THE CITY CHARTER

Final Passage of the Bill in the Legislature.

The New Law for Our Municipal Government.

ROUT OF THE CUSTOM HOUSE RING.

Triumph of the Mayor and the Weed Republicans.

Retention of Five Heads of Bureaus.

A Good Thing for Green, Van Nort, Stebbins and the Smith Family.

The Mayor and Aldermen to Appoint.

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SALARIES OF THE CITY'S RULERS

The Result of One Hundred Days' Deliberation of the Legislature.

ALBANY, April 16, 1873.

The charter battle is over at last, and victory has perched upon the banners of the anti-Custom House leaders. It is needless now to go over the whole history of the great fight which has ended so disastrously to the men who only two months ago had only to say "Come" and the majority came, and "Go" and they went whichever way they were told; but suffice it to say that the defeat is as complete as it was unexpected a week ago. Then the Custom House men were full of confidence, and looked forward to the day when the Senate would send them down the bill as a day to be long remembered in the annals of

PARTY CHIEFS AND PATRIOTIC COMBINATIONS

for the good that was to be then and there done for the exclusive benefit of the down-trodden people of the metropolis. The question of spoils, it may be, had a warm corner in their hearts, and a few of the young members from New York were not unmindful of the fact that if all went well to the end of the struggle their work for a living, for a year or so to come at least, would not be a very hard one nor altogether unprofitable. Still, the battle is at end and the least said about the defeat the better. The only thing that may be interesting to New Yorkers is the fact that it was brought about by the republicans quarrelling among themselves. It was the object of

THE CUSTOM HOUSE MEN,

had they succeeded in their effort to secure a conference committee, to have such a committee appointed as would do the bidding of the outside "bosses." The committee would have, it is said, not only struck out all the heads of departments retained in the bill, but would have put the whole twenty-fifth section into it which gave the appointing power to the Board of Aldermen, besides many other features which the Senate had fought against at the outset. Of course it was a part of the plan of those who desired a conference committee in the House to have a Senate committee of their own ilk to work harmoniously with them. Had the Assembly given way to their wishes the securing of the Senate committee would have been no difficult task. We all know that the decisions of conference committees are in nine cases out of ten always accepted by the two houses, without going through the formality of even stating what changes they may have made in any bill they may have had under consideration. This being so it is easy to see what

A NICE WALK-OVER

the Custom House leaders would have had in the this charter business had they gained their point, and how great must now be their disappointment at their overthrow. The combination against them was welded and held together with consummate skill from the beginning to the end of the fight, which really began in downright earnest yesterday morning, and the honor of having made the "independents" so formidable as they turned out to be, lies now between Batcheller, of Saratoga, and Lincoln, of Ontario. It is true that Husted fought on the same side with them, but it is equally true that he had all along championed the Custom House cause up to yesterday, when, seeing how the tide was setting, he with commendable prudence turned his skiff about and rowed down triumphantly with the current. No one knows how to do this kind of thing better than General Husted. It is unnecessary now to go into details about the debate to-day. It was only a repetition of yesterday's story, and the subject was the same—the question of the conference committee. Mr. Pierson fought for it, so did Mr. Opdyke, but Messrs. Lincoln and Batcheller and Vedder and others made a terrible onslaught on the "regulars" and the victory was finally won for those who demanded an immediate consideration of

THE QUESTION OF CONCURRENCE.

Lincoln was very bitter in his remarks, and, in answer to a taunt from a Custom House man from New York, exclaimed:—"The tables are now turned, gentlemen, and the party whip that has been snapped over us so long has been snapped so often that the darned thing has broken." Batcheller, too, denounced those who had endeavored to coerce good Republicans to do what was neither in his opinion for the good of the party nor for the welfare of the people whom the charter was intended to benefit.

THE FINAL VOTING.

I herewith append the vote on Batcheller's amendment to strike out of the bill the clause retaining the heads of departments and the vote on concurrence with the Senate's amendments. It should be stated that on Mr. Batcheller's motion the previous question was ordered by a vote of 81 to 52. It is believed that he made the motion he did (the object of which the Custom House party had intended to carry into practical effect if they had secured a conference committee) simply to make the Custom House men toe the mark and show them just what little strength they had to carry anything against the combination. I need say nothing about the democrats. They played their allotted part well, and flocked over to the anti-Custom House party as a matter of policy. The following is the vote on Batcheller's amendment:—

ON BATCHELLER'S AMENDMENT.

YEAS—Messrs. Badger, Batcheller, Biglin, *Blessing*, *Bloomenthal*, *Carpenter*, Costello, Davidson, Dexter, Fort, Gere, Gilbert, Opdyke, Patterson, Pell, Phillips, Pierson, Prince, Rice, Rosst the Speaker, Tobey, Van Cott, *Weed*, Wright and Wolfe—26.

NAYS—Messrs. *Abbott*, Alberger, Babcock, Baltz, *Beebe*, Blackie, Brewer, E. E. Brown, J. H. Brown, Bulkley, *Burns*, Burritt, *Campbell*, Clarke, *Cleary*, Cochue, Coggeshall, *Cook*, Cope, *C. G. Cornell*, *Cowchman*, Crandall, *Crary*, Crawford, *Cummings*, *Dearing*, Dennisten, *Donohue*, Eiting, Flinn, Foote, Ford, Fowler, Furbeck, Goss, Griffin, Hardy, *Hayes*, Heacock, *Healey*, Hendee, Herrick, Higgins, *Hill*, J. B. Hilliyer, J. D. Hiller, Hollister, Husted, *Jacobs*, *Johnson*, Kennedy, Knettles, Landfield, Lewis, Lincoln, Lynde, *Machin*, Manley, Macey, McQueen, Moore, *Mosher*, Nice, *Norton*, *Oakley*, O'Brien, Philpot, Porteous, *Ray*, Raynor, *Roche*, *Ryan*, Schoonmaker, Smith, Snyder, *Stewart*, Suydam, Swain, Sylvester, Teft, *Tompkins*, Townsend, *Van Demark*, A. L. Van Buren, W. J. Van Busen, *Van Valkenburgh*, Vedder, *Voorhis*, Walker, Watt, Wells, West, Whalen, N. A. White, *Woods*, Worth, Yeomans, Young—86.

The following is the vote on concurrence:—

THE VOTE ON CONCURRENCE.

YEAS—Messrs. *Abbott*, Alberger, Babcock, Badger, Baltz, Batcheller, *Beebe*, Biglin, Blackie, *Blessing*, *Bloomenthal*, Brewer, E. E. Brown, J. H. Brown, Bulkley, Burritt, *Carpenter*, Clarke, *Cleary*, Cochue, Coggeshall, *Cook*, Cope, *C. G. Cornell*, *Cowchman*, Crandall, *Crary*, Crawford, *Cummings*, Davidson, *Dearing*, Dennisten, Dexter, Eiting, Fiske, Flinn, Foot, Ford, Fort, Fowler, Furbeck, Gere, Gilbert, Goss, Griffin, Hardy, *Hayes*, Heacock, *Healey*, Hendee, Herrick, Higgins, *Hill*, J. B. Hillyer, J. D. Hiller, Hollister, Husted, *Jacobs*, *Johnson*, Kennedy, Knettles, Landfield, Lewis, Lincoln, Lynde, *Machin*, Manley, Macey, McQueen, Moore, *Mosher*, Nice, *Norton*, O'Brien, Patterson, Persons, Phillips, Philpot, Porteous, Prince, *Ray*, Raynor, Rice, Rose, Schoonmaker, Smith, Snyder, Speaker, *Stewart*, Suydam, Swain, Sylvester, Teft, *Tompkins*, Townsend, Van Cott, *Van Demark*, A. L. Van Buren, W. J. Van Busen, *Van Valkenburgh*, Vedder, *Voorhis*, Walker, Watt, Wells, West, Whalen, *Woods*, Worth and Young—104.

NAYS—Messrs. *Burns*, *Campbell*, *Donohue*, Opdyke, Pell, Pierson, *Rocher*, *Ryan*, Tobey, Wight and White—11.

ABSENT—Messrs. Clapp, *Oakley* and *Weed*—3.

On motion of Lincoln, a vote to reconsider the vote by which the amendments were concurred in was taken, and was lost by 55 to 2—the House having been very slim. This clenched the question, and the charter fight cannot be again resurrected before it gets to the Governor.

THE NEW CITY CHARTER.

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 fact and in name, by the same name, and 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 of this act.

Article II.—Of Legislative Powers.

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. The Board of Assistant Aldermen is hereby abolished from and after the 1st day of January, 1873; and from and after that date 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.—Such Aldermen shall be elected as hereinafter provided.

SEC. 4.—The Board of Aldermen now in office shall hold office until the first Monday of January, in the year 1875, the same being the term for which they were elected. There shall be twenty-one Aldermen elected at the general State election which shall occur in the year 1874, three of whom shall be elected in each Senate district of the city, as now constituted, and shall be residents of the district in which they are elected, but no voter shall vote for more than two of said Aldermen. There shall also be elected six Aldermen at Large, to be voted for on a separate ballot, but no voter shall vote for more than four of the said Aldermen at Large. The members of the Board of Aldermen shall hold office for the space of one year, and shall take office on the first Monday in January next succeeding their election, at noon. Annually thereafter, at the general State election, there shall be elected a full Board of Aldermen, as hereinbefore provided. 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. But in no case shall the person so appointed serve after the expiration of the term in which the vacancy shall occur. At such election an Alderman shall be elected to serve for the remainder of the unexpired term. From and after the termination of the term of office of the Board of Assistant Aldermen as herein provided, the Board of Aldermen shall alone constitute the Common Council, and shall exercise the entire legislative powers of the said city. The Aldermen shall, from the time of the passage of this act, be the Supervisors of the county of New York.

SEC. 5.—The Boards shall meet in separate chambers, and a majority of each shall constitute a quorum; but the Comptroller, the Commissioner of Public Works, the Corporation Counsel and the President of each department shall be entitled to seats in each Board and to notice of its meetings, and shall have the right to participate in the discussions of each Board, but in nowise shall be considered as members of either Board and shall not have the right to vote in either Board.

SEC. 6.—Each Board shall—First, choose a President from its own members by a call of the names of the members of the Board, upon which call each member shall announce his choice, and when once chosen he can be removed before the expiration of his term as Alderman or Assistant Alderman only by a vote, taken by a call of yeas or nays, of four-fifths of all the members of the Board of which he shall have been chosen President; second, appoint a clerk and other officers; third, determine the rules of its own proceedings; fourth, be the judge of the election returns and qualifications of its own members, subject, however, to the review of any Court of competent jurisdiction; fifth, keep a journal of its proceedings; sixth, sit with open doors; seventh, 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 elected to the Board. But no Alderman or Assistant Alderman shall be arrested at a magistrate in any judicial matter or proceeding. This section, however, shall not be construed to require or authorize the reorganization of the existing Board of Aldermen or Board of Assistant Aldermen.

SEC. 7.—Every member expelled from either Board shall thereby forfeit all his rights and powers as Alderman or Assistant Alderman.

SEC. 8.—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 deem expedient.

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 in which it originated within ten days after receiving it, or at the next meeting of such Board, after the expiration of such ten days.

SEC. 11.—If he approve it he shall sign it. If he disapprove it he shall specify his objections thereto in writing. 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 in which said ordinance or resolution originated.

SEC. 13.—The Board to which such ordinance or resolution shall have been returned with objections, 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, on reconsideration, be again passed by both boards by the votes of at least two-thirds of all the members elected to each 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 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 it, in each Board, on reconsideration, shall be entered in the journals of each 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 Boards, and shall only become effective if again passed as above provided.

SEC. 14.—Any ordinance or resolution may originate in either Board, and when it shall have passed one board may be received and acted upon by the other; but no ordinance or resolution shall be passed except by a vote of the majority of all the members elected to the Board, and 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. In case any ordinance or resolution shall be presented to the Mayor for the laying of an assessment, the lease of real estate or franchise, 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, funeral ceremony, reception 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 shall exist under any contract with the Corporation, or with any department or officer thereof, 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; but, in all cases, the provisions of any such contract shall stand as 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 Clerk of the Common Council, except such as shall be assigned to the Board of Assistant Aldermen, 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 of each Board shall, subject to the rules of the Board, 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, and the aggregate amount of salaries paid to the clerks and officers of the Board of Assistant Aldermen, including the salary of the Clerk, shall not exceed $15,000 in any one year.

SEC. 16.—Immediately after the adjournment of each meeting of either Board, it shall be the duty of the Clerk of such Board to prepare a brief abstract, omitting all technical and formal details, of all resolutions or 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 terminating the lease of any property or franchise, or the making of any specific improvement, or the appropriation of 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 by either Board until at least five days after such abstract or its provisions shall have been published. No such ordinance or resolution shall be approved by the Mayor until five 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 issue of 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. The Comptroller shall cause a continuous series of the *City Record* to be bound, as completed quarterly, and to be deposited, with his certificate thereon, in the office of the Register of Deeds of the city and county of New York, in the County Clerk's office and in the office of the Clerk of the Common Council; and copies of the contents or any part of the same, certified by such Register, County Clerk or Clerk of the Common Council, shall be received in judicial proceedings as *prima facie* evidence of the truth of the contents thereof.

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 the power to enforce obedience to such ordinances 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, not inconsistent with law and the constitution of this State, 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 by foot passengers, animals, vehicles, cars and locomotives.

2. To regulate the use of sidewalks and prevent the extension of building fronts and house fronts within the sidewalk.

3. To regulate the use of sidewalks and prevent the encroachment or obstruction upon any street or sidewalk, except the temporary occupation of the street during the erection or repair of a building on a lot opposite the same.

4. To prevent encroachments upon and obstructions to the streets, highways, roads and public places, not including parks, and to authorize and require the commissioners of public works to remove the same, 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 of the street 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 and water mains, the building and repairing of sewers, and the erecting of 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 anywise change or alter any such numbering or the name of any street, avenue or public place, save between the first day of December of any year and the first 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, signposts, awnings, awning-posts, horse troughs, urinals, telegraph posts and other purposes.

10. To provide for and regulate street pavements, crosswalks, curbstones, gutterstones and sidewalks, and the grade of streets.

11. To regulate public cries, advertising noises, steam whistles and ringing bells in the streets, and to control and limit traffic in the streets, avenue and public places.

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 quarreling in the streets.

15. In relation to places of public amusement.

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

17. In relation to the exhibition of advertisements or handbills along the streets, avenues and public places.

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, car drivers, boatmen, pawnbrokers, junk dealers, hawkers, pedlers and vendors, and all licenses shall be according to an established form and regularly numbered, and be duly registered in the office of the Mayor.

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

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

24. In relation to the mode and manner of suing for, collecting and keeping accounts of the city or county, 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.

26. By resolution to require the Commissioner of Public Works to do any work or take any action proper for carrying into effect the powers of the Common Council. The ordinances of the Common Council shall, as far as practicable, be reduced to a code and be published as such in the *City Record*.

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, or take or make a lease of any real estate or franchise, save at a reasonable rent and for a period not exceeding five years, unless specially authorized so to do by act of the Legislature.

Article III.—Of the Executive Power.

SEC. 19.—The executive power of the Corporation shall be vested in the Mayor and the officers of 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 1st 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 act until the first Monday of January succeeding the next general election, and at the general election next to be held, at which a Mayor can be chosen, but not within ten days after the occurrence of any such vacancy, a Mayor shall be chosen for the unexpired term for which such officer was chosen, and no special election shall be held to fill such vacancy. It shall be lawful for the President of the Board of Aldermen, when acting as Mayor, in consequence of the sickness or absence from the city of the person elected, to exercise any power of appointment to or removal from office, unless such sickness or absence of the Mayor shall have continued ten 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 keep himself informed of the doings of the several departments.

4. 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 the heads of departments.

5. 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, which shall be published in the *City Record*. The aggregate expenses incurred by him for such purposes shall not exceed, in any one year, the sum of $20,000.

SEC. 25.—The Mayor shall nominate, and, by and with the consent of the Board of Aldermen, appoint the heads of departments and all commissioners (save Commissioners of Public Instruction, and also save and except the following named commissioners and officers who hold office as such on the 1st day of January, 1873; that is to say, the Comptroller, the Commissioner of Public Works, the Counsel to the Corporation, the President of the Department of Public Parks and the President of the Department of Police, which said Comptroller, Commissioners and Counsel to the Corporation shall hold their respective offices as such Comptroller, Commissioners and Counsel to the Corporation aforesaid until the expiration of their respective terms of office for which they were appointed, unless removed for cause as herein provided), and the said Mayor shall in like manner appoint all 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 all other officers not elected by the people, including the Commissioners of Taxes, whose appointment is not in this act excepted or otherwise provided for. Every head of department and person in this section named, except as herein otherwise provided, shall 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 departments and persons other than those first appointed shall commence on the first day of May, but the heads of departments, consisting of boards of commissioners first appointed after the passage of this act, shall, except as herein otherwise expressly provided, be appointed for two, four and six years respectively, and except that the Commissioners of Police first appointed as aforesaid shall hold their offices for one, two, three and five years respectively. The persons first appointed shall take office on the expiration of the terms of office of the present incumbents, as hereinafter provided, and shall hold their offices for the term of five years from the day in which it is herein provided that their respective terms shall expire. All nominations to any office or offices which, by this act, the Mayor is authorized or empowered to nominate a person or persons to, in place of any present incumbent or incumbents, shall be made by the Mayor to the Aldermen within twenty days after the passage of this act, and any such nomination or nominations to fill any vacancy which shall hereafter occur by reason of the expiration of the term of office of any officer, or from any other cause, and which shall not be created by anything in this act providing for the termination of the term of office of any officer or person now in office, shall be made to the Board of Aldermen within ten days from the day of the date of any such vacancy; and any person who shall be appointed to fill any such vacancy shall hold his office for the unexpired term of his predecessor. 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 all departments, including those herein named as above, and all other persons whose appointment is in this section provided for may be removed by the Mayor for cause, and after opportunity to be heard, subject, however, before such removal shall take effect, to the approval of the Governor, expressed in writing. The Mayor shall, in all cases, communicate to the Governor, in writing, his reasons for such removal. Whenever a removal is so effected, the Mayor shall, upon the demand of the officer removed, make, in writing, a public statement of the reasons therefor. No officer so removed shall be again appointed to the same office during the same term of 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 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 action of the same and each of them, which reports shall be published in the *City Record*. The said Department shall always, when required by the Mayor, furnish to him such information as he may demand, within such reasonable 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. But no regular clerk or head of a bureau shall be removed until he has been informed of the cause of the proposed removal and has been allowed an opportunity of making an explanation; and a copy of the charges of removal the true grounds thereof shall be forthwith entered upon the records of the department or board. In case of removal a statement, showing the reason therefor, shall be filed in the department. The number and duties of all officers and 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; but subject, also, to the revision of the Board of Apportionment; provided, however, that the aggregate expense thereof shall not exceed the total amount duly appropriated for the respective departments for such purposes. 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, as nearly as practicable, 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. It shall prescribe the forms of keeping and rendering all city accounts, and, except as herein otherwise provided, 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. 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 any person presenting for settlement an account or claim against the Corporation to be sworn before him touching such account or claim, and when so sworn to answer orally as to any facts relative to the justness of such account or claim. The power herein 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, except when necessary to prevent fraud. 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, in whole or in part, 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 contract. 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 specified 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. And such endorsement shall be sufficient evidence of such appropriation in any action.

SEC. 30.—The head of the Finance Department shall be called the Comptroller of the City of New York, and shall hold his office for four years, and until his successor shall be appointed, unless sooner removed as herein provided.

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 subject to the conditions aforesaid it shall settle and adjust 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 such claims, it shall, as far as practicable, be governed by the rules of law and principles of equity which prevail in courts of justice.

SEC. 32.—The Comptroller of the City of New York shall appoint, and at pleasure remove, for cause to be stated in writing and published in said *City Record*, 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, for reasons to be stated to the Mayor in writing by due written authority, and during a period of time not extending beyond the three months, nor beyond his term of office, and to be specified in such authority, 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 and in the Mayor's office. 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:—

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 the 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 and assessments and of 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."

SEC. 34.—The Chamberlain shall be appointed in the same manner as heads of departments, and shall hold his office for four years, and until his successor shall be appointed, 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 $1,000,000, with not less than four sufficient sureties, to be approved by the Comptroller, 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. Such 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 duties, a statement showing 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 two million dollars 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 of the city shall be made, and such banks and trust companies shall respectively transmit to the Comptroller a weekly statement 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 moneys 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, in the case of judgments, in which case a transcript thereof shall be filed, nor except such warrant shall be authorized by law or ordinance, and shall refer to the law or ordinance and to the appropriation under and from which it is drawn. The Chamberlain shall not draw any moneys from said banks or trust companies, unless by check signed by him as the 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 the 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 duties of his office in the last preceding report, the balance in the treasury on the last day of November proceeding 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 and the purposes for which and the authority under which such bonds were issued. Such Commissioners shall also report 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 he shall be found to 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 in 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 the 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 interests, 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