ANOTHER CITY CHARTER.

The Offspring of the Apollo Hall Democracy and the Republican Factions.

The Heads of the Finance and Law Departments To Be Chosen by the People.

STRINGENT RULES FOR THE POLICE.

A Check to Patent Pavement Speculators.

Important General Provisions, Powers and Limitations.

ALBANY, Jan. 13, 1872.

The charter proposed by the Apollo Hall democracy and the republican factions in the city, and to which I alluded last night as having been introduced by Mr. McKay, is as follows.

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 FIRST.

THE CORPORATE POWERS.

SECTION 1.—The corporation now existing and known by the name of "The Mayor, Aldermen and Commonalty 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and privileges heretofore held by the Mayor, Aldermen and Commonalty of the city of New York, and not modified or repealed by the provisions hereinafter made by this act.

ARTICLE SECOND.

OF LEGISLATIVE POWER.

SEC. 2.—The legislative power of the said corporation shall continue to be vested in a Board of Aldermen and a Board of Assistant Aldermen, who together shall form the Common Council of the city of New York.

SEC. 3.—The Board of Aldermen shall consist of fifteen members, to be elected upon a general ticket from the city at large.

SEC. 4.—The Board of Assistant Aldermen shall consist of one Assistant Alderman to be elected in each Assembly district.

SEC. 5.—Such aldermen and assistant aldermen shall be elected as hereinafter provided.

SEC. 6.—There shall be aldermen and assistant aldermen elected at the Charter election, which shall be held on the first Tuesday in April, 1872, who shall take office at noon on the first Monday of January, 1873. The said aldermen and assistant aldermen so elected shall hold office until noon on first Tuesday in May, 1874, when there shall be aldermen elected at the Charter election in 1874, and every two years thereafter at every succeeding charter election, who shall take office at noon on the first Tuesday in May in each and every year following their election. There shall be Assistant Aldermen elected at the charter election in April, 1874, and annually thereafter at every succeeding charter election, who shall take office at noon on the first Tuesday in May in each and every year following their election. All the provisions of law relating to general elections in the city of New York, so far as they are applicable in respect to the manner of conducting elections and the canvass and estimate of votes shall apply to every succeeding election for aldermen and assistant aldermen.

SEC. 7.—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, and the person elected to supply such vacancy shall hold his seat for the residue of the term of his immediate predecessor.

SEC. 8.—The Boards shall meet in separate chambers, and a majority of each shall be a quorum.

SEC. 9.—Each Board shall—

1. Choose a President from its own members;
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 election 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 and 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.

SEC. 10.—Either member expelled from either Board shall thereby forfeit all his rights and powers as an Alderman or Assistant Alderman.

SEC. 11.—The stated and occasional meetings of each Board shall be regulated by its own resolutions and rules, and both Boards may meet at the same time or on different days, as they may severally judge expedient.

SEC. 12.—Every legislative act of the Common Council shall be by resolution or ordinance, and every ordinance or joint resolution shall before it shall take effect be presented, duly certified, to the Mayor for his approval.

SEC. 13.—The Mayor shall return such ordinance or resolution to the Board in which it originated, within ten days after receiving it, or at the next meeting of that Board.

SEC. 14.—If he approve it, he shall sign it. If he disapprove, he shall specify his objections thereto. If he do not return it with such disapproval within the time above specified, it shall take effect as if he had approved it.

SEC. 15.—Such objections of the Mayor shall be entered at large on the journal of the Board to which they are sent.

SEC. 16.—The board to which such ordinance or resolution shall have been returned with objection, shall, after the expiration of not less than ten days thereafter, proceed to reconsider the same, and if, on reconsideration, it shall pass both boards by a vote of at least three-fourths of all the members elected to each board, it shall take effect. In all such cases the votes shall be taken by ayes and noes, and the names of the persons voting for or against the passage on such reconsideration shall be entered on the journal of each board.

SEC. 17.—No ordinance or resolution shall be valid unless it shall receive the assent of both boards within the term fixed by law to such boards.

SEC. 18.—Any ordinance or resolution may originate in either board, and when it shall have passed one board may be rejected, or amended in the other, but no ordinance or resolution shall be passed except by a vote of the majority of all the members elected to each board. But in case any ordinance or resolution involves the expenditure of money, the votes of three-fourths of all the members elected to each board shall become necessary to its passage. No money shall be expended for any celebration, procession, or entertainment of any kind, or on any occasion, unless by the votes of four-fifths of all the members elected to each board. No additional allowance beyond the legal claim which exists under any contract with the corporation, or for any services on its account, or in its employment, shall ever be passed by the Common Council except by the unanimous vote thereof.

SEC. 19.—The Clerk of the Board of Aldermen shall, by 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 Assistant Aldermen; 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 remove at pleasure such deputy clerks in his office as are or shall be authorized by law or 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.

SEC. 20.—It shall be the duty of the clerks of the respective Boards to publish without delay all resolutions and ordinances and amendments thereof which shall be introduced or passed, and the final proceedings, and no vote shall be taken in either Board upon the passage of a resolution or 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 by any tax or assessment, until after such notice shall have been published at least three days in the official newspaper of the corporation; and no other act or resolution shall be taken upon any resolution or ordinance shall, before the same shall be sent to the other Board or to the Mayor, and immediately after the adjournment of the Board at which the same shall have been passed, be published with the yeas and nays and with the names of the persons voting for and against the same as part of the proceedings; and no resolution or ordinance which shall have passed one Board shall be acted upon by the other Board within three days thereafter, except in case of pestilence or invasion.

SEC. 21.—The Common Council shall have power to make, continue, modify 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 observance thereof by ordaining penalties for each and every violation thereof, in such sums as it may deem expedient, not exceeding $100; and shall have power to make such ordinances, and with such penalties, in the matters and for the purposes following, in addition to other powers elsewhere specially granted, viz:—

1. To regulate traffic and sales in the streets, highways, roads and public places.
2. To regulate the use of the streets, highways, roads and public places by foot passengers, vehicles, railways and locomotives.
3. To regulate the use of sidewalks, building fronts and house fronts within the stoop lines.
4. To prevent and remove encroachments upon and obstructions to the streets, highways, roads and public places.
5. To regulate the opening of street surfaces, the laying of gas or water mains, the building and repairing of sewers and erecting gas lights.
6. To regulate the numbering of the houses and lots in the streets and avenues, and the naming of the streets, avenues and public places.
7. To regulate and prevent the throwing or depositing of ashes, offal, dirt or garbage in the streets.
8. To regulate the cleaning of the streets, sidewalks and gutters, and removing ice, hail and snow from them.
9. To regulate the use of the streets and sidewalks for signs, sign posts, awnings, awning posts and horse troughs.
10. To provide for and regulate street pavements, crossways, curbstones, gutter stones and sidewalks.
11. To regulate public cries, advertising noises and ringing bells in the streets.
12. In regard to the relation between all the officers and employes of the Corporation in respect to each other, the Corporation and the people.
13. In relation to street beggars, vagrants and mendicants.
14. In relation to the use of guns, pistols, firearms, firecrackers, fireworks, and detonating works of all descriptions within the city.
15. In relation to intoxication, fighting and quarrelling in the streets.
16. In relation to places of public amusement.
17. In relation to exhibiting or carrying banners, placards or flags in or across the streets or from houses.
18. In relation to the exhibition of advertisements or handbills along the streets.
19. In relation to the construction, repairs and use of vaults, cisterns, areas, hydrants, pumps and sewers.
20. In relation to partition fences and walls.
21. In relation to the construction, care, repair and use of markets and market buildings.
22. In relation to the licensing and business of public carmen, truckmen, hackmen, cabmen, expressmen, boatmen, pawnbrokers, junk dealers, hawkers, pedlers and venders.
23. In relation to the inspection and sealing of weights and measures, and enforcing the keeping and use of proper weights and measures by venders.
24. In relation to the inspection, weighing and measuring of firewood, coal, hay and straw, and the cartage of the same.
25. In relation to the mode and manner of suing for, collecting and disposing of the penalties provided for a violation of all ordinances.
26. And for carrying into effect and enforcing any of the powers, privileges and rights at any time granted and bestowed upon or possessed by the said corporation.

SEC. 22.—The Common Council shall have no power to impose taxes or assessments, or borrow money, or contract debts, or loan the credit of the city, unless specially authorized so to do by act of the Legislature, and all the legislative power of the city shall be subordinate to and be exercised in conformity with such special grants, restrictions or limitations as are now or hereafter may be prescribed by the Legislature.

ARTICLE THIRD.

OF THE EXECUTIVE POWER.

SEC. 23.—The executive power of the corporation shall be vested in the Mayor and the departments created.

SEC. 24.—There shall be an election held for the office of Mayor on the first Tuesday of April, in the year 1872, and the person chosen at such election to said office shall hold office from the first Tuesday of May, in the year 1872, until the first Tuesday of May, in the year 1874. Thereafter the mayor shall be chosen at a charter election, to be held on the first Tuesday of April in every second year, and shall hold office for a term of two years, from the first Tuesday of May next ensuing.

SEC. 25.—Whenver the Mayor shall be under impeachment or there shall be a vacancy in the office of the Mayor, or whenever by sickness, absence from the city or other cause, he shall be prevented from attending to the duties of his office, the President of the Board of Aldermen shall act as Mayor, and possess all the right and powers of Mayor during such disability, or in case of a vacancy, until a Mayor shall be elected and take office pursuant to law. But it shall not be lawful for the President of the Board of Aldermen, when acting as Mayor, to sign or approve of any ordinance or resolution of the Common Council, unless the sickness, disability or absence of the Mayor shall have continued at least ten days.

SEC. 26.—Whenever there is a vacancy in the office of Mayor before the expiration of a term there shall be an election for Mayor at the next charter election, and the person then elected shall hold for the full term of two years from the 1st day of May next ensuing.

SEC. 27.—It shall be the duty of the Mayor:—

1. To communicate to the Common Council, at least once a year, a general statement of the finances, government and improvements of the city.
2. To recommend to the Common Council 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 all other heads of the city departments.
4. And generally to perform all such duties as may be prescribed for him by city ordinances and the laws of the State, and to be responsible for the good order and efficient government of the city.

SEC. 28.—The Mayor may 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 duties.

ARTICLE FOURTH.

OF THE CO-ORDINATE CITY DEPARTMENTS GENERALLY.

SEC. 29.—All the heads of departments hereinafter mentioned, except of the Departments of Finance and Law, shall be appointed by the Mayor and confirmed by the Board of Aldermen as hereinafter provided. The Board of Assistant Aldermen shall have the sole power of impeaching all city officers, except the Mayor, Comptroller and Counsel to the Corporation. The tribunal for the trial of such impeachments shall be composed of the members of the Board of Aldermen, or the major part of them, and of the Judges of the Court of Common Pleas for the city and county of New York, or the major part of them, when sitting for that purpose. They shall be on oath or affirmation truly and impartially to try the impeachment according to evidence, and no person shall be convicted without the concurrence of two-thirds of the members of the Board of Aldermen present, and two-thirds of the Judges of the Court of Common Pleas present. The Chief Judge of the Court of Common Pleas, or, in his absence, one of the other Judges of said Court, shall preside at the trial of all impeachments. Judgment in case of impeachment shall not extend further than removal from office and disqualification to hold any office under the city charter; but the party convicted shall be liable to indictment, trial, judgment and punishment according to law.

The Mayor shall have power by and with the consent of the Board of Aldermen to be expressed by a vote of two-thirds of all the members elected to said board to remove any of the heads of the departments except the Comptroller and the Counsel to the Corporation. But before any head of department shall be so removed he shall be furnished with a copy of the charges against him and have an opportunity of being heard in his defence. 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.

SEC. 30.—There shall be the following other departments in said city:—

Finance Department.
Law Department.
Police Department.
Department of Public Works.
Department of Public Charities and Correction.
Fire Department.
Health Department.
Department of Public Parks.
Department of Docks.

SEC. 31.—The said departments shall at least once in three months, and at such other times as the Mayor may direct, make to him, in such form and under such rules as he may prescribe, reports of the operations and actions of the same and each of them, and shall always, when required by him, furnish to him such information as he may demand within such time as he may direct.

SEC. 32.—The heads of all departments, except as otherwise specifically directed herein, shall have power to appoint and remove all chiefs of bureaus (except the Chamberlain), as also all clerks, officers, employes and subordinates in their respective departments. The number of all officers, clerks, employes and subordinates in every department, except the Police and Fire Departments, with their respective salaries or compensation, shall be such as the Common Council shall by ordinance designate and prescribe, except that the aggregate expense thereof shall not exceed the total amount duly appropriated by law to each department for such purposes.

ARTICLE FIFTH.

OF THE FINANCE DEPARTMENT.

SEC. 33.—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."

The Comptroller of the city of New York shall be elected at a charter election to be held on the first Tuesday of April, in the year 1872, for a term of two years, commencing on the first Tuesday of May, 1872. Thereafter the Comptroller shall be chosen at a charter election to be held on the first Tuesday of April in every second year, and shall hold office for a term of two years from the first Tuesday of May next ensuing.

The Comptroller of the city of New York may appoint and remove, at his pleasure, a deputy comptroller, who shall possess such powers and perform such duties as the Comptroller may assign to him, excepting the signing of warrants drawn on the City Chamberlain; and shall also possess such other powers as may be prescribed by the ordinances of the Common Council and not inconsistent with this act.

SEC. 34.—In case of a vacancy in the office of Comptroller the Mayor shall appoint, by and with the consent of the Board of Aldermen, some person to fill the place until the next charter election, at which election there shall be an election of Comptroller for the remainder of the unexpired term.

SEC. 35.—There shall be the following bureaus in this department:—

1. A bureau for the collection of the revenue accruing from rents and interest on bonds and mortgages, revenue arising from the use or sale of property belonging to or managed by the city; the chief officer of which bureau shall be called the "Collector of City Revenue."
2. A bureau for the collection of taxes; the chief officer of which shall be called the "receiver of taxes," and he shall have all the powers and perform all the duties heretofore prescribed by law for the receiver of taxes.
3. A bureau for the collection for arrears of taxes, assessments and water rents; the chief officer of which shall be called "clerk of arrears."
4. An auditing bureau, which shall audit, revise and settle all accounts in which the city is concerned as debtor or creditor, and which shall keep an account of each claim for or against the Corporation, and of the sums allowed upon each, and certify the same to the Comptroller, with the reasons for the allowance, the chief officer of which shall be called "auditor of accounts."
5. A bureau of licenses; the chief officer of which shall be called "register of licenses."
6. A bureau of markets; the chief officer of which shall be called "superintendent of markets."
7. A bureau for the reception of all moneys paid into the treasury of the city, and for the payment of money on warrants drawn by the Comptroller and countersigned by the Mayor; the chief officer of which shall be called the "chamberlain."

SEC. 36.—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 appropriation after the amount authorized to be raised by tax for that specific purpose shall have been expended. The Mayor elected at the charter election to be held on the first Tuesday of April, in the year 1872, shall by and with the consent of the Board of Aldermen appoint a Chamberlain, who shall hold office for the term of two years from the time of such appointment unless sooner removed as herein provided, and shall continue in office until his successor shall be appointed. Thereafter the Chamberlain shall be appointed for the term of two years by the Mayor, by and with the consent of the Board of Aldermen, and the Chamberlain may be removed by the Mayor by and with the consent of the Board of Aldermen in the same manner as the heads of departments herein provided for. All vacancies in the office of Chamberlain shall be filled for the unexpired term by the appointment of the Mayor, by and with the consent of the Board of Aldermen.

SEC. 37.—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.

ARTICLE SIXTH.

OF THE LAW DEPARTMENT.

SEC. 38.—There shall be an Executive Department, known as the Law Department, which shall have charge of and conduct all the law business of the corporation and of its department, except when any department shall have or employ a separate counsel, and all other law business in which the city of New York is interested; it shall have charge of and conduct the legal proceedings necessary in opening, widening or altering streets, and draw the leases, deeds and other legal papers connected with the Finance Department. The chief officer thereof shall be called the "Counsel to the Corporation." The Counsel to the Corporation shall be elected at a charter election to be held on the 1st Tuesday of April, in the year 1872, for a term of three years, to commence on the 1st Tuesday of May, in the year 1872. Thereafter the Counsel to the Corporation shall be elected at a charter election to be held on the first Tuesday of April in every third year, and shall hold office for a term of three years from the first Tuesday of May then next ensuing. Vacancies occurring in said office shall be supplied by the Mayor, by and with the consent of the Board of Aldermen, until the next charter election, when the same shall be supplied by election for the remainder of the unexpired terms. There shall be a bureau in this department, the chief officer of which shall be called the "Corporation Attorney," and a bureau the chief officer of which shall be called the "Public Administrator."

ARTICLE SEVENTH.

THE POLICE DEPARTMENT.

SEC. 39.—The Department of Police shall consist of a board of police composed of four commissioners, and said board shall be the head of said department. The said commissioners shall be first appointed by the Mayor, by and with the consent of the Board of Aldermen, for the respective terms of four, three, two and one years. For vacancies occurring, or for terms succeeding expiration of the term of office of each commissioner, shall be four years, and vacancies to be filled by the Mayor, by and with the consent of the Board of Aldermen. The Mayor elected at the charter election to be held on the first Tuesday of April, 1872, shall, immediately upon taking office under this act, by and with the consent of the Board of Aldermen, appoint the first police commissioners herein provided for.

SEC. 40.—The police force shall be appointed by said Board, and shall be composed of a Superintendent, three Inspectors and as many captains of police, sergeants of police, patrolmen and doormen of police, and as many surgeons, clerks and employes of the police, as the Board of Police may from time to time determine, not exceeding the respective numbers now authorized by law for duty in the city of New York.

SEC. 41.—The Board of Police shall have the power to appoint a Fire Marshal, Chief Clerk and Assistant Clerk, who shall hold office during the pleasure of the Board, and such Board, Marshal and Clerks shall have the like powers and perform the like duties as those provided by chapter 563 of the Laws of 1865, so far as they are applicable to the city of New York, and the compensation of such Marshal and Clerks shall be the same as now fixed in and by said acts.

SEC. 42.—All members of the police force (except the Superintendent) shall be removable only after written charges shall have been preferred against them; and after the charges shall have been examined into, after such kind of notice to the person charged, and in such manner of examination, as the rules and regulations of said Board shall may prescribe. The Superintendent, surgeons, clerks and employes shall be appointed and removed at pleasure by the Board of Police.

SEC. 43.—The government and discipline of the Police Department shall be such as the board may, from time to time, by rules and regulations, prescribe.

SEC. 44.—Every person connected with the police department at the time this act shall take effect, and designated to do duty in the city of New York, shall continue in office, and the amount of salary or compensation now paid to such person shall be the salary and compensation fixed for his office under this act.

SEC. 45.—No person shall ever be appointed to membership in the police force, or continue to hold membership therein, who is not a citizen of the United States, or who has ever been convicted of crime, or who cannot read and write understandingly in the English language, or who shall not have resided within the State during one year next preceding his appointment.

SEC. 46.—The Board of Police may, upon any emergency or apprehension of riot, tumult, mob, insurrection, pestilence or invasion appoint as many special patrolmen without pay from among the citizens as it may deem desirable, and may demand the assistance of the military of the first division, or of any brigade, regiment, battalion or company thereof by order in writing, served upon the commanding officer of such division, brigade, regiment, battalion or company; and it shall be the duty of the commanding officer so served to order out, in aid of the civil authorities, the military force, or any part thereof, under his command.

SEC. 47.—During the service of any special patrolman authorized as aforesaid, he shall possess all the powers, privileges, and perform all the duties that may be by orders, rules and regulations from time to time prescribed. Every such special patrolman shall wear a badge, to be prescribed and furnished by the Board of Police.

SEC. 48.—No member of the police force, under penalty of forfeiting the salary or pay which may be due to him, shall withdraw or resign, except by permission of the Board of Police. Unexplained absence, without leave, of any member of the police force, for five days, shall be deemed and held to be a resignation by such member, and accepted as such.

SEC. 49.—The Common Council shall provide such office and business accommodations, station houses, apparatus and articles as shall be necessary for the Department of Police and the transaction of the business of the Police Department.

SEC. 50.—The Board of Police shall have power to issue subpœnas, attested in the name of its president, to compel the attendance of witnesses upon any proceedings authorized by its rules and regulations. Each commissioner of police, or the chief clerk, are hereby authorized and empowered to administer affirmations and oaths to any persons summoned and appearing in any matter or proceeding, authorized as aforesaid, or to take any depositions necessary to be made under the orders, rules and regulations of the Board of Police, or for the purposes of this act. Any wilful and corrupt false swearing, by any witness or person, to any material fact in any necessary proceeding under the said orders, rules and regulations, or under this act, shall be deemed perjury and punished in the manner now prescribed by law for such offence. The provisions and procedure of section 3 of an act entitled "An act to enable the Common Council of the city of New York to take testimony in matters referred for their information or inquiry," passed February 8, 1855, are hereby applied to the case of any witness subpœnaed under this section.

SEC. 51.—The Board of Police may, from time to time, but with especial reference to locating the same as centrally in precincts as possible, establish stations and station houses, or sub-stations and sub-station houses, at least one to each precinct, for the accommodation there of members of the police force, and as places of temporary detention for persons arrested and property taken within the precinct.

SEC. 52.—The Board of Police are empowered, in their discretion, to enact, modify and repeal, from time to time, orders, rules and regulations of general discipline of the subordinates under their control, but in strict conformity to the provisions of this article.

SEC. 53.—The members of the police force shall possess in the city of New York and in every part of this State all the common law and statutory powers of constables, except for the service of civil process, and any warrant for search or arrest issued by any magistrate of this State may be executed in any part of the city of New York by any member of the police force, and all the provisions of sections 7, 8 and 9 of chapter 2, title 2, part 4 of the revised statutes in relation to the giving and taking of bail shall apply to this act.

SEC. 54.—Each member of the police force, under the penalty of ten days' fine, or dismissal from the force, at the discretion of the court, shall, immediately, upon an arrest, convey, in person, the offender before the nearest sitting magistrate, that he may be dealt with according to law. If the arrest is made during the hours that the magistrate does not regularly hold Court, or if the magistrate is not holding Court, such offender may be detained in a station house or precinct thereof until the next public sitting of the magistrate, and no longer, and shall then be conveyed without delay before the magistrate to be dealt with according to law.

SEC. 55.—No person holding office under this department shall be liable to military or jury duty, nor to arrest on civil process, or, while actually on duty, to service of subpœnas from civil courts.

SEC. 56.—The Common Council shall provide suitable accommodations for the detention of witnesses who are unable to furnish security for their appearance in criminal proceedings; and such accommodations shall be in premises other than those employed for the confinement of persons charged with crime, fraud or disorderly conduct, and be in command of a sergeant of police. And it shall be the duty of all magistrates, when committing witnesses in default of bail, to commit them to such house of detention of witnesses.

SEC. 57.—The Board of Police shall have power, in its discretion, on conviction of a member of the force of any legal offence or neglect of duty, or violation of rules, or neglect or disobedience of orders, or incapacity, or absence without leave, or any conduct injurious to the public peace or welfare, or immoral conduct or conduct unbecoming an officer, or other breach of discipline, to punish the offender by reprimand, or forfeiting and withholding pay for a specified time, or dismissal from the force; but no more than ten days' pay shall be forfeited and withheld for any offence. All such fines shall be paid forthwith to the Chamberlain to the account of the police life insurance fund.

SEC. 58.—Every member of the police force shall have issued to him, by the Board of Police, a proper warrant of appointment, signed by the President of the said Board and chief clerk or first deputy, which warrant shall contain the date of his appointment and his rank.

SEC. 59.—Each member of the police shall take an oath of office, and subscribe the same before an officer of police who is empowered to administer an oath.

SEC. 60.—It shall be the duty of the Superintendent of Police to detail, on each day of election, at least two patrolmen to each election poll.

SEC. 61.—It shall be the duty of the police force or any member thereof to prevent any booth or structure for the distribution of tickets at any election from being erected or maintained within 150 feet of any polling place within the city, and to summarily remove any such booth, box or structure close and prevent the use thereof.

SEC. 62.—The duties of the police surgeons and the extent and bounds of their districts shall be assigned from time to time by the rules and regulations of the Board of Police.

SEC. 63.—The Board of Metropolitan Police shall, immediately upon the passage of this act, ascertain, state and declare what portion of the police life insurance fund, and of the reward fund, respectively, of the said metropolitan police, belongs to or should be set apart for, the police of the city of New York; and upon such statement being made a division of such fund shall be made, and the amount so found to be the portion of the police of the city of New York shall be paid over to the Chamberlain of the city of New York as trustee, for the benefit of the police of the city of New York, as contemplated in the creation of said funds. All fines imposed by the Board of Police upon the members of the police force, by way of discipline, and collectable from pay or salary, and all rewards, fees, proceeds of gifts, and emoluments that may be paid and given for account of extraordinary services of any member of the police force (except when allowed to be retained by said member), and all moneys remaining for the space of two years in the hands of the property clerk, or arising from the sale of unclaimed goods, and all proceeds of suits for penalties under this act, shall be deposited and paid into the bank wherein the chamberlain shall keep an account. The payments so made shall constitute and be deposited and kept as a fund, to be called the "police life insurance fund," and the person who shall, from time to time, fill the office of chamberlain shall be the trustee of said fund, and may, from time to time, invest the same, in whole or in part, as he shall deem most advantageous for the objects of such fund, and is empowered to make all necessary contracts and take all necessary remedies in the premises. And the said chamberlain shall succeed the present trustee of the police life insurance fund, of the Metropolitan Police Department, and said fund shall be delivered over, on demand, to the said chamberlain by the parties or the institution now holding it. But all annuities now chargeable upon said fund shall be maintained inviolate. The Board of Metropolitan Police shall, immediately upon the passage of this act, ascertain, state and declare which of the last said annuities shall be charged out of the fund in the hands of the police life insurance fund for "the police of the city of New York," and upon such statement being made, the annuities therein stated to be chargeable on the "police life insurance fund," for the city of New York, shall be chargeable on the latter fund only.

SEC. 64.—All property or money alleged or supposed to have been feloniously obtained, or which shall be lost or abandoned, and which shall be hereafter taken into the custody of any member of the police force or Criminal Court in the city of New York, or which shall come into custody of any Police Justice, shall be, by such member or Justice or by order of said Court, given into the custody of and kept by the property clerk of the police force, and such property shall be particularly registered by said property clerk in a book kept for that purpose, which shall contain the name of the owner, if ascertained, the name of the place where found, of the person from whom taken, with the general circumstances, the date of its receipt, the name of the officer recovering the same, the names of all claimants thereto and any final disposition of such property or money.

SEC. 65.—Whenever property or money shall be taken from persons arrested, and shall be alleged to have been feloniously obtained or to be the proceeds of crime, and whenever so brought, with such claimant and the person arrested, before some magistrate for adjudication, and the magistrate shall be then and there satisfied from evidence that the person arrested is innocent, the officer be acquitted and the property rightfully belongs to him, then said magistrate may thereupon, in writing, order such property or money to be returned, and the property clerk, if he have it, to deliver such property or money to the accused person himself, and not to any attorney, agent or clerk of such accused person.

SEC. 66.—If any claim to the ownership of such property or money shall be made on the hearing before the magistrate, by or in behalf of any other persons than the person arrested, and the said accused person shall be held for trial or examination, such property or money shall remain in the custody of the property clerk until the discharge or conviction of the persons accused.

SEC. 67.—All property and money that shall remain in the custody of the property clerk for the period of six months without any lawful claimant thereto, after having been three times advertised in public newspapers, shall be sold at public auction, and the proceeds of such sale shall be paid into the police life insurance fund.

SEC. 68.—If any property or money placed in the custody of the property clerk shall be declared as evidence in any Police or Criminal Court, such property shall be delivered to any officer who shall present an order to that effect from such Court; such property, however, shall not be retained in said Court, but shall be returned to said property clerk, to be disposed of according to the previous provisions of this act.

SEC. 69.—The Board of Police hereby established shall annually, on or before the 15th day of December, make an estimate of the sums of money which will be required for expenses necessary to the administration and conduct of the Board of Police for the year next ensuing, and shall submit such estimate to the Mayor, Comptroller and President of the said Board of Police, who shall, on or before the 15th day of December, consider and revise such estimate, and shall fix and determine the amount which said Board of Police shall be authorized to expend during such year, and such amount, when established by said Mayor, Comptroller and President of the Board of Police, shall thereby become appropriated. The amount thus established shall be certified to the Board of Supervisors of the county of New York by the Comptroller, and the said Board of Supervisors are empowered and directed annually to cause the amount thereof to be, according to law, raised and collected by tax upon the estates, real and personal, subject to taxation within the said city and county of New York. The Comptroller, from time to time, is authorized to borrow upon revenue bonds, according to law, in anticipation of the said taxes, whatever sum he may deem necessary for the use and purposes of the said department, not exceeding in any one year the amount which may be appropriated for said year as herein provided.

SEC. 70.—As an addition to the sources of income of the Police Life Insurance fund of the police force of New York city, there shall be taken monthly, out of the moneys deducted from the pay of members of said police force, on account of lost time, a sum calculated at the rate of fifty cents per month for each man of said police force, which sum shall be paid to the Chamberlain of the city of New York, and invested by him as part of the Police Life Insurance fund of the police of New York city. Such portion of the "Metropolitan Reward fund" as shall belong or be awarded to the city of New York in the division thereof shall be paid over to the Chamberlain of the city of New York, as trustee of the Police Life Insurance fund, and shall be and become a part of said last-named fund and be invested as such. The Board of Police of the Police Department of the city of New York shall have power in their discretion (whenever in their opinion the interests of the Department will be benefited thereby), by resolution to be adopted by a unanimous vote and expressing therein such opinion, to dismiss from office in such police department any captain or sergeant, and place the person so dismissed on the pension roll of said Police Life Insurance fund, and allow him an annual retiring pension of (not exceeding in amount) one-half the annual salary or compensation of such office. And said board may in like manner dismiss from office in said department any patrolman, and place the person so dismissed upon the said pension roll, and allow him an annual retiring pension of not exceeding four hundred dollars per annum. All work to be done or supplies to be furnished, or other expenditure made for or on behalf of the said Police Department, shall be done, furnished or made by the Commissioners of said department, who shall provide the necessary station and sub-station houses, and establish such regulations for furnishing such supplies and performing such work as they shall order, as in their judgment they may deem necessary and proper, and the money required for such purposes and all other sums required for the department shall be estimated for and raised in the manner provided by section — of this act. The amounts required, from time to time, by the said department, shall be paid by the Comptroller of said city, on the requisition of the treasurer of said department, as ordered by the board thereof, but according to modes and forms to be prescribed by the finance department, under the provisions of the law creating the same. Each commissioner of police, the superintendent thereof, and the chief clerk and deputy thereof, are authorized and empowered to administer oaths and affirmations in all matters pertaining to the department of the duties of any officer. Any wilful and corrupt swearing by any person to any material fact before either of said officers shall be deemed perjury and punished in the manner now provided by law for such offences. The treasurer of the Board of Police shall give a bond, with two sureties, in the sum of $20,000 dollars each, for the faithful performance of his duties, said bond to be approved by the Comptroller and filed in his office. The said treasurer shall receive an annual salary of $1,500, in addition to the amount provided for salary as a member of the Board of Police.

SEC. 71.—The Board of Police shall have authority to increase the force from time to time, as public necessity shall require, not exceeding one hundred patrolmen in addition to the number now authorized by law; and said Board of Police shall detail from the force, to be under the direction of the Mayor, not exceeding twenty men, to enforce the ordinances of the corporation.

ARTICLE EIGHTH.

OF THE DEPARTMENT OF PUBLIC WORKS.

SEC. 72.—There shall be a Department of Public Works, the head or chief officer of which shall be called "Commissioner of Public Works," who shall be appointed by the Mayor, by and with the consent of the Board of Aldermen, and shall hold office for a term of two years. The Mayor elected at the charter election to be held on the first Tuesday of April, in the year 1872, shall, immediately upon taking office under this act, by and with the consent of the Board of Aldermen, appoint a Commissioner of Public Works, who shall hold office for the term of two years from the time of such appointment, unless sooner removed, as herein provided, and shall continue in office until his successor shall be appointed. In case of a vacancy in said office the Mayor shall fill the same for the unexpired term by and with the consent of the Board of Aldermen.

Whenever the words Chief Engineer of the Croton Aqueduct Board or President of the Croton Aqueduct Board or Street Commissioner shall occur in any existing law, ordinance, resolution, contract or document, it shall be deemed to mean the aforesaid Commissioner of Public Works, and wherever in any law or an ordinance or obligation of the corporation the words Street Department or Croton Aqueduct Board shall occur, it shall be deemed and construed hereafter to mean the "Department of Public Works," and the Commissioner thereof.

The said Commissioner of Public Works shall from time to time establish scales of rents for the supplying of Croton water, which rents shall be collected in the manner now provided by law.

SEC. 73.—The said department shall have cognizance and control:—

1. Of all the structures and property connected with the supply and distribution of Croton water.
2. Of the collection of the revenues arising from the sale or use of the Croton water.
3. Of opening, altering, regulating, grading, flagging, curbing, guttering and lighting streets, roads, places and avenues.
4. Of the repairing and construction of public roads.
5. Of the care of public buildings.
6. Of the filling up of sunken lots.
7. Of public sewers and drainage.
8. Of street vaults.
9. Of paving, repaving and repairing streets and keeping the same clean.
10. Of digging and constructing wells.
11. Of the survey and inspection of buildings.

SEC. 74.—There shall be the following bureaus in the Department of Public Works:—

1. A bureau for laying water pipes and the construction and repair of sewers, wells and hydrants, paving and repaving and repairing streets, the chief officer of which shall be called "Water Purveyor."
2. A bureau for the collection of revenue derived from the sale and use of water, the chief officer of which shall be called "Water Register."
3. A bureau having care of all structures and property connected with the supply and distribution of Croton water; the chief officer of which shall be called "Chief Engineer of the Croton Aqueduct," with power to appoint and remove at pleasure, and detail a staff of assistant engineers. He and they must be civil engineers of at least ten years' experience. The commissioner may delegate to this bureau any power and duty conferred by any law or ordinance on the Chief Engineer of the Croton Aqueduct Board.
4. A bureau for grading, flagging, curbing and guttering streets; the chief officer of which shall be called "Superintendent of Street Improvements."
5. A bureau of lamps and gas; the chief officer of which shall be called "Superintendent of Lamps and Gas."
6. A bureau of streets and roads; the chief officer of which shall be called "Superintendent of Streets."
7. A bureau of repairs and supplies, which shall have cognizance of all supplies and repairs to public buildings, works, parks and places, and all other necessary repairs and supplies not provided for in other departments; the chief officer of which shall be called "superintendent of repairs and supplies," and shall be a practical builder.
8. A bureau for the collection of assessments; the chief officer of which shall be called "collector of assessments," and his assistants, "collectors of assessments."
9. A bureau for the removal of encumbrances on the streets or sidewalks, the chief officer of which shall be called the Superintendent of Encumbrances, to whom all complaints relating to the removal of encumbrances shall be made and by whom such encumbrances shall be removed.
10. A bureau for the survey and inspection of buildings, the chief officer of which shall be called the Superintendent of Buildings, and shall, under the direction of the Commissioner of Public Works, exercise the powers and perform the duties so conferred and imposed by law upon the Department of Buildings and the Superintendent of Buildings.

SEC. 75.—No street, avenue or public place in the city of New York, which has been once paved and the expense thereof paid for by the owners of the adjoining property by assessment, shall hereafter be paved with any other or special pavement unless petitioned for by a majority of the owners of the property on the line of the proposed improvement, nor unless the resolution or ordinance of the Common Council authorizing the same shall be approved by the Mayor; and any ordinance or resolution heretofore passed for any patent or special pavement, which has not been approved by the Mayor, on the petition of a majority of the owners of the adjoining property to be affected, and for which no contract has been entered into and upon, is hereby declared to be in