THE CITY CHARTER

NUMEROUS AMENDMENTS PROPOSED.

The Instrument to Become a Law at Once.

Offices Abolished and More Created.

Comptroller to Hold Office for Two Years.

The Board of Assistant Aldermen To Be Such No More.

The Chamberlain's Duties Defined—Four Per Cent Interest To Be Paid on City Deposits.

Appointments To Be Made by the Mayor and Confirmed by the Board of Aldermen.

An Election To Be Had by the Mayor and Board in Case of Non-Confirmation.

THE NEW POLICE MACHINE.

More Power Given to the Superintendent and Less to the Commissioners.

Commissioner of Public Works, Park Commissioners, Fire Commissioners, Superintendent of Public Buildings, Tax Commissioners, &c., Remembered.

Provision Made for Paying the City Debt—Past, Present and to Come.

The new city charter, upon which a great deal of labor and time has been expended, is herewith presented to our readers in its entirety, with every amendment added thereto, and it will doubtless become a law in a few days. The changes proposed in this instrument are sweeping, every present head of a department being legislated out of office.

The Board of Assistant Aldermen is dispensed with. The Police Commissioners are shorn of a great deal of their present power, while the Superintendent of Police has allotted to him a considerably larger sphere of responsibilities, he not only being in command of the precincts, but also absolute commander of the detective force, consisting of a captain, sergeant and thirty men, independent of the Commissioners. Provisions are made in this instrument for the Health Board, Park Commission, Board of Public Works (for which a Deputy Commissioner is created), Department of Buildings, Board of Apportionment, Fire Department, City Chamberlain, and in fact every office under salary by the city government.

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 Commonalty of the city of New York," shall continue to be a body politic and corporate, in perpetuity, 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and privileges heretofore held by the Mayor, Aldermen and commonalty of the city of New York, and not modified or repealed by the provisions hereinafter made by this act.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 II.—Of Legislative Power.

SEC. 2.—The legislative powers of the said Corporation shall be vested in a Board of Aldermen. The Board of Assistant Aldermen is hereby abolished, and the Board of Aldermen is hereby declared to be the Common Council, and shall solely possess the powers and perform all the duties by law conferred or imposed upon the Board of Aldermen, the Board of Assistant Aldermen, the Common Council, or any one or more of them.

SEC. 3.—The Board of Aldermen now in office shall hold office until the expiration of the term for which they were elected on the first Monday of January, which will be in the year 1875. There shall be fifteen Aldermen elected at the general State election, which will occur in the year 1874, five of whom shall be elected for one year, five for two years and five for three years. All shall be voted for upon one ballot, but the respective terms of the persons voted for shall be designated thereon. They shall take office on the first Monday of January next succeeding their election, at noon. Annually thereafter, at the general State election, there shall be elected five Aldermen, who shall take office on the first Monday of January next succeeding their election and hold office for three years. In case a vacancy shall occur in the Board of Aldermen it shall be filled in the manner hereinafter provided for the appointment of heads of departments, and the person so appointed shall serve until the 1st day of January, at noon, next succeeding the next general election succeeding the occurrence of a vacancy. At such election an Alderman shall be elected to serve for the remainder of the unexpired term.

SEC. 4.—A majority of the Aldermen elected and appointed shall constitute a quorum.

SEC. 5.—The Comptroller, the Commissioner of Public Works, the Corporation Counsel and the President of each department shall be entitled to seats in the Board of Aldermen, and shall have the right to participate in the discussions of said Board, but in no wise shall be considered as members of said Board, and shall not have the right to vote.

SEC. 6.—The Board of Aldermen shall (1) choose a President from its own members by a *viva voce* vote, and when once chosen he can be removed, before the expiration of his term as Alderman, only by a *viva voce* vote of two-thirds of all the members of said Board. (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 the qualifications of its members; subject, however, to the review of any Court of competent jurisdiction. (5.) Keep a journal of its proceedings. (6.) Sit with open doors. (7.) Have the authority to compel the attendance of absent members, and to punish its members for disorderly behavior, and to expel any member with the concurrence of two-thirds of the members of said Board. But no Alderman shall sit or act as a magistrate in any judicial proceeding.

SEC. 7.—Every member so expelled from the Board shall thereby forfeit all his rights and power as Alderman.

SEC. 8.—The stated and occasional meetings of the Board shall be regulated by its own resolutions and rules.

SEC. 9.—Every legislative act of the Common Council shall be by resolution or ordinance, and every ordinance or resolution shall, before it shall take effect, be presented, duly certified, to the Mayor for his approval.

SEC. 10.—The Mayor shall return such ordinance or resolution to the Board within ten days after receiving it, or at the next meeting of the Board.

SEC. 11.—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. 12.—Such objections of the Mayor shall be entered at large on the journal of the Board.

SEC. 13.—The Board shall, after ten days, and within fifteen days after such ordinance or resolution shall have been so returned, proceed to reconsider and vote upon the same, and if the same shall be found to be such as should be passed by the votes of at least two-thirds of all the members of said Board, but in no case by a less vote than was necessary on its first passage, it shall take effect. But if the ordinance or resolution shall fail to receive within such time, and upon the first vote thereon, such number of affirmative votes, it shall be deemed finally lost. In all cases the vote shall be taken by ayes and noes, and the names of the persons voting for or against its passage on such reconsideration shall be entered in the journal of the Board. In case an ordinance or resolution shall embrace more than one distinct subject the Mayor may approve the provisions relating to one or more subjects and disapprove the others. In such case those which he shall approve shall become effective, and those which he shall not approve shall be reconsidered by the Board, and shall only become effective if again passed as above provided.

SEC. 14.—No ordinance or resolution shall be passed except by a vote of the majority of all the members elected to the Board. But in case any ordinance or resolution involves the expenditure of money or the laying of an assessment the votes of three-fourths of all the members elected to said 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 the Board. No additional allowance beyond the legal claim which may exist under any contract with the Corporation or for any services on its account or in its employment shall ever be passed by the Board, except by the unanimous vote thereof; but in all cases the provisions of any such contract shall determine the amount of any claim thereunder, or in connection therewith against the said Corporation or the value of any such services.

SEC. 15.—The Clerk of the Board of Aldermen shall, by virtue of his office, be Clerk of the Common Council and of the Board of Supervisors, and shall perform all the duties heretofore performed by the clerks of said Common Council and said Board, without additional compensation to that paid him as Clerk of the Board of Aldermen. It shall be his duty to keep open for inspection, at all reasonable times, the records and minutes of the proceedings of said Boards. He shall keep the seal of the city, and his signature shall be necessary to all leases, grants and other documents, as under existing laws. The Clerk shall appoint and remove at pleasure Deputy Clerks in his department and fix their salaries. The Deputy Clerks and other officers of the Board of Aldermen shall be officers of the Board of Supervisors, which shall have no separate officers or subordinates, and such clerks and officers shall receive no additional compensation for duties performed for the Supervisors. The aggregate amount of salaries paid to the clerks and officers of the Board of Aldermen, including the salary of the Clerk, shall not exceed $25,000 in any one year.

SEC. 16.—Immediately after the adjournment of each meeting of the Board of Aldermen it shall be the duty of the Clerk to prepare a brief abstract, omitting all technical and formal details, of all resolutions and ordinances introduced or passed and of all recommendations of committees and of all final proceedings, as well as full copies of all messages from the Mayor and all reports of departments or officers. He shall at once transmit the same to the person appointed to supervise the publication of the City Record. No resolution or ordinance providing for or contemplating the alienation or appropriation or leasing any property of the city or the making of any specific improvement or the appropriation or expenditure of public moneys or authorizing the incurring of any expense or the taxing or assessing of property in the city, shall be passed or adopted until at least five days after such abstract of its provisions shall have been published. No such ordinance or resolution shall be approved by the Mayor until three days after such abstract shall have been so published after its passage; but if an abstract of any resolution or ordinance shall have been once published after its introduction it shall not thereafter be necessary to publish the same again, but only to refer to the date and page of the former publication in the city record, and to state the amendments, if any, made thereto. In all cases the yeas and nays upon the final passage of the resolution or ordinance shall be published.

SEC. 17.—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 one hundred dollars, 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 parks and places.

2. To regulate the use of the streets, highways, roads and public places by foot passengers, vehicles, cars 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; but they shall have no power to authorize the placing or continuing of any encroachment or obstruction upon any street or sidewalk, except the temporary occupation thereof, during the erection or repair of a building on a lot opposite the same.

5. To regulate the opening of street surfaces, the laying of gas or water mains, the building and repairing of sewers and erecting gaslights.

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; but it shall not be lawful for the said Board to number or renumber any houses in any street, avenue, alley, lane, road, way or public place, or to in any wise change or alter such numbering, save between the 1st day of December of any year and the 1st day of May next ensuing.

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, avenues, sidewalks and gutters, and removing ice 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, cross walks, curbstones, gutter stones and sidewalks.

11. To regulate public cries, advertising noises and ringing bells in the streets.

12. In relation to street beggars, vagrants and mendicants.

13. In relation to the use of guns, pistols, firearms, firecrackers, fireworks and detonating works of all descriptions within the city.

14. In relation to intoxication, fighting and quarrelling in the streets.

15. In relation to places of public amusement.

16. In relation to exhibiting or carrying banners, placards or flags in or across the streets or from houses.

17. In relation to the exhibition of advertisements or handbills along the streets.

18. In relation to the construction, repairs and use of vaults, cisterns, areas, hydrants, pumps and sewers.

19. In relation to partition fences and walls.

20. In relation to the construction, repair, care and use of markets.

21. In relation to the licensing and business of public cartmen, truckmen, hackmen, cabmen, expressmen, boatmen, pawnbrokers, junk dealers, hawkers, pedlers and venders.

22. In relation to the inspection and sealing of weights and measures, and enforcing the keeping and use of proper weights and measures by venders.

23. In relation to the inspection, weighing and measuring of firewood, coal, hay and straw, and the cartage of the same.

24. In relation to the mode and manner of suing for, collecting and disposing of the penalties provided for a violation of all ordinances.

25. In relation to the erection and repair of public fountains for the use of man and animals at convenient points along the streets and avenues and public places.

SEC. 18.—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 to do so 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 III.—Of the Executive Power.

SEC. 19.—The executive power of the Corporation shall be vested in the Mayor and the departments herein created.

SEC. 20.—The Mayor shall be the chief executive officer of the Corporation; shall be elected at a general election, and hold his office for the term of two years, commencing on the first day of January next after his election. The first election for Mayor under this act shall be at the general election in November, in the year 1874.

SEC. 21.—Whenever the Mayor shall be under suspension or there shall be a vacancy in the office of Mayor, or whenever by reason of sickness or absence from the city 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 rights and powers of Mayor during such suspension, disability or absence. In case of a vacancy he shall so act for the remainder of the term for which such officer was chosen, and no election shall be held to fill such vacancy. It shall not be lawful for the President of the Board of Aldermen when acting as Mayor, in consequence of the absence from the city of the person elected, to exercise any power of appointment to or removal from office unless such sickness or absence shall have continued five days, nor to sign, approve or disapprove any ordinance or resolution unless such sickness or absence shall have continued the same period.

SEC. 22.—In case of a vacancy in the office of Mayor the Aldermen may elect a temporary Chairman to preside over their meetings, who shall possess, during such vacancy, the powers and perform the duties of the President of the Board.

SEC. 23.—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 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 he may call together for consultation and co-operation all heads of departments.

4. And generally to perform all such duties as may be prescribed for him by the city ordinances and the laws of the State.

SEC. 24.—The Mayor may appoint such clerks and subordinates as he may require to aid him in the discharge of his official duties, and shall render to the Board of Aldermen, every three months, an account of the expenses and receipts of his office, and therein shall state, in detail, the amounts paid and agreed to be paid by him for salaries to such clerks and subordinates respectively and the general nature of their duties. The aggregate expenses incurred by him for such purposes shall not exceed, in any one year, the sum of $20,000.

Article IV.—Of the Co-Ordinate City Departments Generally.

SEC. 25.—The Mayor shall nominate, and by and with the consent of the Aldermen shall appoint, all the heads of departments, whether for full term or to fill vacancies; but no such nomination of a person to take the place of an officer whose term is about to expire shall be made more than thirty days before the expiration of such term. Whenever the Mayor shall nominate any person to the Board of Aldermen the latter shall act upon the nomination, by voting to confirm or reject the same, at the same meeting at which said nomination is made or at the meeting next succeeding. If a nomination is not finally acted upon at the meeting at which it is received, and if a meeting is not to be regularly held within one week thereafter, the President shall call a special meeting on two days' public notice and the nomination shall be then acted upon. If a quorum does not attend, he shall, on like notice, call other meetings until a quorum shall attend and the nomination be acted upon. If the Aldermen shall reject any person nominated by the Mayor he shall promptly nominate another person in the place of the one so rejected, and continue so to nominate until, in case of a vacancy, twenty days have elapsed since its occurrence, or until, in the case of the expiration of a term of office, not more than ten days of the term remain unexpired. If, at such periods respectively, no nomination shall have been made which shall have met the approval of the Aldermen, it shall be the duty of the Mayor and Aldermen to meet in joint convention within four days thereafter, and by the votes of a majority of those present to make such appointments. In such convention the vote shall be *viva voce*. Such meeting shall be held in the room occupied by the Aldermen, at an hour to be fixed by the Mayor on twenty-four hours' notice, delivered personally to each Alderman or sent through the mail to his residence, and advertised in the city record. In like manner the Mayor shall nominate and with the consent of the Board of Aldermen appoint or, in case of failure to confirm the Mayor and Aldermen in joint convention, as herein above provided, shall appoint the members of any board or commission authorized to superintend the erection or repair of any building belonging to or to be paid for by the city, whether named in any law or appointed by any local authority, and may appoint the members of any other local board, and any other officers not now elected by the people whose appointment is not herein otherwise provided for. Every head of department and persons in this section named shall, except as herein otherwise provided, hold his office for the term of six years, and in each case until a person is duly appointed in his place. The terms of office of all such heads of department and persons other than those first appointed shall commence on the first day of March, but the heads of department first appointed after the passage of this act shall, except as herein otherwise expressly provided, be appointed for one, two, three, four and five years, respectively; and all the provisions hereof shall apply to the nomination and confirmation of the persons to be first appointed, except that, if within twenty days after the passage of this act the Mayor shall not nominate and the Aldermen confirm, any such head of department, the appointment shall be made by the Mayor and Aldermen in joint convention as hereinbefore provided. The persons first appointed shall take office on the expiration of the terms of the office of the present incumbents, as hereinafter provided, and hold their offices till the first day of March, in the year in which it is herein provided that their respective terms shall expire. In case of a vacancy, the person appointed shall hold his office for the unexpired term. The Mayor may be removed from office by the Governor in the same manner as sheriffs, except that the Governor may direct the inquiry provided by law to be conducted by the Attorney General, and after charges have been received by the Governor, he may, pending the investigation, suspend the Mayor for a period not exceeding thirty days. The heads of department, and all persons herein provided to be nominated by the Mayor and confirmed by the Board of Aldermen, or appointed by the Mayor and Aldermen in joint convention, may be removed by the Mayor with the concurrence of two-thirds of all the members elected and appointed to the Board of Aldermen. Such removal shall only be made upon written charges, which may be preferred by the Mayor or by a majority of the Board of Aldermen, and which shall show an intentional violation or neglect of duty on the part of the officer sought to be removed, or a physical or mental incapacity to perform his duties. Such officer shall have an opportunity to meet such charges, but from and after the preferring of the same he may be suspended from office by the Mayor for a period of twenty days, unless the same shall before the expiration thereof have been finally acted upon. He shall, however, be removed only in case the Mayor and two-thirds of the Aldermen shall find, and shall by resolution declare, that there is sufficient evidence of an intentional violation or neglect of duty or of physical or mental incapacity to perform the duties of the office.

SEC. 26.—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.
Department of Taxes and Assessments.
Department of Public Buildings.

SEC. 27.—The said departments shall, 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 in the same and each of them, which reports shall be published in the city record. The said departments shall always, when required by the Mayor, furnish to him such information as he may demand, within such time as he may direct.

SEC. 28.—The heads of all departments (except as otherwise herein specifically provided) 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 (except as herein otherwise specially provided), without reference to the tenure of office of any existing appointee. In case of removal, a statement, showing the reason thereof, shall be filed in the department. The number and duties of all officers, clerks, employes and subordinates in every department, except as otherwise herein specifically provided, with their respective salaries, whether now fixed by special law or otherwise, shall be such as the heads of the respective departments shall designate and approve; provided, however, that the aggregate expense thereof shall not exceed the total amount duly appropriated to the respective departments for such purposes. No existing provision of law, limiting the power, duty or authority of any officer, clerk, employe or subordinate, other than those of the Police Department, shall be construed as preventing the head of department from changing such power, duty or authority. Any head of department may, with the consent of the Board of Apportionment, consolidate any two or more bureaus established by law, and may change the duties of any bureau; and it shall be the duty of the head of the Finance Department to bring together all officers and bureaus authorized to receive money for taxes, assessments or arrears in such manner that the payment of the same can be made at one time and place and in one office.

Article V.—Of the Finance Department.

SEC. 29.—The Finance Department shall have control of the fiscal concerns of the corporation and of the appropriations made for carrying on the business of the corporation. It shall prescribe the forms of keeping and rendering all city accounts and the manner in which all salaries shall be drawn, and the mode by which all creditors, officers and employes of the corporation shall be paid.

SEC. 30.—All payments by or on behalf of the corporation shall be made through the proper disbursing officer of the Department of Finance, on vouchers to be filed in said department, by means of warrants drawn on the Chamberlain by the Comptroller and countersigned by the Mayor. The Comptroller may require a person presenting for settlement an account or claim against the corporation to be sworn before him touching such account or claim. The power hereby given the Comptroller to settle and adjust such claims shall not be construed to give such settlement and adjustment the binding effect of a judgment or decree, nor to authorize the Comptroller to dispute the amount of any salary established by or under the authority of any officer or department authorized to establish the same, nor to question the due performance of his duties by such officer. The Comptroller shall not reduce the rate of interest upon any taxes or assessments below the amount fixed by law. No contract hereafter made, the expense of the execution of which is not by law or ordinance to be paid by assessments upon the property benefited, shall be binding or of any force or effect, unless the Comptroller shall endorse thereon his certificate that there remains unexpended and unapplied, as herein provided, a balance of the appropriation applicable thereto, sufficient to pay the estimated expense of executing such contract as certified by the officer making the same. It shall be the duty of the Comptroller to make such endorsement upon every such contract so presented to him, if there remains unapplied and unexpended such amount so certified by the officer making the contract, and to thereafter hold and retain such sum to pay the expense incurred until the said contract shall be fully performed.

SEC. 31.—All accounts rendered to or kept in the other departments shall be subject to the inspection and revision of the officers of this department, and it shall settle and adjust all claims in favor of or against the Corporation, and all accounts in which the Corporation is concerned as debtor or creditor, but in adjusting and settling claims against the city the same rules of evidence and principles of law governing courts of justice in other trials of questions of law or fact shall prevail. The head officer of the Finance Department shall be called the Comptroller of the City of New York, and shall hold his office for two years, and until his successor shall be appointed, unless sooner removed as herein provided.

SEC. 32.—The Comptroller of the city of New York shall appoint and at pleasure remove a Deputy Comptroller. The said Deputy Comptroller shall, in addition to his other powers, possess every power and perform all and every duty belonging to the office of Comptroller, as herein provided, whenever the said Comptroller shall by due written authority, and during a period to be specified in such authority, not exceeding beyond the term of office of the said Comptroller, designate and authorize the said Deputy Comptroller to possess the power and perform the duty aforesaid, and such designation and authority shall be duly filed in and remain of record in the Finance Department. The said Deputy Comptroller shall possess the like authority in case of the disability of the Comptroller upon the like designation of the Mayor, which shall be filed and remain of record as aforesaid, but such authority may at any time be terminated in the same manner as it was created.

SEC. 33.—There shall be eight bureaus in this department, viz:

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 of arrears of taxes, assessments and water rents, the chief officer of which shall be called "Clerk of Arrears."

4. An auditing bureau, which, under the supervision of the Comptroller, 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."

8. A bureau for the collection of assessments, the chief officer of which shall be called "Collector of Assessments" and his assistants "Deputy Collectors of Assessments." All moneys heretofore authorized to be collected by the Department of Docks shall be received and collected by the Finance Department.

SEC. 34.—The Chamberlain shall be appointed in the same manner as heads of departments, and shall hold his office for two years, unless sooner removed, as herein provided. He shall, within ten days after receiving notice of his appointment and confirmation, and before he enters upon his office, give a bond to the city in the sum of $100,000, with four or more sufficient sureties to be approved by the Mayor, conditioned that he will faithfully execute the duties of his office. Such bond shall be deemed to extend to the faithful execution of the duties of the office until a new appointment shall be made and confirmed and the person so appointed enters upon the performance of his duties. The said Chamberlain shall exhibit to the Common Council, at its first meeting in the month succeeding that in which he enters upon the execution of his office, an exact statement of the balance in the treasury to the credit of the city, with a summary of the receipts and payments of the Treasury during the preceding year, and since the last preceding report required by law, if more than a year shall have elapsed since such report. He shall receive all moneys which shall, from time to time, be paid into the Treasury of the city. He shall deposit all moneys which shall come into his hands on account of the city on the day of the receipt thereof, or on the business day next succeeding, in such banks and trust companies as shall have been designated as deposit banks by the Chamberlain and Mayor jointly; but not exceeding $2,000,000 shall be on deposit at any time in any one bank or trust company. The moneys so deposited shall be placed to the account of the Chamberlain, and he shall keep a bank book, in which shall be entered his accounts of deposit in and moneys drawn from the banks and trust companies in which the deposits shall be made. The said banks and trust companies shall respectively transmit to the Comptroller weekly statements of the moneys which shall be received and paid by them on account of the City Treasury. The Chamberlain shall pay all warrants drawn on the Treasury by the Comptroller and countersigned by the Mayor, and no money shall be paid out of the Treasury except on the warrant of the Comptroller so countersigned. No such warrant shall be signed by the Comptroller or countersigned by the Mayor except upon vouchers for the expenditure of the amount named therein, examined and allowed by the Auditor, approved by the Comptroller and filed in the Department of Finance, except in the case of judgments, nor except such warrant shall be authorized by law or ordinance, and shall refer to the law or ordinance and to the appropriations under and from which it is drawn. The Chamberlain shall not draw any moneys from said banks or trust companies unless by checks subscribed by him as Chamberlain and countersigned by the Comptroller; and no moneys shall be paid by either of the said banks or trust companies on account of the treasury, except upon such checks. The Chamberlain shall exhibit his bank book to the Comptroller on the first Tuesday of every month, and oftener when required. The accounts of the city treasury shall be annually closed on the last day of November, and shall be examined in the month of December in said year by the Commissioners of Accounts. Such Commissioners shall examine the accounts and vouchers of all moneys received into and paid out of the city treasury during the year ending on the last day of November next preceding such examination, and shall certify and report to the Mayor and Common Council, in the following month of January, the amount of moneys received into the treasury during such year, the amount of moneys paid out during the same period by virtue of warrants drawn on the treasury by the Comptroller, the amount of moneys received by the Chamberlain who shall be in office at the time of such examination, if he entered upon the execution of his duties since the last preceding report; the balance in the treasury on the last day of November preceding such examination, the amount of moneys borrowed for or on the credit of the city during such year and the amount of bonds of the city issued during such year, with the purposes for which and the authority under which such bonds were issued. Such Commissioners shall also compare the warrants drawn by the Comptroller on the Treasury during the year ending on the last day of November preceding such examination, with the several laws and ordinances under which the same shall purport to have been drawn, and shall, in like manner, certify and report whether the Comptroller had power to draw such warrants, and if any shall be found which, in their opinion, he had no power to draw, they shall specify the same in their report, with their reasons for such opinion.

SEC. 35.—The said Chamberlain and Mayor shall, by written notice to the Comptroller, designate the banks or trust companies in which all moneys of the Mayor, Aldermen and commonalty of said city and county of New York shall be deposited, and may by like notice in writing from time to time change the banks or trust companies thus designated; but no such bank or trust company shall be designated unless its officers shall agree to pay into the city treasury interest on the daily balances at the rate of not less than four per cent per annum. The said Chamberlain shall keep books showing the receipts of moneys from all sources and designating the sources of the same, and also showing the amounts paid from time to time on account of the several appropriations; and no warrant shall be paid on account of any appropriation after the amount authorized to be raised for that specific purpose shall have been expended. The said Chamberlain shall, once in each week, report in writing to the Mayor and to the Comptroller all moneys received by him, the amounts of all warrants paid by him since his last report, and the amount remaining to the credit of the city and county of New York respectively. The said Chamberlain shall receive the sum of $30,000 annually and no more for all his services as Chamberlain of said city, and as County Treasurer of the county of New York, in lieu of salary and of all interest, fees, commissions and emoluments, and all such interest, fees, commissions and emoluments shall be accounted for and paid over by him to the city treasury. He may appoint and remove at pleasure a Deputy Chamberlain and such clerks and assistants as may be necessary, whose salaries, together with all the expenses of his office, shall be paid wholly by him, and shall in no case be a public charge. The commissions provided by law and received by him for receiving and paying over the State taxes, and all interest accrued on deposits shall be paid by him to the Commissioners of the Sinking Fund.

Article VI.—Of the Law Department.

SEC. 36.—The Law Department shall have the charge and conduct of all the law business of the Corporation and its departments and of all law business in which the city of New York shall be interested; the charge and conduct of the legal proceedings necessary in widening, opening or altering streets and the preparation of all leases, deeds and other legal papers connected with any department. No officer or department shall have or employ any attorney or counsel, but it shall be the duty of the Law Department to furnish to every department and officer such advice and legal assistance as counsel or attorney, in or out of court, as may be required; and for that purpose he may assign an attorney to any department that he shall deem to need the same, and may appoint the attorney for the collection of personal taxes.

SEC. 37.—The head of the Law Department shall be called "Counsel to the Corporation." He shall hold his office for two years, and until his successor is appointed, unless sooner removed as herein provided.

SEC. 38.—There shall be two bureaus in this department, the chief officer of one of which shall be called the "Corporation Attorney," and the chief officer of the other of which shall be called the "Public Administrator." Such chief officers shall not receive to their own use any fees or emoluments in addition to their salaries, and they shall pay into the Treasury all costs and commissions received by them from any source whatever. All actions to recover penalties for a violation of any law or ordinance shall be brought in the name of the Mayor, Aldermen and Commonalty of the city of New York, and not in that of any department, and shall be conducted by the Corporation Attorney, subject to the control of the Corporation Counsel.

Article VII.—Of the Police Department.

SEC. 39.—The Department of Police shall consist of a Board of Police, composed of three Commissioners, and said Board shall be the head of said department. Said Commissioners, except those first appointed, shall hold office for six years, unless sooner removed as herein provided.

SEC. 40.—The police force shall be appointed by said Board, and shall be composed of a superintendent and three inspectors, and as many captains of police, sergeants of police, patrolmen and doormen of police, and as many clerks and employes of the police as the Board of Police may from time to time determine and the funds appropriated allow, except that the number of patrolmen shall not be increased in any one year more than 150 beyond the number authorized the previous year. The Board of Police may appoint not exceeding eight surgeons of police. They shall detail from the force, to be under the direction of the Mayor, not exceeding six patrolmen.

SEC. 41.—The government and discipline of the Police Department shall be such as the Board may from time to time, by rules and regulations, prescribe, but members of the police force shall be removable only after written charges shall have been preferred against them, and after the charges have been examined into, upon such reasonable notice to the person charged, and in such manner of examination as the rules and regulations of the Board of Police may prescribe. The clerks and employes shall be appointed and removed at pleasure by the Board of Police.

SEC. 42.—The Board of Police may, by resolution adopted by the unanimous vote of a full Board, retire from office in such Police Department or force any inspector, captain, sergeant [or surgeon if disabled while in the actual performance of duty] and place the person so retired on the pension roll of the police life insurance fund, and allow him an annual retiring pension not exceeding in amount one-half of the annual salary or compensation of such office. And the said Board may, in the manner, retire from office in said Department or force, any patrolman, and place the person so retired upon the said pension roll and allow him an annual retiring pension of not exceeding four hundred dollars; but no such inspector, captain, sergeant, surgeon or patrolman shall be so retired from duty and placed on the pension roll except at his own request in writing, unless due notice is given him of the intention so to retire; nor unless it shall be certified to the Board by two of the police surgeons that he is, in their opinion, permanently mentally or physically incapacitated from duty as such inspector, captain, sergeant, surgeon or patrolman; nor unless the said Board shall concur in such opinion; nor unless the nature and origin of such incapacity shall be stated in the resolution so retiring him.

SEC. 43.—Every person connected with the Police Department of the city of New York at the time this act shall take effect, and except as otherwise herein ordered, shall continue in office, and the amount of salary or compensation now paid to such person, except as herein otherwise provided, shall be the salary and compensation fixed for his office under this act; but the commissioners to be appointed under this act may fix the salary and compensation of such clerks and other policemen whom they may be authorized by law to employ.

SEC. 44.—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 city and State one year; but skilled officers of experience may be appointed for detective duty who have not resided as herein required.

SEC. 45.—The Board of Police may, upon an emergency or apprehension of riot, tumult, mob, insurrection, pestilence or invasion, appoint such special patrolmen without pay from among the citizens as it may deem desirable. Either the Board of Police or Mayor may, under similar circumstances, demand the assistance of the military of the First division, or of any brigade, regiment or company thereof, by order in writing served upon the commanding officer of such division, and such commanding officer shall comply therewith.

SEC. 46.—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. 47.—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. 48.—The Board of Police shall have power to issue subpœnas, tested 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 is 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 such necessary proceeding under the said orders, rules and regulations, or of this act, shall be deemed perjury, and punished in the manner now prescribed by law for such offence. The provisions and procedure of section three of an act entitled "An act to enable the Common Council of the city of New York to take testimony in matters referred for investigation or inquiry," passed February 3, 1855, are hereby applied to the case of any witness subpœnaed under this section.

SEC. 49.—The Board of Police may, from time to time, but with especial reference to locating the same as centrally in precincts as possible, establish, provide and furnish stations and station houses, or sub-stations and substation houses, at least one station house for the accommodation thereat of members of the police force, and as places of temporary detention for persons arrested and property taken within the precinct; and shall also provide and furnish such business accommodations, apparatus and articles, and provide for the care thereof, as shall be necessary for the efficient management of the transaction of the business of the Police Department, and the money required for such purposes and all other sums required for the Police Department shall be estimated for and raised in the manner in this act provided generally for the estimating and raising of the necessary funds for the carrying on of the works of the several departments of the city government, and such amount as may be 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 in such sums and according to such modes and forms as shall be prescribed by the Finance Department under the provisions of law creating the same.

SEC. 50.—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. 51.—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 thereof by any member of the police force, and all the provisions of sections seven, eight and twelve of chapter two, title two, part four of the Revised Statutes in relation to the giving and taking of bail, shall apply to this act.

SEC. 52.—Each member of the police force, under the penalty of ten days' fine, or dismissal from the force, at the discretion of the Board, shall, immediately upon an arrest, convey the person, the offender before the nearest sitting magistrate, to 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. And it shall be the duty of the said Board, from time to time to provide suitable rules and regulations to prevent the undue detention of persons arrested, which rules and regulations shall be as operative and binding as if herein specially enacted.

SEC. 53.—No person holding office under this department shall be liable to military or jury duty, and no officer or patrolman while actually on duty shall be liable to arrest on civil process, or to service of subpœna from civil courts.

SEC. 54.—The Board of Police 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. The Board of Commissioners of Police are hereby authorized, in their discretion, to cause the building now used as the Fourteenth precinct station house to be used as the house for the detention of witnesses; and in which case the Board of Police are authorized and directed to take possession of the premises now used as a house for the detention of witnesses in Mulberry street for a station house for the Fourteenth precinct. And the moneys heretofore raised for the purpose of building station houses in the Eleventh and Fourteenth precincts are hereby transferred to, and the Board of Police are hereby authorized to use the same in building a suitable station house for the Fourteenth precinct, and any balance remaining may be used by the Board of Police in altering and fitting up the house for the detention of witnesses.

SEC. 55.—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 incapac