aldermen or Mayor.

[Powers of assessment, street opening and widening, &c., &c., will be made the subject of a separate act.]

SEC. 19.—Each Alderman shall receive a salary of $2,000, payable monthly, subject to a deduction of $10 for each stated meeting of the Board that he shall during the month, for any cause, have failed to attend.

[Section declaring the Aldermen, Mayor and Controller to be Supervisors must be a separate act, on account of the constitutional provision cited to this, and because city charter should not provide for county officers.]

ARTICLE III.

THE EXECUTIVE POWER.

SEC. 20.—The executive power of the corporation shall be vested in the Mayor and the departments herein stated.

SEC. 21.—The Mayor shall be the chief executive officer of the corporation; shall be elected at the election hereinbefore provided for, to be held on the second Tuesday of April in each year thereafter, and hold his office for the term of one year, commencing on the first Monday of May next after his election. The first election for Mayor shall be at the election hereinabove directed, to be held on the second Tuesday in April in the year eighteen hundred and seventy-two.

[No provision is made for legislating present incumbents out of office for reasons above stated as to Boards of Aldermen.]

SEC. 22.—Whenever the Mayor shall, from any cause whatever, be prevented from attending to the duties of his office, the President of the Board of Aldermen shall act as Mayor, and possess all rights and powers of Mayor. But it shall not be lawful for the President of the Board of Aldermen, when so acting as Mayor, to sign or approve any ordinance or resolution of the Board of Aldermen unless the sickness, disability or absence of the Mayor shall have continued at least ten days.

SEC. 23.—Whenever a vacancy in the office of Mayor shall take place before the 20th day of October of any year the Board of Aldermen shall order forthwith a new election for the office of Mayor, to be held at the then next general election for State or Federal officers. Until such vacancy is filled the Board of Aldermen shall elect a Mayor, who shall hold office for the *ad interim* term. And they shall in like manner have power to elect a Mayor to hold for the unexpired term, when the vacancy in the office of Mayor takes place after the 20th day of October in any year.

SEC. 24.—It shall be the duty of the Mayor—1. To communicate to the Board of Aldermen, at least once in six months, a general statement of the finances, government and improvements of the city. 2. To recommend to the Board of Aldermen all such measures connected with the security, health, cleanliness and ornament of the city and the protection and improvement of its government and finances as he shall deem expedient. 3. To be vigilant and active in causing the ordinances of the city and laws of the State to be executed and enforced, and for that purpose may call together for consultation and co-operation any commissioners or other city officers. 4. To call special meetings of the Board of Aldermen when he shall deem it expedient to do so. 5. Generally to perform all such duties as may be prescribed for him by city ordinances and laws of the State, and the Mayor shall be responsible for the good order and efficient government of the city.

SEC. 25.—The Mayor may appoint such experts, clerks and subordinates as he may require to aid him in the discharge of his official duties, and such Commissioners of Departments and other officers of Departments as are hereinafter provided to be appointed by him.

SEC. 26.—The Mayor shall receive an annual salary of $15,000. [Provision also to be made for an allowance to the Mayor to pay personal staff of experts, clerks, &c., for which he shall account.]

SEC. 27.—The Mayor may be removed by the Governor for cause, in the manner provided by law in the cases of Sheriffs.

ARTICLE IV.

OF THE EXECUTIVE DEPARTMENTS OF THE CITY GOVERNMENT.

SEC. 28.—There shall be the following other departments in said city:—Department of Public Works, Department of Public Parks, Department of Docks, Department of Public Charities and Correction, Department of Finance, Sinking Fund Commission, Department of Law, Department of Public Instruction, Department of Police, Department of Health, Department of Fire. [These last three departments, if not provided for by some metropolitan district plan or otherwise, should be here enumerated.]

SEC. 29.—In every Department there shall be kept a record of all transactions, to be accessible to the public from three to five o'clock each day, and at the end of each day a brief abstract shall be made of all contracts awarded and made for work of every description, a copy of which abstract shall be transmitted to the Clerk of the Board of Aldermen for insertion in the city record.

SEC. 30.—The said Department shall, when called upon by the Mayor or Board of Aldermen, make to him or them, respectively, reports of the operations and actions of the same, and each of them, and furnish to him or them such information as he or they may demand within such time as he or they may direct. [Here insert a provision as to how the subordinate officers and employes of Departments shall be appointed, whether by the Commissioners or otherwise.] [Here insert the provisions applicable to all the Departments, if there are any such.]

ARTICLE V.

OF THE DEPARTMENT OF PUBLIC WORKS.

SEC. 31.—The Commissioners of the Department of Public Works shall be five in number, who shall be called "Commissioners of Public Works," and who shall be the chief officers of this Department. One of said five Commissioners shall be appointed by the Mayor between the first and tenth days of May in each year. The remaining four Commissioners shall be elected by the Board of Aldermen within the same period. At such election each Alderman shall give not more than four open ballots, upon each of which shall be printed or written the name of one candidate for the office of Commissioner, and each of which shall be signed by the member voting. Each Alderman may give the whole of his ballots for one and the same candidate, or may distribute them between four different candidates, or a less number in such proportion as he may see fit. After the closing of the polls on the day of election the canvass in each election district of a Senate district shall be completed by ascertaining, assorting and making returns to the county canvassers of the number of ballots given for each candidate. From the returns so made the county canvassers shall determine the names of the four persons having the largest number of votes in the Senate district, and they shall be returned as elected. In the event of a vacancy or vacancies arising by reason of less than four persons being voted for in any Senate district, such vacancy or vacancies shall remain unfilled for the ensuing year. In the event of two or more of the persons voted for in any Senate district having received an equal number of votes, under such circumstances there shall be no full number of four persons having received the highest number of votes, the Aldermen elected at such election shall, within five days after their organization, select and determine by lot, four among the said persons so having received an equal number of votes, a number sufficient to make up the full delegation of four members from each Senate district, and the persons so selected shall be deemed elected.

SEC. 32.—In case of vacancies by deaths or resignations, amounting in the whole to one-fourth of the entire Board, occurring before the 1st of February in any year, the said vacancies shall be filled by new elections, to be held in the respective Senate districts or districts in which the vacancies shall have occurred at a time to be appointed by the Board. Such election shall be held in the manner and on the principles prescribed in section 4, so far as the same are applicable.

SEC. 33.—Said Board shall—1. Choose a President from its own members by a majority of the members elected; 2. Appoint a Clerk and other officers; 3. Determine the rules of its own proceedings; 4. Be the judge of the returns of election and the right of electors and qualifications of its own members; 5. Keep a journal of its proceedings; 6. Sit with open doors, except when the public welfare shall require secrecy; and 7. Shall have authority to compel the attendance of absent members, to punish its members for disorderly behavior, and to expel a member with the concurrence of four-fifths of the members elected to the Board.

SEC. 34.—The first meeting of the Board shall be held on the first Monday in May after the election, at five o'clock in the afternoon; and at such meeting the Board shall appoint and determine the days and hours for its stated meetings, provided, that the hour for opening its stated and adjourned meetings shall be fixed between the hours of five and eight in the evening.

SEC. 35.—Every legislative act of the Board shall be by resolution or ordinance, and every ordinance or resolution, except as hereinafter provided, shall, before it takes effect, be presented, duly certified, to the Mayor for his approval; provided, however, that this section shall not apply to the acts of the Board in appointing or electing commissioners or heads of departments.

SEC. 36.—The Mayor shall sign the same if he approve it, or return the same within ten days if he does not approve it, with the reason therefor, and if thereupon the Board pass the same within three days thereafter by a majority of two-thirds of all the members elected it shall become effective as though the Mayor had signed the same. It shall equally become effective if he should neglect to return the same within such ten days.

SEC. 37.—No resolution or ordinance for alienating or leasing any property of the city, or which involves the appropriation of public moneys, or the taxing or assessing the citizens of this city shall be passed or adopted until at least two days after the same shall have been introduced and entered upon the journal; nor shall any such ordinance or resolution be passed or adopted unless by a vote of two-thirds of the members present, which said two-thirds shall constitute at least a majority of the members elected. No additional allowance beyond the legal claim which exists under any contract with the Corporation, or for any services on its account, shall be passed except by an unanimous vote of all the members present.

SEC. 38.—No resolution or ordinance appropriating any money, or giving any property of the city, or loaning the credit of the city to any private eleemosynary or charitable institution or purpose, shall be passed or adopted, unless such appropriation, gift or loan shall have been first reported upon favorably by the hereinafter created Board of Charities and Correction, nor unless the same shall receive the votes of two-thirds of the members present, which said two-thirds shall constitute at least a majority of the members elected.

SEC. 39.—No resolution or ordinance appropriating any money or giving any property of the City, or loaning the credit of the City to any private educational institution or purpose shall be passed or adopted, unless such appropriation, gift or loan shall have been first reported upon favorably by the hereinafter created Board of Public Instruction; nor, unless the same shall receive the votes of two-thirds of the members present, which said two-thirds shall constitute at least a majority of the members elected.

SEC. 40.—The Commissioners shall, at the first meeting after their appointment and election as aforesaid, choose one of their own number for President, and another one of their number for Treasurer. [Provides for the attendance of one or more of the Commissioners at the meetings of the Board of Aldermen.]

SEC. 39.—[Provides for salaries of President, Treasurer and Commissioners.]

ARTICLE VI.

OF THE DEPARTMENT OF PUBLIC PARKS.

SEC. 40.—The Commissioners or chief officers of the Department of Public Parks shall be five in number, who shall be called "Commissioners of Public Parks." They shall be appointed and elected respectively in the manner hereinbefore provided for the appointment and election of Commissioners of Public Works, and be subject to removal in like manner. All provisions of sections 31 and 32 of this act shall be applicable to the Commissioners of Public Parks.

SEC. 41.—The Department of Public Parks shall control and manage all public parks and all buildings therein, and public places, which are the realty of the city of New York.

SEC. 42.—[Here re-enact the general powers of the department, as now existing, except as the same may be limited by the powers of the Department of Public Works.]

SECS. 43 and 44.—[Here add sections same as 38 and 39, *supra*.]

ARTICLE VII.

OF THE DEPARTMENT OF DOCKS.

SEC. 45.—The Commissioners or chief officers of the Department of Public Docks shall be five in number, who shall be called "Commissioners of Docks." They shall be appointed and elected respectively in the manner hereinbefore provided and prescribed for the appointment and election of the Commissioners of Public Works, and be subject to removal in like manner. All the provisions of sections 31 and 32 of this act, as to election, appointment and removal, shall be applicable to the Commissioners of Public Charities and Correction. Said Board shall possess all the powers and discharge all the duties now conferred upon the Department of Public Charities and Correction by special laws and by the provisions of chapter 510 of the laws of 1870, and acts and parts of acts amendatory thereto, except as the same are modified or repealed by the provisions of this act.

SEC. 50.—There shall be two bureaus in this Department—a Bureau of Charities and a Bureau of Correction. The Commissioners shall appoint a superintendent for each bureau. The Bureau of Charities shall have especial charge of all institutions, the inmates of which have not been committed for any offence against the laws. The Bureau of Correction of all other institutions; and the two classes of persons under the charge of the Commissioners shall be, as far as practicable, separated. The Commissioners shall invite all incorporate charitable or benevolent societies, including hospitals, to file with the Bureau of Charities a statement of the objects for which such societies were established, the class of persons to whom they extend relief and the mode of relief adopted; also to report from time to time the means at their disposal and the sources whence derived, the names of persons relieved and the amount of relief extended to them, and, in the case of hospitals or asylums, what number of additional inmates they can receive, and such other details as the Commissioners may deem advisable. Such information, when received, shall be properly classified in books prepared for the purpose, with such alphabetical indexes as will enable the superintendent of such bureau at any time to refer to such institutions which take charge of any particular class of persons or patients, and to ascertain what relief any applicant to such bureau has heretofore received from any institution. The presidents of all charitable associations which report to the Bureau of Charities shall constitute an advisory Board to such bureau, and any one or more of them may, at all times, have access to the books and institutions under the charge of such bureau, and submit to the Commissioners any suggestions, in writing, or complaints concerning the administration thereof.

SEC. 51.—All applications for money, property or loan of the city's credit to any private eleemosynary or charitable institution or purpose shall be made to this department before the same can be acted upon by the Board of Aldermen. When such applications shall have been filed in the office of the secretary of this department the said Commissioners shall have power to visit the said institution or charity and examine and investigate its condition and purposes, and if they determine adversely to such application the power of said Commissioners to visit and examine the same shall then cease and be determined. If, upon a report of this department, such aid and support of, or for the maintenance of, such private eleemosynary institution or charity shall be extended by the Board of Aldermen and accepted by such institution or charity, said Commissioners shall thereupon be a Board of Visitors of said institution or charity, with power to send to such institution or charity for treatment or care, free of charge to the city, such cases as in the discretion of the said Commissioners can be better treated therein than in the public charities of the city. If such aid shall consist of money or bond of credit, said powers of said Commissioners shall continue during the period for which said donation shall have been made. If such aid shall consist of a donation of property of the city, then such powers of said Commissioners shall be perpetual.

SECS. 52 and 53.—[Here add sections same as 38 and 39, supra.]

ARTICLE IX.

OF THE DEPARTMENT OF FINANCE.

SEC. 54.—The chief officers of the Department of Finance shall be five in number. They shall be appointed and elected, respectively, in the manner hereinbefore provided and prescribed for the appointment and election of Commissioners of Public Works, and be subject to removal in like manner. All the provisions of sections 31 and 32 of this act, as to election, appointment and removal, shall be applicable to the Commissioners of Public Charities and Correction. Said Board shall possess all the powers and discharge all the duties now conferred upon the Department of Public Charities and Correction by special laws and by the provisions of chapter 510 of the laws of 1870, and acts and parts of acts amendatory thereto, except as the same are modified or repealed by the provisions of this act.

SEC. 55.—The chief officer, so as aforesaid appointed by the Mayor, shall be called the "Comptroller of the City and County of New York." He shall be the President of the Department and City and County Treasurer. The four chief officers, so as aforesaid elected by the Board of Aldermen, shall be called "Commissioners of the City Treasury."

SEC. 56.—[Powers: See article 5, chapter of 1870, as amended by chapter 574 of laws of 1871, and re-enact the same as far as desirable.]

SEC. 57.—Full statements of the receipts and expenditures of all the Departments, giving names, dates and objects of expenditure, shall be made on the third Monday of each month by each Department to the Department of Finance. The Comptroller, or any one of said Commissioners of the Department of Finance, shall be empowered at any time to inspect, examine or copy any vouchers, records or papers in any of said Departments. From the statements so returned and other information, the Department shall publish monthly, in pamphlet form, a detailed statement of all the receipts and expenditures of the City and County during the preceding month. No bond, certificate of stock or evidence of public debt to be issued by the city shall be valid unless signed by the Mayor and Comptroller, and countersigned by two or more of said Commissioners of the Public Treasury.

SEC. 58.—Said four Commissioners of the Public Treasury shall perform all the duties and possess all the power heretofore performed and possessed by the Commissioners of Taxes under existing laws. Said Commissioners of the Public Treasury shall keep duplicate books, one set of which shall be open and accessible at all times to all taxpaying citizens. [Provide for transfer of books, &c., &c., from Commissioners of Taxes to Commissioners of Public Treasury; also provide for legislating present Commissioners out of office.]

SEC. 59.—[Abolish office of City Chamberlain.]

SEC. 60.—There shall be a bureau in this Department for the collection of city revenues, which shall be charged with the collection of all city revenues arising from taxation, assessments, fines, rents, &c., the chief officer of which shall be the Collector of city revenues, who shall be appointed by the Comptroller and the Commissioners of the City Treasury. [Provide for salaries of Comptroller and Commissioners of Public Treasury; also for their attendance at meetings of Board of Aldermen.]

ARTICLE X.

OF THE SINKING FUND COMMISSION.

SEC. 61.—[Here provide for the manner of constituting and the powers of the Sinking Fund Commissioners.]

ARTICLE XI.

OF THE LAW DEPARTMENT.

SEC. 62.—The chief officer of the Law Department shall be called the Corporation Counsel, and he shall be a member of the Bar of this State, who shall have resided, or had an office in the city of New York at least ten years consecutively immediately prior to the time of his appointment, and shall be appointed by the Mayor between the 1st and 15th days of May in each year, and shall hold office until his successor shall be appointed. The Mayor may remove him at pleasure and appoint his successor.

SEC. 63.—The said Corporation Counsel shall act as the legal adviser of all the departments; and no attorney or counsel shall receive any compensation for any services rendered to any department unless he shall have been employed by or with the consent of the Law Department, except as hereinafter provided; said Department shall semi-annually report to the Board of Aldermen the condition of all suits pending, the names of all attorneys and counsel employed, the fees paid to attorneys and counsel, all receipts of the office and all other matters pertaining to the business of said Department.

SEC. 63.—There shall be a bureau in this Department, the chief officer of which shall be called the Corporation Attorney; a bureau, the chief officer of which shall be called the Public Administrator; and a bureau, the chief officer of which shall be called the Attorney of Street Openings and Assessments.

SECS. 64 and 65.—Powers. See existing laws.

[Provisions for salaries, and for the Corporation Counsel attending the meetings of the Board of Aldermen, if thought desirable.]

ARTICLE XII.

DEPARTMENT OF PUBLIC INSTRUCTION.

SEC. 66.—There shall be a Department of Public Instruction, which shall have the same powers and discharge the same duties which are now vested in the Department of Public Instruction by article 15, section 100, of chapter 383 of the Laws of 1870, as amended by chapter 574 of the Laws of 1871, and the members of which shall be elected as follows:—

SEC. 67.—At the election provided for by section 4 of this act there shall be elected not more than fifty-five Commissioners, one-fifth to be elected in each Senate district of the City of New York, as now established by law, to hold office for the period of —years.

SEC. 68.—[A provision should be inserted for legislating out of office the present heads of Department of Public Instruction and Trustees.]

SEC. 69.—At such election each qualified voter may give not more than eleven ballots, upon each of which shall be printed or written the name of one candidate for Commissioner, and may give and distribute the same between eleven different candidates, or a less number, in such proportion as he may see fit. After the closing of the polls on the day of election the canvass in each election district of a Senate district shall be completed by ascertaining, assorting and making returns to the county canvassers of the number of ballots given for each candidate. From the returns so made the county canvassers shall determine the names of the eleven persons having the largest number of votes in each Senate district, and they shall be returned as elected. In the event of a vacancy or vacancies arising by reason of less than eleven persons being voted for in any Senate district, such vacancy or vacancies shall remain unfilled for the ensuing year. In the event of two or more of the persons voted for in any Senate district having received an equal number of votes, under such circumstances that there shall be no full number of eleven persons having received the highest number of votes, the members of the Department of Public Instruction elected at such election shall, within five days after their organization, select and determine by lot from among said persons so having received an equal number of votes a number sufficient to make up the full delegation of eleven members from such Senate district, and the person or persons so selected shall be deemed elected. All vacancies thereafter occurring in any delegation from a Senate district shall be filled by a majority of the delegates from the district in which such vacancy occurs.

SEC. 70.—The delegates from each Senatorial district shall exercise and discharge in that district all the duties heretofore performed by Trustees of common schools in their respective districts.

SECS. 71 and 72.—[Provide for legislating present Board out, and for the appointment of Inspectors of Common Schools.]

SEC. 73.—[Enact clause similar to section 51, under article providing for Commissioner of Charities and Correction, passing upon applications for public money, and make the same applicable to all gifts of money to private educational establishments.]

[Article 13, &c., relative to Police, Health and Fire Departments, not yet agreed upon.]

ARTICLE —.

GENERAL PROVISIONS.

SEC. —.—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 Alderman 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 moneys, 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 the Penitentiary for a term exceeding two years, or shall be fined not exceeding $5,000, or both, in the discretion of the Judge. Every Alderman or 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 question, matter, cause or proceeding then pending, or which may be then brought before him in his official capacity, shall, upon conviction, be disqualified from holding any public office, trust or appointment under 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 $5,000, 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 no person who shall voluntarily give testimony shall be subject to any prosecution whatever, civil or criminal.

SEC. —. Any citizen claiming to have been injured by any such vote or action of any Alderman or officer given for any dishonest or corrupt motive or consideration, may bring suit against such Alderman or officer, and on his conviction recover a penalty not exceeding $1,000.

SEC. —. No member of the Board of Aldermen, Commissioner, 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 Board of Aldermen, nor in the purchase of any real estate or other property belonging to the Corporation, or which shall be sold by virtue of legal process at the suit of said Corporation. All such contracts or sales shall be forfeited as to any interest of the Alderman or other officers enumerated in this section, and any Alderman or other officer who shall be convicted before the County Court of Common Pleas of having knowingly been interested in any such contract work, business sale or purchase shall be punished as for a misdemeanor and forfeit his office.

SEC. —. Any member of the Board of Aldermen, Commissioner, head of Departments, chiefs of Bureau, deputy thereof, or Clerk therein, or other officer of the Corporation may, if a Judge shall so order, be summarily examined upon an order, to be made on application or written affidavit on the oath of any Commissioner of the public Treasury, or any three Aldermen of said City or County, requiring such examination, and signed by any Justice of the Supreme Court of the First Judicial District, directing such examination to be publicly made at the chambers of said Justice, at a day and hour to be named, not less, however, than forty-eight hours after personal service of said order, and such examination shall be continued to an inquiry into any alleged wrongful diversion or misapplication of any moneys or fund, or any violation of the provisions in the last two sections, or any other dishonesty charged in said affidavit touching the office, or the discharge or neglect of duty, of which it is alleged in the application for said order that such Alderman, head of Department or other aforementioned officer has knowledge or information, such Alderman, Commissioner, head of Department or other aforesaid officer shall answer such pertinent questions relative thereto as the Justice shall direct, and the examination may be continued from time to time as such Justice may order, but the answers of the party charged shall not be used against him in any criminal proceeding; Provided, however, that for all false answers on material points he shall be subject to the pains and penalties for the crime of perjury. The proceedings in such examination shall be open to the public in said district, and other witnesses, as well as the parties making such application, may, in the discretion of said Justice, be compelled to attend and be examined touching such alleged delinquencies; and such Justice may punish any refusal to attend such examination, or to answer any questions pursuant to his order, as for a contempt of Court, and shall have as full power and authority to enforce obedience to the order or directions of himself, or of any other Justice, as any Justice of the Supreme Court may now have or shall possess to enforce obedience or to punish contempt in any case or matter whatever. Such examination shall be filed in the office of the County Clerk of the County of New York, and be at all reasonable times accessible to the public.

SEC. —. No appropriation for the contesting of the office of Mayor, or any seat in the Board of Aldermen or Department of Public Instruction shall be made to any but the prevailing party. Nor shall such appropriation be made except upon the certification as to the value of services by the chief officer of the Law Department. In the cases provided under the preceding section, the Law Department shall assign counsel to such Commissioner or Alderman, but should such Commissioner or Alderman see proper to employ other counsel than those assigned by the Law Department, then in that event no appropriation shall be made by the Board of Aldermen for his or their payment, except upon a certificate of the Justice or Justices before whom the proceedings have been had that there was probable cause for taking such proceedings.

SEC. —. Any person holding office, whether by election or appointment 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 the State, or under this charter, or who shall accept a seat in the Legislature, or who shall, during his said term of office, receive any fees or emoluments directed to be paid to him by any ordinance of the Board of Aldermen, as hereinafter provided, shall be deemed thereby to have vacated his office. No person shall hold the charter or county offices, nor shall an officer under the county government, hold or receive an office under the county government except when he holds such office *ex officio*, by virtue of an act of the Legislature, and in such case he shall draw no salary for such *ex officio* office.

SEC. 1.—[Provision with regard to contracts.]

The Emmanuel Church Fair which is now being held at the junction of Lexington avenue with Fifty-seventh street promises to be a pecuniary success, despite the fact that the weather has been for the last two days decidedly inclement. Our most noted divines endorse the act now taken by the vestry of Emmanuel, and combine their efforts to aid the good cause. Salable articles of any description are solicited, and donors to the fair can rest assured that the articles they contribute will find purchasers at a worthy valuation.

FINANCIAL AND COMMERCIAL.

WALL STREET,
SUNDAY, Dec. 24, 1871.

The wholesale markets have been dull during the week outside of those furnishing articles for which a special demand has existed in connection with the holiday season. The wheat trade has been restricted to a light movement on both domestic and foreign account. Cotton, pursuing the reaction consequent on the recent failures, was on the downward turn, but has been steadier and rather firmer since the publication of private accounts from the cotton regions giving less flattering promises of an extended crop. Moreover, the decline in gold has entered as an important element in regulating prices, and dealers have been so unsettled in their views by these several circumstances that they have neither bought nor sold with any confidence or freedom.

THE WEEK IN WALL STREET.

The Wall street markets have shown light returns in the way of actual business, and little has been done by others than the professional speculators who live from day to day by quick operations for small profits. The outside interest in stocks continues to hold aloof in consequence of the persistent stringency in the money market—a condition usually so antagonistic to speculation for a rise which has been wholly disregarded by the professional class whose ambition for higher prices has been gratified in an exceedingly agreeable way. The stock market started off nervously after the previous week's bank failures, like a ship rudely handled by a rough gale, but soon succeeded in regaining the smooth water of a rising current. The timid, who had been apprehensive of further stress of weather, provided themselves with

LIFE PRESERVERS

in the shape of "puts" from Mr. Daniel Drew, who has indulged what might be called a mania for the sale of these contracts ever since the Chicago fire, and who with them has done more than any other single influence to occasion the steady rise in prices of the past two months. He is said to be responsible for the delivery to him in this way of nearly twenty-five million dollars of Rock Island, Northwest, Ohio and various other stocks, while the numerous "put" sellers of the street, including Mr. Drew, are responsible for a total of hardly less than fifty million dollars of the leading active speculative railway and miscellaneous shares. Fortified with these contracts operations on the "bull" side during the week have been quite confident, the final quotations Saturday evening showing a smart advance in pretty nearly everything, and especially in the stocks underlaid with

MR. DREW'S "PUTS."

Indeed, for most of the list the prices reached towards the close of business on the sidewalk, where a large group remained till a late hour, despite the home attractions of Christmas Eve, were the highest since the Chicago panic. The following table shows the

RANGE OF THE LEADING STOCKS

during the week:—

	Highest.	Lowest.
Western Union Telegraph,	69	67⅞
Pacific Mail	54	50⅞
New York Central consolidated	94⅜	92⅜
New York Central scrip	88⅜	87
Erie	32⅜	31⅜
Reading	116⅜	(ex.d.)110⅛
Lake Shore	92⅞	90⅛
Union Pacific	29	26⅞
Cleveland and Pittsburg	128⅜	126
Chicago and Northwestern	64⅜	61⅛
Chicago and Northwestern pref.	89⅛	87⅛
Rock Island	106⅛	103⅛
Milwaukee and St. Paul	54	51⅛
Toledo, Wabash and Western	6⅜	6⅜
Ohio and Mississippi	44⅜	41⅜
C. C. and I. C.	19⅛	18⅛

GOLD AND GOVERNMENTS.

Gold was "given up" by the "bulls," who confessed the mistake of their position, but dared not endeavor to rectify their error by a bear speculation. The extremes of the week were 109⅛ and 108⅜, the price closing Saturday at 108⅜.

Governments followed gold very closely, and were, on the whole, lower, even in gold quotations, the '62's falling to a trifle below par in that medium of value, a sequence of the further "call" of these issues for redemption in March. It is understood that the "called" bonds may be presented for redemption at any time, and will be accepted if offered in the usual weekly tenders at the Sub-Treasury.

SOUTHERN SECURITIES.

The Southern State bonds were excited, lower and weak, owing to the fact that the Legislature of Virginia has enacted measures for stopping the refunding of the debt and the payment of the January interest, although such action may yet be defeated by the Governor's veto, anticipation of which caused a rally of about three per cent in the consols on Saturday—viz., from 51 to 54. At the close of the week the market was feverish and irregular; the South Carolinas were firm; the Tennessees lower, but, at the close, better and steady; the Virginia consols excited, with a decline to 51 and a recovery to 54, and the North Carolina old bonds weak and lower.

MONEY AND PAPER.

Money most of the time was worth 1-32 & 1-16 for its use in turning stocks, but lenders accepted 7 per cent to 7, gold, on Saturday, in their anxiety to get interest during the three days to Tuesday. Prime paper was quoted 8 a 12 per cent discount. Foreign exchange left off on the basis of 109⅛ a 109⅛ for prime bankers' sixty-day sterling and 109⅞ a 109⅞ for sight bills.

LATEST PRICES OF GOVERNMENTS.

The following were the closing street quotations Saturday evening:—United States currency sixes, 114¼ a 114¼; do. do., 1881, registered, 113 a 113½; do. do., coupon, 117½ a 117¾; do. five-twenties, registered, May and November, 109 a 110; do. do., 1862, coupon, do., 109½ a 109¾; do. do., 1864, do. do., 109½ a 109¾; do. do., 1865, do. do., 111¼ a 111½; do. do., registered, January and July, 111¼ 111½; do. do., 1865, coupon, do., 114 a 114½; do. do., 1867, do. do., 115 a 115¼; do. do., 1868, do. do., 115 a 115¼; do. fives of 1881, funded, registered, 108½ a 109; do. do. do., coupon, 108¾ a 109; do., ten-forties, registered,